

FILED

DEC 12 2012

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

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

PERFECTO VELASCO

Plaintiff,

v.

UNITED STATES DEPARTMENT
OF VETERANS AFFAIRS,

Defendant.

Civil Action No. **12 1987**

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 alleges that the Department of Veterans Affairs has denied his many applications for medical 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 decision "as to any such question shall be final and conclusive and may not be reviewed by any other official or by any court[.]" *Id.* Therefore, this federal district court does not have jurisdiction over matters relating to veterans benefits. *See Price v. United States*, 228 F.3d 420, 421-22 (D.C. Cir. 2000) ("As amended by the Veterans Judicial Review Act . . . , the Veterans' Benefits Act of 1957 . . . precludes judicial review in Article III courts of VA decisions affecting the provision of veterans' benefits") (per curiam), *cert. denied*, 534 U.S. 903 (2001); *see Jones v Nicholson*, No. 1:07-CV-165, 2011 WL 2160918 (M.D. Ga. June 1, 2011) (dismissing for lack of subject matter jurisdiction veteran's claim for benefits); *Peavey v. Holder*, 657 F. Supp. 2d

180 (D.D.C. 2009) (dismissing challenge to VA's decisions on claim for benefits notwithstanding veteran's "attempts to avoid application of § 511 by labeling his claims as constitutional claims").

The Court will dismiss the complaint for lack of subject matter. An Order is issued separately.

DATE:

12/7/12



United States District Judge