No. 25-482

IN THE

Supreme Court of the United States

JULIEN P. CHAMPAGNE,

Petitioner,

v.

DOUGLAS A. COLLINS,
SECRETARY OF VETERANS AFFAIRS,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

BRIEF OF MILITARY-VETERANS ADVOCACY, INC. AS AMICUS CURIAE IN SUPPORT OF PETITIONER

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INTEREST OF AMICUS CURIAE[1]

Military-Veterans Advocacy, Inc. (MVA) is a nonprofit organization that litigates and advocates on behalf of servicemembers and veterans. Established in 2012 in Slidell, Louisiana, MVA educates and trains servicemembers and veterans concerning rights and benefits, represents veterans contesting the improper denial of benefits, and advocates for legislation to protect and expand servicemembers' and veterans' rights and benefits.

The Federal Circuit's decision in *Champagne v. McDonough*, 122 F.4th 1325 (Fed. Cir. 2024), erodes veterans' rights to hard-earned benefits by affirming a strained reading of 38 C.F.R. § 3.151(a). That regulation obligates the Department of Veterans Affairs (VA) to award "[t]he greater benefit" between compensation and pension when a disabled veteran applies for either. The court of appeals, however, affirmed an interpretation that allows VA to ignore that obligation and its duty to grant veterans "every benefit that can be supported in law," 38 C.F.R. § 3.103(a). MVA urges this Court to grant certiorari to restore the plain meaning of § 3.151(a).

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[1] No counsel for a party authored the brief in whole or in part. No party, counsel for a party, or any person other than amicus curiae and their counsel made a monetary contribution intended to fund the preparation or submission of the brief. The parties were notified of MVA's intent to file this brief on November 19, 2025. Although notice was provided less than 10 days before the deadline for this brief, there is no prejudice to Respondent, which has already requested and received a 30-day extension for its brief in opposition.

INTRODUCTION AND SUMMARY OF ARGUMENT

Building on a centuries-long Anglo-American tradition of compensating veterans for their sacrifices, Congress over the last century created a comprehensively pro-claimant veterans' benefits system. A veteran's application under 38 C.F.R. § 3.151(a) triggers a constellation of VA duties to claimants, including to assist and to maximize benefits. In this comprehensive congressional scheme, VA must evaluate a disabled veteran's eligibility for disability compensation and disability pension when the veteran applies for either form of benefit.

Indeed, for more than a half-century, VA did just that. But the Federal Circuit below endorsed VA's rejection of this long-standing interpretation. In doing so, the Federal Circuit ignored the regulation's plain mandate that the "greater benefit will be awarded" to a disabled veteran and misunderstood § 3.151(a)'s distinctive role in the regulatory context. VA adopted, and the Federal Circuit validated, a reinterpretation of § 3.151(a) that does "nothing to assist, and much to impair, the interests of those the law says the agency is supposed to serve." *Mathis v. Shulkin*, 582 U.S. 941, 941 (2017) (Gorsuch, J., dissenting from denial of certiorari). It did this despite the simple principle—known as the veterans canon—that Congress intends to benefit veterans when it legislates veterans' benefits.

The veterans canon provides that "provisions for benefits to members of the Armed Services are to be construed in the beneficiaries' favor." *Henderson v.*

Shinseki, 562 U.S. 428, 441 (2011) (quoting *King v. St. Vincent's Hosp.,* 502 U.S. 215, 220-21 n.9 (1991)). This approach effectuates Congress's intent to help veterans through the very legislation enacted for their benefit. The long history of this Court's application of this and other canons as traditional tools of statutory and regulatory interpretation illustrates its proper role and continued vitality.

ARGUMENT

I. The Anglo-American Tradition Has Long Benefited Military Veterans.

While the United States is the most "generous" "country in the world … in the treatment of its service men and veterans," veterans' benefits long predate its existence. *Plesha v. United States*, 123 F. Supp. 593, 594 (N.D. Cal. 1953), *rev'd on other grounds*, 227 F.2d 624 (9th Cir. 1955). English common and statutory law recognized veteran prerogatives as early as the 13th century.[2] Congress built upon these antecedents in erecting the uniquely pro-claimant veterans' benefits system that exists today.

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[2] England is not the original wellspring of veterans' benefits, which existed in antiquity. *See* Pet. 22-23. MVA focuses on English law given this Court's emphasis on "English practices that 'prevailed up to the period immediately before and after the framing of the Constitution.'" *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1, 34 (2022) (citation omitted).

