

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

Groves v. Peake

524 F.3d 1306 (Fed. Cir. 2008) · No. No. 2007-7241 · Decided May 1, 2008

SUMMARY

The United States Court of Appeals for the Federal Circuit held that the Veterans Court erred by requiring medical nexus evidence between the claimant's in-service and post-service diagnoses of paranoid schizophrenia. Applying 38 C.F.R. § 3.303(b), the court concluded that the chronic-disease presumption established service connection and that the 1982 rating decision contained clear and unmistakable error. The court reversed and remanded for entry of judgment consistent with its opinion.

CASE DETAILS

COURT	United States Court of Appeals for the Federal Circuit
WRITING FOR THE COURT	Moore, Circuit Judge; Mayer, Circuit Judge; Gajarsa, Circuit Judge
JURISDICTION	Federal
DECIDED	May 1, 2008
DOCKET	No. 2007-7241
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Claimant appealed the United States Court of Appeals for Veterans Claims' affirmance of the Board of Veterans' Appeals' determination that a March 1982 regional office decision denying service connection for paranoid schizophrenia did not contain clear and unmistakable error.
STANDARD OF REVIEW	The Federal Circuit reviews interpretations of regulations by the Veterans Court de novo. Under 38 U.S.C. § 7292, factual determinations and applications of law to facts generally are not reviewable absent a constitutional issue; the court may set aside a regulation or interpretation that is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	James C. Groves v. James B. Peake, M.D., Secretary of Veterans Affairs

TOPICS

veterans benefits

judicial review of agency action

appellate jurisdiction

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PRACTICE AREAS

Veterans benefits

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Federal appellate jurisdiction

Statutory and regulatory interpretation

QUESTIONS PRESENTED

1. Whether 38 C.F.R. § 3.303(b) creates a presumption of service connection when a chronic disease is shown during service and later manifests again.
2. Whether the Veterans Court legally erred by requiring medical nexus evidence between Groves's in-service and post-service diagnoses of paranoid schizophrenia.
3. Whether the March 1982 regional office decision contained clear and unmistakable error and therefore required an earlier effective date for benefits.

HOLDINGS

1. Section 3.303(b) presumes service connection for a chronic disease shown during service that later manifests again, however remote, unless the later manifestation is clearly attributable to an intercurrent cause.
2. No separate medical opinion establishing an etiological nexus was required because Groves had the same chronic disease diagnosed during service and again shortly after discharge.
3. The March 1982 rating decision contained clear and unmistakable error because it failed to apply the presumption of service connection required by § 3.303(b).

KEY QUOTATIONS

"The plain language of § 3.303(b) establishes a presumption of service connection (rebuttable only by "clearly attributable intercurrent causes") for a chronic disease which manifests during service and then again "at any later date, however remote."" (524 F.3d at 1309)

"The Veterans Court therefore committed legal error by disregarding the applicability of § 3.303(b) and requiring medical evidence to establish a nexus between the two diagnoses." (524 F.3d at 1310)

FACTUAL BACKGROUND

Groves was diagnosed with an acute psychotic episode and paranoid schizophrenia during active military service in 1979. After service, he was hospitalized and again diagnosed with paranoid schizophrenia, and a January 1982 VA examination confirmed that diagnosis. The VA regional office denied service connection in March 1982, later granted service connection based on new medical opinions, but refused to find clear and unmistakable error in the 1982 denial.

PROCEDURAL HISTORY

The VA regional office denied Groves's 1981 claim for service connection in March 1982 and later granted service connection effective from the date of his reopened claim, while rejecting his allegation of clear and unmistakable error in the 1982 decision. The Board affirmed, and the Veterans Court affirmed after reconsideration. The Federal Circuit reversed and remanded for entry of judgment consistent with its interpretation of 38 C.F.R. § 3.303(b).

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded for entry of judgment consistent with the opinion, including recognition that Groves was entitled to service connection and an earlier effective date for his benefits.

CASES CITED

- Smith v. Nicholson, 451 F.3d 1344, 1347 (Fed. Cir. 2006)
- Buchanan v. Nicholson, 451 F.3d 1331, 1335 (Fed. Cir. 2006)
- Bailey v. Principi, 351 F.3d 1381, 1384 (Fed. Cir. 2003) (en banc)