

24-320 SOTO V. UNITED STATES

DECISION BELOW: 92 F.4th 1094

LOWER COURT CASE NUMBER: 2022-2011

QUESTION PRESENTED:

This case determines whether thousands of medically retired combat veterans should receive all the combat related special compensation (CRSC) that Congress specifically authorized for combat veterans. The government has elected to calculate the period of retroactive compensation due using the procedure in the Barring Act (31 U.S.C. § 3702) instead of the one in the CRSC statute (10 U.S.C. § 1413a)-a maneuver that allows the government to apply the Barring Act's six- year limitations period in order to pay the veterans less. But the Barring Act is a default provision and does not apply where "another law" provides a procedure for calculating the amount due-that is, for "settling" a demand for payment.

Although this Court's precedent defines "settlement" of demands for payment from the federal government as "the administrative determination of the amount due," it has not decided the test for whether a statute provides a settlement procedure that should apply in place of the Barring Act. And agency practice more broadly-which aligns with the test the District Court articulated and is consistent with this Court's definition of "settlement"-is irreconcilable with the novel test that the Federal Circuit applied, although both tests claim reliance on this Court's definition of "settlement."

The question presented is:

When a person makes a demand for money from the federal government pursuant to federal statute, what test should courts and agencies use to determine whether that statute includes a settlement procedure that displaces the default procedures and limitations set forth in the Barring Act (31 U.S.C. § 3702)?

GRANTED LIMITED TO THE FOLLOWING QUESTION: GIVEN THE FEDERAL CIRCUIT'S HOLDING THAT A CLAIM FOR COMPENSATION UNDER 10 U. S. C. §1413a IS A CLAIM "INVOLVING ... RETIRED PAY" UNDER 31 U. S. C. §3702(a)(1) (A), DOES 10 U. S. C. §1413a PROVIDE A SETTLEMENT MECHANISM THAT DISPLACES THE DEFAULT PROCEDURES AND LIMITATIONS SET FORTH IN THE BARRING ACT?

CERT. GRANTED 1/17/2025