A. Governments for centuries have recognized a moral obligation to grant veterans support and prerogatives.

While the United States "has a long standing policy of compensating veterans for their past contributions by providing them with numerous advantages," *Regan v. Taxation With Representation of Washington*, 461 U.S. 540, 551 (1983), it was not the first to favor veterans by law. For centuries before the United States was founded, England provided military veterans with benefits and privileges.

Upon assuming the English throne, King Henry VI granted allowances to his father King Henry V's "Lords and Captains … which have indented with the gracious King Henry … in all his Wars," whether they "be in Life" or already "commanded to God." *Statutes of the Realm* (1225-1713), 1 Hen. VI, Item V (1422). In turn, King Henry VII gave soldiers serving "beyond the Sea" in France and sailors "on the Sea" immunity "in all the King's Courts and other Courts" from legal proceedings and most financial obligations while in military service. *Id.*, 7 Hen. VII, c. 2 (1491); *see id.*, 4 Hen. VII, c. 4 (1488-89) (same); *see also* Henry de Bracton, 4 *On the Laws and Customs of England* 73-79 (approx. 1220-1240) (describing common-law traditions of *essoin* (or excuse for non-appearance in court), including in "the service of the lord king" and after "the summons of the army").

In awarding pensions to soldiers who defended England against the Spanish Armada, Queen Elizabeth I recognized their dual purposes: Soldiers "at their return [should] be relieved and rewarded … that

they may reap the Fruit of their good deserving, and others may be encouraged to perform the like Endeavors."[3] *Statutes of the Realm*, *supra*, 35 Eliz. c. 4 (1592-93); *id.*, 43 Eliz. c. 3 (1601) (same). She required every parish to pay weekly support to those who "lost their Limbs or disabled their Bodies … in the defense and service of her Majesty and the State." *Id.*, 35 Eliz. c. 4 (1592-93); *see id.*, 39 Eliz. c. 21 (1597-98) (raising taxes as "the said former Act has not provided sufficiently for the Relief of the Soldiers and Mariners"). When Queen Elizabeth forbade begging, she exempted Soldiers from "ask[ing] & receiv[ing] such Relief as shall be necessary in & for [their] passage" upon being "landed" or "discharged" from service. *Id.*, 39 Eliz. c. 3 (1597-98). By these early enactments, Sir William Blackstone later observed, soldiers were "in some cases put in a much better" "condition than any other subjects." 1 William Blackstone, *Commentaries on the Laws of England* 404 (1765) ("Blackstone").

English colonists brought this solicitude for veterans across the Atlantic Ocean, with the Plymouth Colony, the Massachusetts Bay Company, and the Colony of Virginia granting veterans' benefits as early as the 17th century. Eric Hughes, *Before* Boone v. Lightner*: The Lost History of the Pro-Veteran Canon*, 42 Miss. Coll. L. Rev. 4, 8-9 (2024). A newly independent United States continued the tradition, with the First Session of the First Congress guaranteeing Revolutionary War pensions. Act of September 29, 1789, ch. 24, § 1, 1 Stat. 95 (assuring federal payment of

[3] Spelling has been modernized.

state pensions granted to veterans wounded and disabled "during the late war"). After each subsequent conflict, Congress again passed legislation to compensate each conflict's veterans. *Walters v. Nat'l Ass'n of Radiation Survivors*, 473 U.S. 305, 309 (1985); *see, e.g.*, Act of January 29, 1813, ch. 16, §§ 10-11, 2 Stat. 794, 795-96 (granting disability benefits to veterans of the War of 1812 and pensions to their widows and orphans); Act of July 14, 1862, ch. 166, § 1, 12 Stat. 566 (granting benefits for illness, injury, or death incurred by Union veterans during the Civil War).

In 1865, President Abraham Lincoln, seeking to heal a divided nation with his second inaugural address, invoked this historic duty to reconcile veterans of the Civil War. He asked the country "to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow, and his orphan," "[w]ith malice toward none." U.S. Dep't of Veterans Affairs, *The Origin of the VA Motto*, https://tinyurl.com/4ku2vez6 (last visited Nov. 18, 2025). Those words remain emblazoned on VA's headquarters, a "solemn reminder of VA's commitment to care for those injured in our nation's defense and the families of those killed in its service." *Id.*

World War I and the Great Depression placed tremendous burdens on veterans, due in part to deferred bonuses promised in the war's aftermath. World War Adjusted Compensation Act of 1924, ch. 157, § 501, 43 Stat. 121, 125-26; Terence McArdle, *The veterans were desperate; Gen. MacArthur ordered U.S. troops to attack them*, Wash. Post (July 28, 2017), https://tinyurl.com/qpqubwx. To remediate these hardships,

Congress in 1930 authorized the President to "consolidate and coordinate governmental activities affecting war veterans." Act of July 3, 1930, Pub. L. No. 71-536, ch. 863 (title), 46 Stat. 1016. A few weeks later, President Herbert Hoover signed an executive order establishing the Veterans' Administration as an independent federal agency. Exec. Order No. 5398 (July 21, 1930), https://tinyurl.com/4nx5u6hw. Through this new agency, Congress would launch a new era in veterans' benefits.

