

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Victor B. Skaar v. Douglas A. Collins

No. 25-4066 · No. No. 25-4066 · Decided January 22, 2026

SUMMARY

The United States Court of Appeals for Veterans Claims denied Victor B. Skaar's petition for extraordinary relief under the All Writs Act. The Court held that the Board of Veterans' Appeals had ruled on Skaar's request to aggregate claims, that ordinary appellate review provided an adequate alternative means of relief, and that he had not shown a clear and indisputable right to mandamus. The Court also concluded that VA had not unreasonably delayed adjudicating his claims.

CASE DETAILS

COURT	United States Court of Appeals for Veterans Claims
WRITING FOR THE COURT	Allen, Chief Judge; Laurer, Judge; Jaquith, Judge
JURISDICTION	United States Court of Appeals for Veterans Claims
DECIDED	January 22, 2026
DOCKET	No. 25-4066
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Petition for extraordinary relief in the nature of mandamus under the All Writs Act, seeking an order concerning the Board of Veterans' Appeals' authority to aggregate claims and certify a proposed class of Palomares veterans, and alleging unreasonable agency delay.
STANDARD OF REVIEW	Mandamus requires the petitioner to show that adequate alternative means of relief are unavailable, that the right to the writ is clear and indisputable, and that the writ is warranted under the circumstances. For unreasonable-delay claims, the court considers whether agency delay is so egregious as to warrant mandamus, ordinarily applying the TRAC factors.
PRECEDENTIAL VALUE	Published opinion; precedential status is identified as published in the supplied metadata.
PARTIES	Victor B. Skaar, petitioner v. Douglas A. Collins, Secretary of Veterans Affairs, respondent

TOPICS

writ of certiorari

appellate jurisdiction

appellate procedure

judicial review of agency action

veterans benefits

PRACTICE AREAS

veterans law

administrative law

appellate procedure

mandamus

military law

QUESTIONS PRESENTED

1. Whether the Court should issue an All Writs Act writ directing the Board to recognize authority to aggregate claims or certify a proposed class of Palomares veterans.
2. Whether an extraordinary writ was necessary to protect the Court's prospective jurisdiction when Skaar could challenge the Board's ruling in a future appeal from a final adverse Board decision.
3. Whether VA unreasonably delayed ruling on Skaar's aggregation motion or adjudicating his individual skin-cancer claim.

HOLDINGS

1. Skaar was not entitled to an extraordinary writ because the requested relief was not necessary to protect the Court's prospective jurisdiction and an adequate alternative means of relief existed through a future appeal from a final adverse Board decision.
2. Skaar failed to establish a clear and indisputable right to a writ directing the Board to decide the aggregation motion on a particular merits-based ground rather than on the Board's categorical authority-based ground.
3. VA did not unreasonably delay ruling on the aggregation motion because it provided a clear answer that the Board lacked authority to aggregate claims or certify a class.
4. Even assuming Skaar asserted unreasonable delay concerning his individual skin-cancer claim, the record did not show unreasonable delay because VA had been actively processing the claim.

KEY QUOTATIONS

"The remedy of mandamus is a drastic one, to be invoked only in extraordinary situations." (5)

"The All Writs Act is not a separate source of jurisdiction. Instead, we use the All Writs Act to protect our prospective jurisdiction." (5)

"This means that petitioner is inappropriately using the All Writs Act as a substitute for the normal appeals process." (7)

"But that disagreement does not convert action into inaction." (8)

FACTUAL BACKGROUND

Skaar is a U.S. Air Force veteran who participated in the 1966 cleanup of radioactive plutonium dust at Palomares, Spain, and was among the veterans known as the High 26 because of their recorded radiation

exposure. He filed claims for leukopenia and skin cancer related to radiation exposure; VA eventually granted service connection for leukopenia, while his skin-cancer claim remained under development. In July 2024, the Board denied his motion to aggregate claims involving Palomares veterans, stating that it lacked authority to aggregate claims or certify a class. During this proceeding, VA continued processing Skaar's individual skin-cancer claim and ordered a medical examination after granting higher-level review.

PROCEDURAL HISTORY

Skaar filed a motion with the Board of Veterans' Appeals to aggregate claims concerning veterans who participated in the 1966 Palomares cleanup. The Board's Deputy Vice Chairman denied the motion, ruling that the Board lacked authority to aggregate claims or certify a class. Skaar appealed that ruling, but the Court dismissed the appeal for lack of jurisdiction because the ruling was not a final Board decision. Skaar then filed this All Writs Act petition; while it was pending, VA continued processing his individual skin-cancer claim and granted higher-level review, ordering a medical examination.

DISPOSITION

writ_denied

CASES CITED

- Skaar v. Wilkie, 32 Vet.App. 156 (2019) (en banc order)
- Skaar v. McDonough, 48 F.4th 1323 (Fed. Cir. 2022)
- Skaar v. Wilkie, 33 Vet.App. 127 (2020)
- Skaar v. Collins, 38 Vet.App. 225 (2025) (per curiam order)
- Love v. McDonough, 35 Vet.App. 336, 342 (2022) (per curiam order)
- Love v. McDonough, 100 F.4th 1388 (Fed. Cir. 2024)
- Roche v. Evaporated Milk Ass'n, 319 U.S. 21, 26 (1943)
- Kerr v. U.S. Dist. Ct., 426 U.S. 394, 402 (1976)
- Cheney v. U.S. Dist. Ct., 542 U.S. 367, 380-81 (2004)
- Martin v. O'Rourke, Martin v. O'Rourke, 891 F.3d 1338, 1343-45 (Fed. Cir. 2018)
- Wolfe v. McDonough, 28 F.4th 1348, 1357-58 (Fed. Cir. 2022)
- Telecommunications Research & Action Center v. FCC, 750 F.2d 70, 79-80 (D.C. Cir. 1984)
- Christianson v. Colt Industries Operating Corp., 486 U.S. 800, 818 (1988)
- Sheldon v. Sill, 49 U.S. 441, 449 (1850)
- Microsoft Corp. v. Baker, 582 U.S. 23, 26 (2017)
- Gardner-Dickson v. Wilkie, 33 Vet.App. 50, 56 (2020)
- Pieczenik v. Dyax Corp., 265 F.3d 1329, 1332-33 (Fed. Cir. 2001)
- McFarlin v. Consecro Services, L.L.C., 381 F.3d 1251, 1263 (11th Cir. 2004)
- Tarpley v. Greene, 684 F.2d 1, 7 n.17 (D.C. Cir. 1982)
- Locklear v. Nicholson, 20 Vet.App. 410, 416-17 (2006)

