UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

DEMIKA UNTURIA PORTERFIELD,)
Plaintiff,)
v.) Assign. Date: 6/28/2016) Description: Pro Se Gen. Civil
U.S. ARMY,)
Defendant.))

MEMORANDUM OPINION

This matter is before the Court upon consideration of plaintiff's application to proceed *in* forma pauperis and her pro se complaint. The application will be granted, and the complaint will be dismissed without prejudice.

The plaintiff appears to challenge her chronic adjustment disorder diagnosis, and it appears that she does so in the context of a request for disability benefits or other benefits to which she may be entitled following her service in the United States Army. 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) (per curiam) ("As amended by the Veterans Judicial Review Act . . . , the Veterans' Benefits Act of 1957 . . . precludes judicial review in Article III courts of [Veterans Administration] decisions affecting the provision of veterans' benefits"), *cert. denied*, 534 U.S. 903 (2001); *see 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 jurisdiction. An Order is issued separately.

DATE: 6/24/16

United States District Judge