B. Keeping with historical tradition, Congress enacted a comprehensive pro-veteran system for benefits adjudication.

This new era marked the modern capstone of the Anglo-American tradition. Congress created VA to administer a new, unequivocally pro-claimant system of generous veterans' benefits. *See*, *e.g.*, Economy Act of 1933, ch. 3, § 1(a), 48 Stat. 8 (authorizing a pension for "active military or naval" personnel disabled in service); Servicemen's Readjustment Act of 1944 (also known as the G.I. Bill), ch. 268, 58 Stat. 284-92 (establishing hospitals and mortgage and tuition assistance for veterans). The benefits are comprehensive, including medical care, tuition, housing loans, disability payments, and burial benefits. *See Nat'l Ass'n of Radiation Survivors*, 473 U.S. at 309-11; 38 U.S.C. §§ 1110-1176, 3311, 3710, 3742. This system favors veterans at every turn. *See* 38 C.F.R. §§ 3.1-3.1010.

To initiate a claim, a veteran files an application with VA. 38 U.S.C. § 5101; 38 C.F.R. § 3.155. Federal law directs VA to "decide all questions of law and fact

necessary to a decision by [VA] under a law that affects the provision of benefits … to veterans." 38 U.S.C. § 511(a). To that end, VA must notify the claimant of any additional information required to complete the application before rendering an adverse decision. 38 U.S.C. §§ 5102(b), 5103; *see* 38 C.F.R. § 3.159(b). VA also must assist the claimant in obtaining supporting evidence. 38 U.S.C. § 5103A; 38 C.F.R. § 3.159(c).

A veteran may support a disability claim with private medical records. 38 U.S.C. § 5103A(b); 38 C.F.R. § 3.326. VA may also schedule a medical examination at no cost to the veteran. 38 C.F.R. §§ 3.159(c)(4), 3.326. In complex cases, a veteran may seek an independent opinion from an outside expert. 38 U.S.C. § 5109; 38 C.F.R. § 3.328. Congress has enacted presumptions of service-connection for a variety of injuries and diseases to further ease a claimant's burden of proof. *See* 38 U.S.C. §§ 1116-1120; 38 C.F.R. §§ 3.307, 3.309.

The veteran is entitled to a non-adversarial hearing. 38 C.F.R. § 3.103(d); *Nat'l Ass'n of Radiation Survivors*, 473 U.S. at 309-10. VA must award benefits if the assembled evidence supports the claim or is in "approximate balance"; only when evidence "persuasively favors" the government may VA deny the claim. 38 U.S.C. § 5107(b); *Lynch v. McDonough*, 21 F.4th 776, 781-82 (Fed. Cir. 2021) (en banc). Once VA makes a "finding favorable to the claimant," it binds all VA adjudicators unless rebutted with clear and convincing evidence. 38 U.S.C. § 5104A. VA must "grant[] every benefit that can be supported in law." 38 C.F.R. § 3.103(a); *see also* 38 C.F.R. § 3.155(d)(2)

(requiring adjudication of even "ancillary benefits"). A claimant who disagrees with VA's decision may appeal first to the Board of Veterans' Appeals, then the Court of Appeals for Veterans Claims, the Federal Circuit, and finally this Court. 38 U.S.C. §§ 7105, 7266, 7292; 28 U.S.C. § 1254.

Congress manifests its "special solicitude for the veterans' cause" through the benevolent adjudication of these benefits. *Shinseki v. Sanders*, 556 U.S. 396, 412 (2009). The statutory scheme favors veterans at every stage—as Blackstone put it, "put[ting them] in a much better" "condition than any other" citizen. 1 Blackstone at 404. Veterans' benefits regulations—promulgated by the agency Congress created for the sole purpose of implementing and administering its pro-veteran legislation—must be read in harmony with this self-evident congressional purpose.

II. Considering Veterans' Claims For Compensation And Pension Together Makes Sense In This Larger Statutory Scheme And The Narrower Regulatory Framework.

