

UNITED STATES / JUDGMENT

Crider v. Collins

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Case: 25-1494 Document: 42 Page: 1 Filed: 09/28/2026 NOTE: This disposition is nonprecedential.
United States Court of Appeals for the Federal Circuit

RAYMOND S. CRIDER, Claimant-Appellant v. DOUGLAS A. COLLINS, SECRETARY OF VETERANS
AFFAIRS, Respondent-Appellee

2025-1494

Appeal from the United States Court of Appeals for Veterans Claims in No. 23-5052, Judge Joseph
L. Toth.

Decided: September 28, 2026

ADAM R. LUCK, GloverLuck, LLP, Dallas, TX, for claim- ant-appellant. TIMOTHY G. JOSEPH,
Commercial Litigation Branch, Civil Division, United States Department of Justice, Wash- ington,
DC, for respondent-appellee. Also represented by ERIC P. BRUSKIN, DANIEL HOFFMAN,
PATRICIA M. MCCARTHY, BRETT SHUMATE; TYRONE COLLIER, BRIAN D. GRIFFIN, Office of
General Counsel, United States Depart- ment of Veterans Affairs, Washington, DC. Case: 25-1494
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Before LOURIE, LINN, and CHEN, Circuit Judges. LOURIE, Circuit Judge. Raymond S. Crider
appeals from a decision of the United States Court of Appeals for Veterans Claims (“Vet-
erans Court”) that affirmed a decision of the Board of Vet- erans’ Appeals (“the Board”) denying him a
total disability rating based on individual unemployability (“TDIU”) for the period prior to March
5, 2021. J.A. 1–4 (“Veterans Court Decision”); J.A. 133–41 (“Board Decision”). Because we lack
jurisdiction to review the application of a regula- tion to facts, we dismiss.

BACKGROUND

Crider served in the Air Force from 1963 to 1966. Veterans Court Decision, J.A. 1. In October 2012, he was granted a 10% evaluation for service-connected tinnitus, effective June 2012. J.A. 142. In August 2018, he filed a claim for PTSD, J.A. 19–22, and, after a medical examination, he was granted service connection with a 70% evaluation, effective August 2018, J.A. 69. In July 2019, Crider filed a TDIU claim based on his service-connected PTSD. J.A. 77–79. After reviewing the relevant evidence, including the medical examiner’s conclusion that Crider was “able to work and complete meaningful tasks,” the VA rejected Crider’s TDIU claim. J.A. 87, 91–92. Crider filed a notice of disagreement, J.A. 94, and in December 2020 the Board affirmed the VA’s denial, J.A. 105–13. Crider appealed that decision to the Veterans Court. See J.A. 117. While the appeal was pending, the VA increased Crider’s PTSD evaluation to 100% effective March 5, 2021. J.A. 114. In August 2022, the Veterans Court remanded the case to the Board to clarify the standard it used to evaluate the TDIU claim. See J.A. 117–18. Case: 25-1494 Document: 42 Page: 3 Filed: 09/28/2026 CRIDER v. COLLINS 3 On remand, the Board determined that the VA’s increase of Crider’s PTSD rating to 100% effective on March 5, 2021 rendered his TDIU claim moot from that date onwards. Board Decision, J.A. 133. But, as for the time period before March 5, 2021, the Board reviewed Crider’s treatment records and statements, concluded that Crider was able to obtain “substantially gainful employment,” and thus denied his TDIU claim. *Id.*, J.A. 135–41. The Veterans Court affirmed that decision, concluding that “the evidence in th[e] case [fell] well short of raising a prospect that . . . Crider [was] capable of only limited or marginal work and not of substantially gainful employment.” Veterans Court Decision, J.A. 2. Crider timely appealed. Our jurisdiction is governed by 38 U.S.C. § 7292. DISCUSSION We have limited jurisdiction to review Veterans Court decisions. We must “decide all relevant questions of law” but we generally “may not review (A) a challenge to a factual determination, or (B) a challenge to a law or regulation as applied to the facts of a particular case.” 38 U.S.C. § 7292(d)(1)–(d)(2). We conclude that we do not have jurisdiction over the instant appeal because Crider challenges only the application of the TDIU regulation, 38 C.F.R. § 4.16(a), to the facts of his case. See 38 U.S.C. § 7292(d). While Crider argues that the Veterans Court misinterpreted the standard and improperly heightened his burden to show TDIU, see *Open. Br.* 11–12, the core of his argument concerns the Board’s factual determinations and sufficiency of the evidence in determining whether he was able to maintain substantial gainful employment, see *id.* at 11–14. For example, Crider’s contention that his ability to perform “meaningful tasks” does not constitute “substantial gainful employment,” *id.* at 12, fails to create a legal issue over which we Case: 25-1494 Document: 42 Page: 4 Filed: 09/28/2026 4 CRIDER v. COLLINS have jurisdiction. Rather, his dispute is with the underlying evidence that informed the underlying decisions, such as the medical examiner’s conclusion that he can perform “meaningful tasks.” In examining the Veterans Court’s analysis of the Board’s decision, we find no interpretation of the relevant regulation. Rather, the Veterans Court reviewed the Board’s weighing of the evidence—in the form of medical records and treatment statements—and found no error in the Board’s conclusion that Crider’s ability to perform “meaningful” and “work-related” tasks meant he could maintain substantial gainful employment such that he was not entitled to TDIU. See Veterans Court Decision, J.A. 1–4; Board

