

Firm News | July 11, 2023

U.S. Supreme Court to Decide if Millions of Veterans Deserve Additional Educational Benefits

Court Grants Troutman Pepper and Dominion Energy's Petition for a Writ of Certiorari, Will Hear Case Involving Educational Benefits for 1.7 Million Post-9/11 Veterans

RELATED PROFESSIONALS

[Timothy McHugh](#) | [Misha Tseytlin](#) | [Kevin M. LeRoy](#) | [Trey Smith](#) | [Abbey Thornhill](#)

RELATED OFFICES

[Richmond](#)

RICHMOND, VA – After an eight-year legal battle, the case brought by FBI Special Agent James R. Rudisill against the Secretary of Veterans Affairs (VA) will finally be heard by the nation's highest court. On June 26, 2023, the U.S. Supreme Court agreed to review the lower court ruling and potentially provide millions of veterans with expanded **educational benefits**. Read more about Troutman Pepper's **ongoing fight for military veterans** [here](#).

Rudisill v. McDonough seeks to resolve how many months of educational benefits a veteran is entitled to under two different GI Bills. Rudisill, a decorated U.S. Army veteran, is represented pro bono by Troutman Pepper attorneys [Timothy McHugh](#), [Misha Tseytlin](#), [Kevin LeRoy](#), Abbey Thornhill, and [Trey Smith](#), among others, and David DePippo from Dominion Energy.

"It is a significant sign that the Supreme Court has decided to take this up. The justices likely wouldn't have taken the case if they agreed with the lower court's decision," said McHugh.

In March, the pro bono team filed a petition for a [writ of certiorari](#), asking the Supreme Court to review the December 15, 2022, ruling by an en banc panel of the United States Court of Appeals for the Federal Circuit. The lower court reversed the ruling of a three-judge panel of the same court in July 2021. Prior to that, appeals courts agreed with Rudisill that he separately qualified for benefits under both the Post-9/11 and Montgomery GI Bill programs.

"The Court of Appeals for the Federal Circuit missed the forest for the trees. They missed the core protections in the GI Bills going back to the original GI Bill, which is that those who served in multiple qualified periods of service get the full benefits from those two periods of service up to 48 months," said Tseytlin.

Rudisill v. McDonough centers 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.

The Court is expected to hear the case in the Fall or Winter of the 2023-24 Term. If Troutman Pepper prevails, approximately 1.7 million (and growing) Post-9/11 veterans could be eligible to receive additional education benefits.

About Troutman Pepper

Troutman Pepper is a national law firm with more than 1,200 attorneys strategically located in 23 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.

About Dominion Energy

About [7 million customers in 16 states](#) energize their homes and businesses with electricity or natural gas from Dominion Energy (NYSE: [D](#)), headquartered in Richmond, Va. The company is committed to [safely providing reliable, affordable and sustainable energy](#) and to achieving [Net Zero emissions](#) by 2050. Please visit DominionEnergy.com to learn more.

RELATED INDUSTRIES + PRACTICES

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