The regulation governing the disability compensation that Mr. Champagne first sought in 1987—38 C.F.R. § 3.151(a)—is unambiguous and consistent with both the Anglo-American tradition and this self-evident congressional purpose. Section 3.151(a) requires that, when a veteran eligible for both applies for disability compensation or disability pension, VA must consider both benefits and award "[t]he greater." Indeed, for years VA interpreted § 3.151(a) to require that dual evaluation, consistent with the

regulation's plain language, our legal tradition, and Congress's manifest beneficence toward veterans.

A. The Federal Circuit misconstrued the duties imposed by 38 C.F.R. §§ 3.151(a) and 3.152(b)(1).

Among the generous resources available to veterans are the disability benefits governed by 38 C.F.R. § 3.151 that Mr. Champagne applied for in 1987: (a) service-connected disability compensation; and (b) pensions for those who are (i) at least 65 years old or (ii) permanently and totally disabled from a non-service-connected disability.[4] *See* 38 U.S.C. §§ 1110 (service-connected disability), 1513 (age-related pension), 1521 ("non-service-connected disability"). Section § 3.152 governs similar benefits for family members of deceased veterans, including dependency and indemnity compensation (DIC), death pensions, and accrued benefits. *See* 38 U.S.C. §§ 1311 (DIC), 1541 (death pensions), 5121 (accrued benefits).

The Federal Circuit's decision denying Mr. Champagne's claim relied in part on the "overall regulatory scheme" as embodied in these two regulations. Pet. App. 13a. Because § 3.151(a) uses the permissive "may be considered" and § 3.152(b)(1) the mandatory "will be considered" to define VA's obligation to weigh alternative benefits, the Federal Circuit concluded

[4] In 1987, Mr. Champagne, then only 52 years old, would have been ineligible for an age-related pension under 38 U.S.C. § 1513. CAFC App. 25. His entitlement to disability compensation rather than pension thus turned exclusively on whether his disability was service-connected, which VA has conceded it was. Pet. 12; Pet. App. 5a.

the regulations obligated VA to consider all available benefits for family members while denying the same latitude to veterans. Pet. App. 12a-13a. In other words, the Federal Circuit authorized VA to treat family members more favorably than the veterans whose service is the source of their family's entitlement.

The Federal Circuit's erroneous decision misunderstands both the text and context of these regulations. As the Federal Circuit noted, § 3.152(b)(1) mandates that a DIC application "will also be considered" as an application for death pensions and accrued benefits and vice versa. 38 C.F.R. § 3.152(b)(1); Pet. App. 13a. This makes sense because every benefit available under § 3.152 shares a prerequisite: the death of the veteran. VA awards survivors DIC if the veteran's death is service-connected, 38 U.S.C. § 101(14); *see* 38 U.S.C. § 1311, and a pension if it is not, 38 U.S.C. § 101(15); *see* 38 U.S.C. § 1541. VA also awards survivors accrued benefits—those due but not paid to a veteran before her death. 38 U.S.C. § 5121. Unquestionably, then, any application making the threshold showing of the veteran's death is eligible for at least one of these benefits. Treating an application for one as an application for all enhances VA efficiency and accelerates survivors' receipt of benefits.

Unlike § 3.152, the veterans' benefits awarded under § 3.151(a) do not share a single common prerequisite, rendering § 3.152(b)(1) an imperfect analogue and the Federal Circuit's reasoning flawed. *Contra* Pet. App. 13a (recognizing differences only in the regulations' language, not in their function). Service-connected disability compensation and non-service-

connected disability pension share an obvious prerequisite—disability. *Compare* 38 U.S.C. § 1110, *with* 38 U.S.C. § 1521. But another benefit is available under § 3.151(a) that does not depend on a disability—a pension for veterans aged 65 or older. 38 U.S.C. § 1513. In other words, a disabled applicant will qualify for one of two benefits—compensation or pension—while an able-bodied applicant will qualify for only pension. The "compulsory language" of § 3.152(b)(1) upon which the Federal Circuit's opinion depends therefore has no place in § 3.151(a). Pet. App. 13a.

Section 3.151(a) must be read with these differences in mind:

> A claim by a veteran for compensation may be considered to be a claim for pension; and a claim by a veteran for pension may be considered to be a claim for compensation. The greater benefit will be awarded, unless the claimant specifically elects the lesser benefit.

38 C.F.R. § 3.151(a). The "may be considered" language reflects the simple fact that different applicants trigger different duties under the regulation. VA need only consider an able-bodied applicant for a pension. But for disabled applicants, VA can only satisfy its duty to award the "greater" of compensation or pension by comparing those benefits. *Greater*, Oxford English Dictionary, https://tinyurl.com/4cupkedw (last visited Nov. 3, 2025) ("The comparative of great"). "May" thus allows VA to award the "greater benefit" without a redundant application. *See United States v. Rodgers*, 461 U.S. 677, 706 (1983) (discretion

implied by "may" "can be defeated by … obvious inferences from the [regulation's] structure and purpose"). "May" does not, as the Federal Circuit's decision suggests, invite VA "to provide more favorable treatment for veterans' [survivors] than it provide[s] for veterans, who are the primary focus of the veterans' benefits legislation," *Pelea v. Nicholson*, 497 F.3d 1290, 1292 (Fed. Cir. 2007).

