

Firm News | April 16, 2024

Troutman Pepper, Dominion Energy Secure Victory for Veterans at U.S. Supreme Court

Millions of Veterans Now Eligible for Additional Educational Benefits Previously Denied by the VA

RELATED PROFESSIONALS

Trey Smith | Carson A. Cox | Timothy McHugh | Sean Dutton | Kevin M. LeRoy | Misha Tseytlin

RELATED OFFICES

Chicago | Richmond | Washington, D.C.



FROM LEFT: Carson Cox, Sean Dutton, Misha Tseytlin, David DePippo, Jim Rudisill, Timothy McHugh, Abbey Thornhill, Kevin LeRoy, and Trey Smith

WASHINGTON – The United States Supreme Court today sided with FBI Special Agent James Rudisill, a decorated U.S. Army veteran, ruling 7-2, ending an almost nine-year legal battle in [Rudisill v. McDonough](#). The decision will allow approximately 1.7 million (and growing) Post-9/11 veterans to receive additional education benefits owed to them under the Post-9/11 GI Bill.



“This fight was for all military veterans who, like me, were denied what they were promised after their service to our country,” said Rudisill, who has been pursuing his case since 2015. “It has been humbling to represent the veterans’ community, and I am so grateful for my legal team and the Court’s decision here.”

Rudisill’s pro bono team included [Timothy McHugh](#), who led the case from the start as a first-year associate, [Misha Tseytlin](#), [Kevin LeRoy](#), Abbey Thornhill, [Trey Smith](#), Sean Dutton, and [Carson Cox](#), among others, as well as David DePippo from [Dominion Energy](#).

“As a veteran myself, it is hard to express how immensely gratified I am that the nation’s highest court not only heard our case, but sided with us,” [McHugh](#) said. “I could not have asked for a better end. It will be one of my greatest career accomplishments.”

“I was deeply proud to be able to argue this case,” [Tseytlin](#) said.

“Today is momentous for millions of veterans, and we are relieved by the Court’s decision,” DePippo said. “The case stretched for the better part of a decade, but we are proud of the lasting effects it will have for our country’s deserving military veterans.”



Rudisill v. McDonough centered on the VA’s interpretation of certain administrative provisions of the Post-9/11 GI Bill that Congress enacted in 2008 to provide

“enhanced educational benefits” far more generous than the then-prevailing peacetime Montgomery GI Bill. Congress passed the bill in recognition of the “especially arduous” wartime service required of veterans since the September 11, 2001, terrorist attacks.

In the 7-2 Opinion the Court wrote, “The bottom line is this: Veterans who separately accrue benefits under both the Montgomery and Post-9/11 GI Bills are entitled to both benefits. Neither §3322(d) nor §3327 restrict veterans with two separate entitlements who simply seek to use either one. Thus, Rudisill may use his benefits, in any order, up to §3695’s 48-month aggregate-benefits cap. If the statute were ambiguous, the pro-veteran canon would favor Rudisill, but the statute is clear, so we resolve this case based on statutory text alone.”

About Troutman Pepper

Troutman Pepper is a national law firm with 1,100+ attorneys strategically located in more than 20 U.S. cities. The firm’s litigation, transactional, and regulatory practices advise a diverse client base, from startups to multinational enterprises. The firm provides sophisticated legal solutions to clients’ most pressing business challenges, with depth across industry sectors, including energy, financial services, health sciences, insurance, and private equity, among others. Learn more at troutman.com.

RELATED INDUSTRIES + PRACTICES

- [Appellate + Supreme Court](#)
- [Business Litigation](#)