

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

MAY 13 2010

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

ROBERT R. MATTHEWS,

Plaintiff,

v.

SECRETARY OF VETERANS AFFAIRS,

Defendant.

Civil Action No.

10 0779

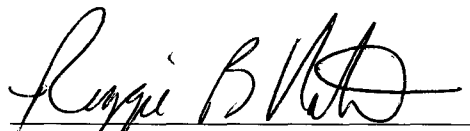
MEMORANDUM OPINION

This matter is before the Court upon consideration of plaintiff's application to proceed *in forma pauperis* and his *pro se* complaint. The application will be granted, and the complaint will be dismissed.

Plaintiff challenges the finding of a decision review officer of the Department of Veterans Affairs with respect to plaintiff's application for benefits. The Secretary of Veterans Affairs "shall decide all questions of law and fact necessary to a decision by the Secretary under a law that affects the provision of benefits by the Secretary to veterans or the dependents or survivors of veterans." 38 U.S.C. § 511(a). The Secretary's decisions "as to any such question shall be final and conclusive and may not be reviewed by any other official or by any court[.]" *Id.* Generally, a federal district court lacks subject matter jurisdiction over matters relating to veterans benefits. *See Price v. United States*, 228 F.3d 420 (D.C. Cir. 2000) (per curiam) (dismissing for lack of subject matter jurisdiction a veteran's claim for reimbursement of medical expenses incurred at a non-Veterans Administration ("VA") medical facility on the ground that the Veterans' Benefits Act of 1957, as amended, "precludes judicial review in Article III courts of VA decisions affecting the provision of veterans' benefits"), *cert. denied*, 534 U.S. 903

(2001). In order to adjudicate plaintiff's claims, the Court necessarily must "determine first whether the VA acted properly in handling his claim, *Price*, 228 F.3d at 422, and the Court has no jurisdiction to make this determination. *See id.* ("The district court lacked jurisdiction to consider Price's federal claim because underlying the claim is an allegation that the VA unjustifiably denied him a veterans' benefit.").

For this reason, the Court will dismiss the complaint. An appropriate Order accompanies this Memorandum Opinion.


United States District Judge

DATE: *April 30, 2010*