Section 3.151(a)'s placement in a larger mandatory scheme reinforces this understanding. *West Virginia v. EPA*, 597 U.S. 697, 721 (2022). Upon request, "the appropriate application form will be furnished" by VA. 38 C.F.R. § 3.150(a). When a veteran dies, "the appropriate application form will be forwarded to" dependents. *Id.* § 3.150(b). When an application "encompasses a request for more than one determination of entitlement, each specific entitlement will be adjudicated and ... considered a separate issue." *Id.* § 3.151(c). VA "will issue a decision" as to each. *Id.* And, as with a veteran's disability compensation or disability pension claim, applications for benefits with common eligibility requirements "will be considered" interchangeably. *See*, *e.g.*, *id.* §§ 3.152(c)(1), 3.153. Even within § 3.151(a), "will" follows "may": "The greater benefit will be awarded." *Id.* § 3.151(a). VA cannot satisfy the "will" if it reads "may" to avoid comparing benefits in the first instance. *See Splane v. West*, 216 F.3d 1058, 1068 (Fed. Cir. 2000). These imperatives demonstrate that § 3.151(a)'s "may" authorizes VA to undertake a necessary comparison of benefits without a second application. It does not give VA discretion to disregard its duty to maximize a disabled veteran's benefits or to treat survivors better than veterans.

B. VA has long recognized the value in concurrently processing overlapping disability claims.

For more than half a century, VA adhered to this interpretation. In 1938, VA's predecessor enacted a regulation mandating that a completed application "will be considered" and "adjudicated" for "all disability compensation or disability pension benefits for which the veteran may be eligible by reason of active service." 38 C.F.R. § 2.1026 (1938). While there were periods when service-connected and non-service-connected compensation and pensions required separate forms, *see*, *e.g.*, 38 C.F.R. § 2.1026 (1944), a single form, when in use, constituted an application for both disability compensation and pension, 38 C.F.R. § 3.26 (1956).

By the mid-1950s, a compensation or pension application explicitly "constitute[d] a formal claim for both benefits," rendering unnecessary "a separate claim for either." 38 C.F.R. § 3.26 (1956). The regulation expressly recognized, as its modern counterpart implicitly does, that such a claim need not "be processed or adjudicated for compensation and pension routinely and in all instances" because it will "be readily apparent whether the veteran is claiming either compensation or pension, or both benefits." *Id*. But when a claim was made for either disability benefit, "all disabilities, both service connected and non-service connected, will be evaluated and the greater benefit awarded." *Id*. VA's duty was clear.

Section 3.151(a) was "simplifi[ed]" in 1961, with "mindfulness of the [regulation's] direct, personal impact." *See* President's Commission on Veterans' Pensions, *Veterans' Benefits in the United States: A Report to the President* 409 (April 1956), https://tinyurl.com/3edjxmx8; 26 Fed. Reg. 1570 (Feb. 24, 1961). The regulation's stated purpose remained the same: VA will consider awarding compensation and pension to any potentially eligible disabled veteran. Whatever the label, "[t]he greater benefit will be awarded." 38 C.F.R. § 3.151 (1963); *see* 38 C.F.R. § 3.151(a) (same); *see also John R. Sand & Gravel Co. v. United States*, 552 U.S. 130, 135-36 (2008) (where statutory changes are "slight[]" and the words "mean about the same thing," the effect remains unchanged). Section 3.151(a)'s evolution reflects changes in syntax, not substance.

This interpretation survived into the 1990s. VA advised staff that, "[i]f there is any doubt as to which benefit is sought, both [compensation and pension] phases of the claim will be adjudicated." Veterans Admin., Department of Veterans Benefits Manual, M21-1, Adjudication Procedure 21-1 (April 13, 1983), https://tinyurl.com/863dc4ks. "Irrespective of the items completed or the words used by the veteran, if potential entitlement to either benefit exists, the claim should be processed accordingly." *Id.* The failure to "process[claims] accordingly," *id.*, breached VA's duty "to ensure that each veteran is informed of all benefits to which he is entitled," *Ferraro v. Derwinski*, 1 Vet. App. 326, 333 (1991).

