

Rudisill Overview

- The Supreme Court decided in Rudisill v. McDonough that beneficiaries who earn educational benefits under the Montgomery GI Bill (MGIB) and the Post-9/11 GI Bill (PGIB) may access benefits under either program for a maximum of 48 months of benefits.
 - However, the education benefits must be earned through two separate periods of service. Federal law prohibits the use of these benefits at the same time.
- Prior to the Court's decision, though eligible for both benefits, beneficiaries who wanted to use their PGIB benefits had to forfeit using any remaining MGIB benefits, even when PGIB eligibility was based on a period of service separate from the period of service that MGIB eligibility was based. Additionally, beneficiaries who previously used MGIB had their months of entitlement for PGIB limited to the number of remaining MGIB months of entitlement. These requirements are no longer valid under the SCOTUS decision.

Rudisill Overview

- This only applies to Veterans who:
 - Previously applied for Post-9/11 GI Bill (Chapter 33) benefits;
 - Served two separate qualifying periods of service; and
 - Forfeited eligibility for a benefit to gain eligibility to Post-9/11 GI Bill (Chapter 33) benefits
- VA estimates this applies to approximately **1,040,000 Veterans**
 - *Dependents of these Veterans who made the election to transfer their GI Benefit may also be eligible for additional entitlement
- Veteran Readiness and Employment (VR&E), Chapter 31, participants who previously did not have PGIB benefits while participating in VR&E, and are granted retroactive PGIB entitlement may be eligible for the monthly housing allowance (MHA) subsistence allowance rate while participating in VR&E.
 - The MHA subsistence allowance rate is often higher than the standard VR&E subsistence allowance rate.

Benefits Expiration Date (Delimiting Date)

- In implementing the Rudisill decision, VA chose a highly inclusive approach.
- VA understands the Rudisill decision would have awarded additional entitlement to some impacted Veterans; however, some of those Veterans would be unable to use the additional entitlement due to their education benefits expiration date (also known as delimiting date).
- Secretary McDonough exercised discretionary authority under 38 U.S.C. § 3031(i) to toll education benefits expiration dates in certain situations.
- For each Veteran who was forced to choose between Montgomery GI Bill and Post-9/11 GI Bill, VA will reinstate the time they had remaining at the time of their choosing plus 90 days.
- If a beneficiary believes they qualify for additional benefits under the Rudisill decision, they may need to submit a claim to get a new decision on their benefit eligibility (some Veterans will get an automatic readjudication without needing to submit a claim). A beneficiary can submit a claim at any time. However, there is a limited period for a beneficiary to receive an expiration date recalculation. The deadline to submit a claim to receive a delimiting date recalculation is October 1, 2030. After October 1, 2030, a beneficiary can still submit a claim for benefits; however, the normal delimiting date calculation rules will apply.

Additional Policy Decisions

- VBA reviewed the Court's decision with the Office of General Counsel and identified decisions necessary for adjudication of claims in accordance with the Court's ruling.
- The Under Secretary for Benefits approved the following policy decisions:
 - Rudisill applies to any certificate of eligibility (COE) issued on or after August 15, 2018, for a potentially impacted individual. VA will also apply Rudisill to education benefits award letters issued on or after August 15, 2018.
 - VA will readjudicate prior entitlement on new claims, when a COE or award letter was issued before August 15, 2018, and a new claim was filed by a potentially impacted individual.
 - VA will continue to pay \$1,200 refunds and kicker payments to Veterans who **voluntarily elect** to forfeit MGIB – Active Duty (MGIB-AD) or Montgomery GI Bill – Selected Reserve (MGIB-SR) benefits.
 - VA will allow the Veteran to revoke their previous election to give up MGIB-AD or MGIB-SR. The Veteran will be potentially eligible for additional MGIB-AD or MGIB-SR benefits, and they will not be required to pay back the \$1,200 contribution or kickers.

Potentially Impacted Population

- Potentially impacted individuals include approximately 1.04m beneficiaries with at least two qualifying periods of service—one period that qualifies for MGIB and a second that qualifies for PGIB—where the beneficiary waived all or part of their MGIB benefits so they could use PGIB benefits.
 - Of the potentially impacted beneficiaries, approximately 4,000 are VR&E beneficiaries who did not have PGIB benefits while participating in VR&E, were paid the standard VR&E subsistence allowance rate, and may now be eligible to have those previous subsistence allowance awards amended to receive the higher PGIB rate as a result of the Rudisill decision.
- Among the beneficiaries potentially impacted, VA does not have the authority to extend delimiting dates for MGIB - Selected Reserve (Chapter 1606) beneficiaries therefore not all potential beneficiaries will qualify for a delimiting date extension.

