



VETERANS OF FOREIGN WARS  
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## VFW Post 8555 Newsletter/ Calendar



### Leo Shane III

Congress returns to Capitol Hill this week with just three weeks left before the August recess and goals of advancing both the fiscal 2022 appropriations measures and annual defense authorization bill before the break.

Last week, Senate Armed Services Committee officials announced plans to mark up their draft of the authorization bill starting on July 19, with the goal of completing work by July 22.

The House Armed Services Committee is set to take up their subcommittee drafts a week later, but aren't planning on finalizing that work until after the break, on Sept. 1.

Meanwhile, the House Appropriations Committee — which has already advanced several budget bills — plans to mark up its draft of the defense budget on Tuesday. House Democratic leaders have said they hope to pass the budget measures out of the full House before August, in an effort to speed up budget negotiations with the Senate later this fall.



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# VFW Post 8555 Spotlight





# Millions of vets may be eligible for extra GI Bill benefits thanks to court ruling

[Leo Shane III](#)

Millions of veterans could be eligible for an additional year of education benefits starting next semester thanks to another federal court ruling rejecting the Department of Veterans Affairs prohibition on collecting both Post-9/11 GI Bill benefits and Montgomery GI Bill payouts.

The decision, rendered by the U.S. Court of Appeals for the Federal Circuit late last week, leaves federal officials with only a few long-shot options to support their arguments and overturn a pair of precedential decisions by judges.

In a statement, VA officials said they are still assessing the latest court decision but “remain committed to providing veterans the benefits they have earned and deserve.”

The case, *Rudisill vs. McDonough*, has been pending in federal courts for nearly six years. At its center is department officials’ assertion that veterans can use either the Post-9/11 GI Bill program or the Montgomery GI Bill program, but not both.

One vet’s GI Bill fight could win benefits for millions of other students

The case could give an extra year of benefits for veterans who have used up their post-9/11 GI Bill but still have some eligibility left under the Montgomery GI Bill program.

Jim Rudisill, an Army veteran wounded in a roadside bomb attack in Iraq in 2005, challenged that policy, saying it was based on a misreading of the law by department officials.

The federal circuit court was the latest in a series of courts to back his case, agreeing that Rudisill should not have been forced to give up eligibility in either program, and should be entitled to 48 months of education benefits (the existing cap on total government higher education payouts under federal statute.) The ruling leaves in place lower court decisions that say eligible veterans can start using the benefits as early as next semester.

“Congress doesn’t try to trip up veterans with their benefits. They want to protect them and take better care of them,” said Tim McHugh, an Army veteran and associate at the Hunton Andrews Kurth law firm who was the lead attorney on the case.

“To hear another federal appellate court agree with that is vindicating.”

Under the Post-9/11 GI Bill education benefits program, eligible veterans receive 36 months of tuition payouts, housing stipends and other financial assistance.

The Montgomery GI Bill benefits program offers far less money, but still has several thousands of dollars annually to offer veterans for tuition costs if they paid into the program at the start of their military service. It is expected to be completely phased out in the next decade.

Given the choice between the two programs, most veterans would opt for the more financially generous Post-9/11 GI Bill program. But the court decisions now open the door for the possibility of another year of lesser education stipend payouts for veterans who can’t complete their degrees in 36 months.

Rudisill is attending seminary school using his additional education benefits, after a lower court order allowed him to start collecting the money even as the case was appealed.

The court ruling is focused just on his benefits, and was not a class action suit that would apply directly to all veterans in a similar situation. But judges on the federal circuit court opted to make their decision precedential, meaning it could be used by other veterans to support their own eligibility for additional payouts.

An estimated 1.7 million veterans who have already attended college classes have some Montgomery GI Bill eligibility left, according to Rudisill’s lawyers. The department has not released any estimates on how much a change in policy may cost.

It’s also unclear whether veterans need to have a break in service to qualify for the extra benefits.

Rudisill served from 2000 to 2002, left the service to take some college classes under the Montgomery GI Bill, then returned again in 2004 for a year and in 2007 for four more years. The judges said that constituted separate periods of service qualifying him for separate periods of benefits eligibility. But they also argued against the VA opt-out policy.

Court rules again to give veterans access to both Post-9/11 and Montgomery GI Bill education benefits

Federal officials have two months to appeal the ruling or start paying out potentially billions in new education benefits.

Officials from Student Veterans of America noted that VA officials also have not publicly announced how many of those may be eligible and whether they plan on informing veterans about how to petition for that money.

VA officials could still attempt to appeal the ruling to the Supreme Court, but such a bid is considered unlikely to succeed given the strong statements against their position from the lower court.

The Solicitor General could also petition the federal circuit to expand the panel hearing the case and re-examine the arguments, in hope of a different decision. That is also unlikely to produce a different reaction, although Circuit Judge Timothy Dyk did offer a partial dissent to the latest ruling.

<https://www.militarytimes.com/education-transition/2021/07/12/millions-of-vets-may-be-eligible-for-extra-gi-bill-benefits-thanks-to-court-ruling/>

# July 2021

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31	1	2	3	4

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
27	28	29	30	1	2	3
4 Independence Day VPR—Independence Day	5 Independence Day (observed)	6	7	8	9	10
11	12 VFW Meeting	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27 VPR- Signing of Korea Armistice in 1953	28	29	30	31

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# August 2021

Su	Mo	Tu	We	Th	Fr	Sa
28	29	30	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	1	2

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9 VFW Meeting	10	11	12	13	14
15 Assumption of the Blessed Virgin Mary	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31 VPR - Iraqi Freedom OIF	1	2	3	4

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