For more than 50 years, VA understood § 3.151 to require evaluation of eligibility for both disability

compensation and disability pension when a disabled applicant like Mr. Champagne applied for either. "The agency's track record" is "particularly probative in this context" where it has discarded a "longstanding" interpretation in favor of a "dubious" new one. *Biden v. Nebraska*, 600 U.S. 477, 519 (2023) (Barrett, J., concurring). The correct interpretation of § 3.151 was VA's first, and this Court should restore it.

III. The Veterans Canon Reinforces The Correct Interpretation Of The Statutory Text.

The veterans canon bolsters 38 C.F.R. § 3.151(a)'s mandate that disabled veterans receive "the greater benefit" to which they are entitled. As the Court has explained, this 82-year-old canon of construction reflects Congress's intent to benefit veterans by enacting veterans' benefits laws. "'The solicitude of Congress for veterans is of long standing.' And that solicitude is plainly reflected in … laws that 'place a thumb on the scale in the veteran's favor in the course of administrative and judicial review of VA decisions.'" *Henderson*, 562 U.S. at 440 (first quoting *United States v. Oregon*, 366 U.S. 643, 647 (1961); then quoting *Sanders*, 556 U.S. at 416 (Souter, J., dissenting)). Since at least 1943, Congress has legislated against this default presumption. *King*, 502 U.S. at 220-21 n.9. And Congress has done so with the obvious intention of remediating burdens on "those who have been obliged to drop their own affairs to take up the burdens of the nation." *Boone v. Lightner*, 319 U.S. 561, 575 (1943). In this sense, the veterans canon echoes the substantive canon that remedial laws should be construed broadly rather than become a "trap for the unwary." *Comer v. Peake*, 552 F.3d 1362,

1369 (Fed. Cir. 2009) ("The VA disability compensation system is not meant to be a trap for the unwary, or a stratagem to deny compensation to a veteran who has a valid claim, but who may be unaware of the various forms of compensation available to him."). This Court should thus make clear that the canon remains a vital tool of statutory and regulatory construction.

A. This Court has endorsed the veterans canon for more than 80 years.

As the Court reaffirmed just two Terms ago, the veterans canon is an important interpretive tool to determine the best reading where the plain text of a veterans' benefit statute or regulation is uncertain. *Rudisill v. McDonough*, 601 U.S. 294, 314 (2024). Indeed, this Court has recognized the veterans canon for more than 80 years—thereby predating most modern veterans' benefits legislation. In *Boone v. Lightner*, for example, the Court considered the Soldiers' and Sailors' Civil Relief Act of 1940, a federal law providing protections for active-duty servicemembers. 319 U.S. at 564-65. Although the Court ultimately rejected the servicemember's attempt to delay civil litigation as among the "few cases" putting the Act to "unworthy use," the Court explained that the legislation "is always to be liberally construed to protect those who have been obliged to drop their own affairs to take up the burdens of the nation." *Id.* at 575.

A few years later, when discussing the Selective Training and Service Act of 1940, the Court reiterated this pro-veteran approach to statutory construction: "This legislation is to be liberally construed for the benefit of those who left private life to serve their

country in its hour of great need." *Fishgold v. Sullivan Drydock & Repair Corp.*, 328 U.S. 275, 285 (1946). Although here, too, the Court rejected the veteran's claim of an increase in seniority, it nonetheless stated that it must "construe the separate provisions of the Act as parts of an organic whole and give each as liberal a construction for the benefit of the veteran as a harmonious interplay of the separate provisions permits." *Id.* Likewise, the Court explained decades later that the Vietnam Era Veterans' Readjustment Assistance Act of 1974 "is to be liberally construed for the benefit of the returning veteran." *Coffy v. Republic Steel Corp.*, 447 U.S. 191, 195-96 (1980) (deeming the steel industry's supplemental unemployment benefits plan to be a perquisite of seniority that must be afforded to returning veterans).

More recently, the Court reaffirmed the canon's vitality in construing the Veterans' Reemployment Rights Act to prohibit tour-of-duty length limits on veterans' reemployment rights. The Court noted that, if the meaning of the text was unclear, it "would ultimately read [an uncertain] provision in [the veteran]'s favor under the canon that provisions for benefits to members of the Armed Services are to be construed in the beneficiaries' favor." *King*, 502 U.S. at 220-21 n.9. The Court further held that it "will presume congressional understanding of such interpretive principles." *Id.*

The Court relied on the veterans canon again in *Henderson v. Shinseki*, explaining that it has "long applied 'the canon that provisions for benefits to members of the Armed Services are to be construed in the beneficiaries' favor.'" 562 U.S. at 441 (quoting