Potentially Impacted Population (cont)

Group	Description	Total
A: Potentially More PGIB	This group used some MGIB-AD benefits and potentially had their PGIB entitlement reduced by the months of MGIB-AD used.	180,949
B: Potentially More PGIB	This group was entitled to MGIB-AD and was denied PGIB entitlement for failing to relinquish MGIB-AD.	29,765
C: Potentially More MGIB-AD	This group gave up their MGIB-AD so they could use PGIB.	794,152
D: Potentially More MGIB-SR	This group gave up their MGIB-SR so they could use PGIB.	201,903
G: Manual Review Needed	This group did not meet the criteria of another group and will be reviewed.	11,357
H: Group A TOE Children	This group is a subset of group A.	77,364
I: Group A VR&E Beneficiaries	This group is a subset of group A	4,357
Total Unique Potential Population		1,040,234*

How is VA Notifying Those Potentially Impacted?

- Email notification to Identified Beneficiary Populations – three batches of targeted GovDelivery emails
- News Release
- Email notification to School Certifying Officials
- Social Media Posts
- VA News Blog Post
- Rudisill Landing Page on VA.gov
- 01/07/2025 USB Satellite Media Tour

What Steps Should Impacted Individuals Take?

VA analyzed education program data to group the potentially impacted beneficiaries impacted by the Supreme Court's decision. As detailed in communications being sent directly to potentially impacted beneficiaries, identified beneficiaries should take the appropriate steps based upon the following groupings:

- **No action needed.** For **approximately 660,000 potentially impacted beneficiaries** who had an education claim decision on or after August 15, 2018, VA will review and determine their education benefit eligibility *without the beneficiary taking any action*. Once VA has reviewed their file, beneficiaries will receive an official decision. VA anticipates completing these records reviews within approximately 22 months.
 - **No action needed (VR&E).** VA will automatically calculate and pay the difference, if applicable, for VR&E participants who previously did not have PGIB benefits while participating in VR&E and are granted retroactive PGIB entitlement.

What Steps Should Impacted Individuals Take? (cont)

- **Action is required.** For potentially impacted beneficiaries who have had an education claim decision before August 15, 2018, VA will review and determine their education benefit eligibility only after they submit a claim. Once VA has received and evaluated their claim, they will receive an official decision. (approximately 379k Veterans) These requests must be received prior to October 1, 2030.
- VA encourages beneficiaries to apply when they are ready to use their benefits, because the date of application it may affect their benefits new expiration date, if approved. Applying too soon may start the new expiration date clock and prevent them from using their additional benefits in time.

How is VA Processing Records Reviews?

- For the 660k potentially impacted beneficiaries who have had an education claim decision on or after August 15, 2018, VA will review and determine their education benefit eligibility without the beneficiary taking any action.
 - VA anticipates completing these records reviews within approximately 22 months. Existing Veterans Claims Examiners at the Regional Processing Offices will complete these reviews during non-peak enrollment periods.
 - Due to the number of the reviews and VA's estimated completion timeline, VA has prioritized the reviews based on how recently a beneficiary attended school and how much, if any, PGIB entitlement a beneficiary has remaining. Additionally, potentially impacted active VR&E participants have been prioritized.
- VA must first determine if a Rudisill Veteran is eligible for additional PGIB, before VA is able to determine if an increase in the VR&E subsistence allowance rate can be paid.

For Additional Information

- VA is committed to providing impacted beneficiaries and other stakeholders with regular updates about VA's implementation efforts through active communications via various means.
- For more information about how the Rudisill decision impacts VA education and training benefits, stakeholders are encouraged to visit the [Rudisill webpage](#).
- **Beneficiaries with questions about their GI Bill benefits may** submit inquiries through [Ask VA](#). **To use Ask VA, [beneficiaries must have an authenticated VA account](#).**
- **Beneficiaries with questions about their Veteran Readiness and Employment benefits, may** contact the National Contact Center at 1-800-827-1000.