

Amicus Brief Urges SCOTUS to Reverse Decision that Erodes Education Benefits for Veterans

News

August 17, 2023

A cross-office team submitted an amicus brief on behalf of the Iraq and Afghanistan Veterans of America (IAVA), a nonprofit and nonpartisan organization dedicated to Iraq and Afghanistan veterans and their families. The brief supports petitioner James R. Rudisill in his effort to persuade the US Supreme Court to reverse an en banc decision by the Federal Circuit regarding education benefits made available to servicemembers by the GI bills.

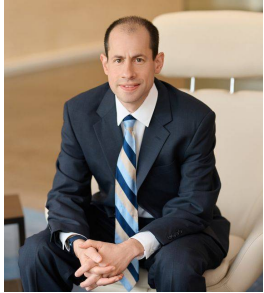
In *Rudisill v. McDonough*, Army veteran James R. Rudisill earned education benefits from two different sources over the course of multiple periods of service: the Montgomery GI Bill, passed in 1984 in peacetime, and enhanced benefits from the Post-9/11 GI Bill. When Rudisill was admitted to Yale Divinity School in 2015 with plans to become an Army chaplain, he sought to draw upon his more generous Post-9/11 benefits rather than the Montgomery benefits left over from his earlier education. The Federal Circuit, however, held en banc that Rudisill's entitlement under the Post-9/11 Bill would be limited to the number of benefit months he had remaining under the Montgomery Bill and that Rudisill must also forfeit those remaining Montgomery Bill benefits to take advantage of the more generous benefits under the later program.

The firm's amicus brief argues that the Federal Circuit's "anti-veteran" view should be reversed because it contracts the benefits Congress intended to make available to veterans and in so doing "undermines the armed force's mission-critical ability to recruit." The brief further argues that the decision below hamstring's servicemembers' ability to choose how and when to use the benefits they earn and wrongly constrains their ability to transfer Post-9/11 benefits to dependents while still in active service.

"Few actions convey more about our Nation and its values than the way we treat the men and women who voluntarily risk their lives to protect this country. Those who choose to serve and then serve again should be rewarded, not punished, for multiple periods of service—as Congress intended," the brief concludes.

The team writing the brief includes Partners Adam Unikowsky, Michelle Kallen, and Todd C. Toral, Associate Dan Bobier, and Senior Paralegal Cheryl Olson.

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