King, 502 U.S. at 220-21 n.9). In *Henderson*, the Court concluded that Congress did not intend the deadline for filing a notice of appeal with the Court of Appeals for Veterans Claims to be jurisdictional. "Particularly in light of this canon, we do not find any clear indication that the 120-day limit was intended to carry the harsh consequences that accompany the jurisdiction tag." *Id.*

And just last year the Court recognized that the veterans canon remained a viable interpretive tool. *Rudisill*, 601 U.S. at 314. Although that case was resolved "based on statutory text alone," *id.*, the availability and utility of the veterans canon endures. *See Arellano v. McDonough*, 598 U.S. 1, 14 (2023) ("If the text and structure favored [the veteran], the nature of the subject matter would garnish an already solid argument.").

The veterans canon does not "serve a value that the judiciary has chosen to specially protect," *Biden v. Nebraska*, 600 U.S. at 509 (Barrett, J., concurring), but rather serves Congress's "long standing policy of compensating veterans for their past contributions by providing them with numerous advantages," *Regan*, 461 U.S. at 551.

B. The veterans canon applies with full force here.

Against this common-law backdrop, Congress has enacted legislation to ameliorate the burdens of military service. *See King*, 502 U.S. at 221 n.9 (presuming that Congress legislates with the pro-veteran "interpretive principle[]" in mind). Indeed, this Court has

underscored Congress's intent to help veterans. "[W]e recognize that Congress has expressed special solicitude for the veterans' cause. A veteran, after all, has performed an especially important service for the Nation, often at the risk of his or her own life." *Sanders*, 556 U.S. at 412 (citation omitted). "And Congress has made clear that the VA is not an ordinary agency. Rather, the VA has a statutory duty to help the veteran develop his or her benefits claim." *Id.*

Throughout its history, this country has prioritized repaying the debt owed to those who risk their lives and livelihoods to protect the American public. Dating back to the Revolutionary War, the government has provided medical care and benefits to our veterans. *See* U.S. Dep't of Veterans Affairs, *VA History* (May 27, 2021), https://tinyurl.com/yexhm4ab. This has included compensation and pensions for veterans with disabilities, as well as hospital and medical care. *Id.*; *see supra*, § I.A.

In evaluating whether and how benefits should be awarded to veterans, Congress has created a veterans benefits system "designed to function throughout with a high degree of informality and solicitude for the claimant." *Henderson*, 562 U.S. at 431 (quoting *Nat'l Ass'n of Radiation Survivors*, 473 U.S. at 311). Rather than opposing veterans' claims, "VA is charged with the responsibility of assisting veterans in developing evidence that supports their claims, and in evaluating that evidence, the VA must give the veteran the benefit of any doubt." *Id.* at 440.

Congress reiterated its intent to provide a cooperative pro-veteran benefits process when it enacted the

Veterans Judicial Review Act, which authorized federal judicial review only of decisions adverse to veterans. *See, e.g.*, 38 U.S.C. §§ 7251, 7252. The House Report explained: "Congress has designed and fully intends to maintain a beneficial non-adversarial system of veterans benefits. This is particularly true of service-connected disability compensation…." H.R. Rep. No. 100-963, at 13 (1988). Congress further stated that it "expects VA to fully and sympathetically develop the veteran's claim to its optimum before deciding it on the merits" and "to resolve all issues by giving the claimant the benefit of any reasonable doubt." *Id.*

Congress authorized VA to promulgate regulations to administer its remedial statutory scheme. As relevant here, Congress expressly directed VA to enact regulations regarding the claims forms for veterans to apply for benefits. "The Secretary has authority to prescribe all rules and regulations which are necessary or appropriate to carry out the laws administered by [VA] and are consistent with those laws, including … the forms of application by claimants under such laws." 38 U.S.C. § 501(a)(2); *see* 38 U.S.C. § 5101(a)(1)(A). Under this rulemaking authority, VA promulgated 38 C.F.R. § 3.151, which lays out VA's claims process for disability benefits.

Here, Congress enacted legislation to remediate veterans' service-connected disabilities and financial hardship, and VA enacted a regulation to facilitate the claims process. This Court has recognized that such remedial laws should be construed broadly.