Decision, J.A. 137–141. Those are all factual de- terminations that are outside our scope of review. A useful comparison here is to our recent decision Janich v. Collins, 168 F.4th 1371, 1374–75 (Fed. Cir. See also Oral Argument, 16:08–17:00, 2026). cafc.uscourts.gov/oral-arguments/25-1494_09102026.mp3 (Appellant counsel analogizing the facts of the instant case to Janich). In Janich, we determined that we had jurisdic- tion over an appeal from a Veterans Court decision that created a “legal proposition”—i.e., that the Veterans Court held that “the ‘substantially gainful occupation’ element of 38 C.F.R. § 4.16 [was] always satisfied by a Board finding of the veteran’s physical and mental capabilities to perform various tasks, and to do work involving such tasks, without regard to whether the work enabled by the veteran’s capa- bilities would be ‘substantially gainful.’” Janich, 168 F.4th at 1374 (emphasis added). But here, there is no such “legal proposition.” That is, there is no such holding that ““sub- stantially gainful occupation’ . . . is always satisfied” in specific conditions. See id. Rather, the Veterans Court re- viewed the Board’s weighing of the evidence and Crider’s ability to maintain “substantially gainful occupation” un- der the regulation. Again, those factual determinations are outside our scope of review. See 38 U.S.C. § 7292(d). Case: 25-1494 Document: 42 Page: 5 Filed: 09/28/2026 CRIDER v. COLLINS 5 Crider argues that we have jurisdiction because he brings the same challenge as the appellant in Roberson v. Principi. Reply Br. 1–2 (citing 251 F.3d 1378 (Fed. Cir. 2001)). We disagree. In Roberson, we had jurisdiction to review a Veterans Court decision which erroneously inter- preted the phrase “substantially gainful occupation” in the regulation to require proving 100% unemployability. 251 F.3d at 1385. But here, there is no such interpretation of a regulation to review. As explained above, the Veterans Court did not interpret the TDIU regulation. Rather, the Board weighed the evidence within the proper framework in denying the TDIU claim, see Board Decision, J.A. 137– 141, and the Veterans Court affirmed the Board’s denial, concluding that there was no factual error, see Veterans Court Decision, J.A. 1–4.

CONCLUSION

We have considered Crider’s remaining arguments but find them unpersuasive. For the foregoing reasons, we dis- miss. DISMISSED COSTS No costs.

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