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Veterans Earned the Right to Use Their Hard-Earned Educational Benefits

Supreme Court Announces Opinion Declaring Right of Veterans To Access Education Benefits Already Earned, which VA Deemed As Double-Dipping

WASHINGTON, D.C. – April 16, 2024. Today, the Supreme Court [issued its decision](#) in *Rudisill v. McDonough*, ruling against the U.S. Department of Veterans Affairs to hold that veterans who “separately accrue benefits under both the Montgomery and Post-9/11 GI Bills are entitled to both benefits” and may use their benefits in any order, up to the 48-month aggregate benefits cap.

James Rudisill first enlisted in the United States Army in the year 2000. Over the next decade, he reenlisted twice, serving a total of eight years on active duty (including being injured in a roadside bombing in Iraq in 2005). After each period of service, Rudisill received an honorable discharge. In between his second and third periods of military service, Rudisill earned an undergraduate degree, using 25 months and 14 days of his Montgomery GI Bill benefits for his undergraduate degree. Then, after serving his third tour of duty, Rudisill sought to use his Post-9/11 benefits to attend Yale Divinity School to become a Chaplain in the Army, but was denied by the Department of Veterans Affairs (VA). VA informed Rudisill that his Post-9/11 benefits were limited to the duration of his unused Montgomery benefits. In other words, according to VA, by requesting Post-9/11 benefits before exhausting all of his Montgomery benefits, Rudisill could receive only 36 months of benefits in total, not the 48 months to which he would otherwise be entitled. The Supreme Court held that VA was incorrect in its interpretation and that Rudisill is entitled to both of his earned benefits.

"We are pleased the Supreme Court has made it clear that when veterans serve their country and qualify for both GI Bill benefit programs, they have the right to those benefits. And we are particularly encouraged that the Supreme Court's opinion is apparently not limited to situations where a veteran served separate periods of service with a gap in between," said [Della Justice](#), **Vice President of Legal Affairs for [Veterans Education Success](#)**.

The Court explained, in a 7-2 decision, that “servicemembers who are eligible for educational benefits under either the Montgomery GI Bill or the Post-9/11 GI Bill – from a period of service that could qualify for either program – can opt to credit that service toward one educational benefits program or the other. If servicemembers serve for long enough, they may be entitled to both.” (internal quotations omitted) The Court went on to state, “So from the outset, we know Rudisill earned two separate benefits entitlements... by serving in the military for nearly eight years over three separate periods. Notably, our analysis does not focus on his periods of service. *Contra, post*, at 7-8 (Thomas, J. dissenting). Rather, what matters is that his lengthy service conferred two separate entitlements.”

This decision should allow all veterans who serve enough time to earn both the Montgomery GI Bill and the Post-9/11 GI Bill to be entitled to use both GI Bill benefits in any order, up to the 48-month cap, as long as the benefits are not used concurrently – in direct contrast to how the Department of Veterans Affairs has administered the programs.

The case had been working its way through the courts since 2019.

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[Della Justice](#) currently serves as the Vice President for Legal Affairs for Veterans Education Success. She previously worked as Assistant Attorney General in the Commonwealth of Kentucky Attorney General’s Office for Consumer Protection. There she became a state and national leader in unfair, false, misleading, and deceptive trade practices in the for-profit college industry. She served as the lead negotiator in a U.S. Department of Education rulemaking.

[Veterans Education Success](#) is a nonpartisan organization whose mission is to advance higher education success for veterans, service members, and military families and to protect the integrity and promise of the GI Bill and other federal education programs. The organization offers free help, advice, and college and career counseling to servicemembers, veterans, and their survivors and families using federal education benefits and helps them participate in their democracy by engaging with policymakers. Veterans Education Success also provides non-partisan policy expertise to federal and state policymakers and conducts non-partisan research on issues of concern to student veterans.

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