The Court has traditionally been "guided by the familiar canon of statutory construction that remedial legislation should be construed broadly to effectuate its purposes." *Tcherepnin v. Knight*, 389 U.S. 332, 336 (1967) ("The Securities Exchange Act … falls into the category of remedial legislation" because a central purpose "is to protect investors.").[5] The Court has broadly construed many other statutes that aimed to confer benefits or remedy an existing process. *See, e.g.*, *Atchison, T. & S.F.R. Co. v. Buell,* 480 U.S. 557, 562 (1987) (Federal Employers' Liability Act is a "broad remedial statute" which must be given a liberal construction); *Gomez v. Toledo*, 446 U.S. 635, 638-39 (1980) (Section 1983 is "remedial legislation [that] is to be construed generously to further its primary purpose") (citation omitted); *Socony-Vacuum Oil Co. v. Smith*, 305 U.S. 424, 431 (1939) ("[R]emedial legislation for the benefit and protection of seamen has been liberally construed to attain that end," given "the special circumstances attending their calling."); *McDonald v. Thompson*, 305 U.S. 263, 266

[5] The remedial canon also dates to the common law of England. In ruling on the validity of real property leases, the Court of the Exchequer weighed the "mischief" a Henrician statute was designed to "suppress"—that soon-to-be dissolved religious orders "made long and unreasonable leases" to deprive the Crown of rents—and "construe[d]" that act to "advance the remedy, and to suppress subtle inventions and evasions for continuance of the mischief." *Heydon's Case* (1584) 76 Eng. Rep. 637, 638-39. Blackstone likewise instructed that remedial statutes be interpreted in light of "the old law, the mischief, and the remedy." 1 Blackstone at 87. Early American courts also "invoked the canon that remedial statutes should be broadly construed." Amy Coney Barrett, *Substantive Canons and Faithful Agency*, 90 B.U. L. Rev. 109, 154 & n.216 (2010) (citing cases).

(1938) ("[T]he [Motor Carrier] Act is remedial and to be construed liberally ….").

If remedial statutes for motorists and investors are entitled to liberal interpretation, then certainly those intended to compensate veterans' sacrifices and encourage future military service are entitled to liberality as well. *See, e.g.*, *Oregon*, 366 U.S. at 647 ("The solicitude of Congress for veterans is of long standing."); *Sanders*, 556 U.S. at 412 ("[W]e recognize that Congress has expressed special solicitude for the veterans' cause."). And the broad construction of remedial legislation extends to the regulations promulgated by VA to implement veterans' benefits laws. *See Kisor v. Wilkie*, 588 U.S. 558, 628 (2019) (Gorsuch, J., concurring) ("When we interpret a regulation, we typically … 'begin our interpretation of the regulation with its text' and, if the text is unclear, we 'turn to other canons of interpretation ….'"); *Kisor v. McDonough*, 995 F.3d 1347, 1368 (Fed. Cir. 2021) (O'Malley, J., dissenting from denial of rehearing en banc) (explaining that remedial purpose canon applies to "remedial regulations").

This case demonstrates the importance of (and need for) the veterans canon to effectuate Congress's unwavering intent to help veterans. In a system with special solicitude for veteran-claimants—and an agency under a specific statutory duty to assist them, 38 U.S.C. § 5103A—it is reasonable that the claims process should help, rather than hinder, veterans. Here, Congress provided for two categories of disability-related payments to veterans: (1) disability *compensation* to veterans with service-connected disabilities and (2) disability *pensions* to low-income

veterans with non-service-connected disabilities.[6] *See* 38 U.S.C. §§ 1110, 1131, 1521, 5101. It was obvious from Mr. Champagne's application that he was at least eligible for disability pension. Where VA erred was in failing to evaluate whether his disability was service-connected, rendering him eligible for the more generous disability compensation. Congress did not intend an "arguably ambiguous" application form for these benefits to impede the meritorious claims of poor and disabled veterans like Mr. Champagne's, but that is precisely what happened here when VA abdicated its duty under § 3.151(a). Pet. App. 9a n.2.

Consistent with Congress's long-standing intent to alleviate the financial burdens of disabled veterans, VA enacted a regulation that requires the agency to evaluate disability claims for both pension and compensation eligibility to ensure that each veteran receives the greater available amount. *See* 38 C.F.R. § 3.151(a). But instead of applying the best (and pro-veteran) reading of that regulation, VA reflexively awarded Mr. Champagne a disability pension without considering whether his disability was service-connected, rendering him eligible for more generous disability compensation. These are the "harsh consequences" that the veterans canon is meant to check. *Henderson*, 562 U.S. at 441.

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[6] As noted earlier, *supra* 10 & n.4, although 38 U.S.C. § 1513 authorizes pensions for low-income veterans aged 65 or older regardless of disability, Mr. Champagne was not eligible for age-related pension in 1987.

The Court should reaffirm that the veterans canon remains an essential tool for ensuring that veterans benefits statutes and regulations in fact benefit veterans.

CONCLUSION

For the foregoing reasons, the Court should grant the petition for a writ of certiorari.

Respectfully submitted,

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