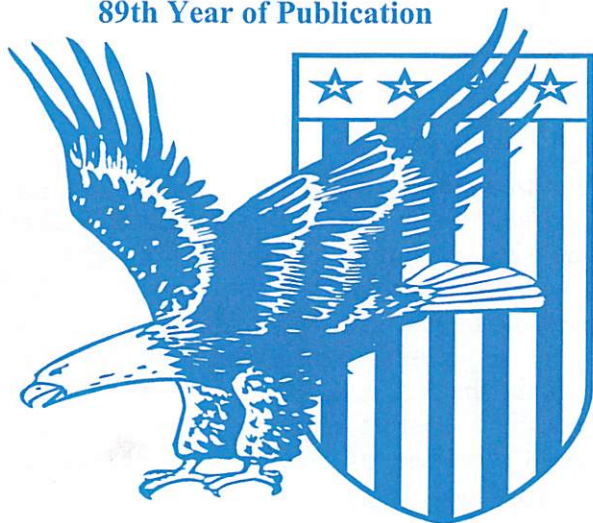


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WHAT EVERY VETERAN SHOULD KNOW

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Supreme Court Denies 'Benefit of the Doubt' Standard in Close Disability Claims for Veterans

In a significant recent ruling, the U.S. Supreme Court decided in a 7-2 vote that the Department of Veterans Affairs (VA) is not obligated to grant claims for post-traumatic stress disorder (PTSD) to veterans when evidence indicates the decision could go either way.

The decision follows an appeal by two veterans—Joshua Bufkin, an Air Force veteran (2005–2006), and Norman Thornton, an Army Gulf War veteran (1988–1991).

Both veterans argued that their PTSD disability claims, which the VA considered close decisions, should have been granted under the long-standing "benefit-of-the-doubt" standard. This rule historically favored veterans when evidence was equally balanced between approval and denial.

However, in a 7-2 decision, the Supreme Court disagreed, clarifying that the VA is not required to automatically rule in favor of veterans when cases are borderline. Instead, the court confirmed that the standard for overturning a VA decision hinges on whether the dispute involves factual findings or legal interpretations.

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Only decisions that are clearly erroneous or represent an abuse of discretion should be overturned by the veterans court, the Supreme Court's majority opinion stated.

Justice Ketanji Brown Jackson, joined by Justice Neil Gorsuch, dissented, highlighting concerns that this ruling could lead to unfair denial of veterans' disability benefits. She argued in favor of a deeper consideration of the evidence presented when decisions are closely balanced, reflecting the veterans' original viewpoint.

Bufkin initially sought disability compensation for PTSD following a hardship discharge, while Thornton aimed for an increase in his disability rating from the VA. Both veterans faced denials upheld through multiple appeals, culminating in this Supreme Court decision.

The ruling clarifies the review standards for disability claims, emphasizing a distinction between factual versus legal questions in veterans' cases. Despite attorneys arguing that the benefit-of-the-doubt principle has historically guided the VA for over 100 years, the Supreme Court determined that the VA's obligation under current law does not require granting benefits in borderline cases unless clear factual errors exist.

Veterans navigating disability claims should note this important clarification regarding how the VA and courts assess disputed claims, especially in close-call scenarios.

Understanding VA Back Pay: A Detailed Guide for Veterans

Navigating the VA's disability claims process can often be lengthy and confusing, and many veterans find themselves waiting months or even years before their claims are finally approved. One silver lining to this often-frustrating process is something known as VA "back pay." Back pay is compensation provid-

ed retroactively to veterans who have been approved for VA disability benefits. Rather than simply starting payments from the approval date forward, the VA recognizes that veterans have been waiting, sometimes for extensive periods, to receive their benefits. As a result, the VA issues a lump-sum payment covering the entire duration between the initial effective date of the claim and the date the claim was finally granted.

This lump-sum payment is what's commonly known as "VA back pay," and it can be a crucial financial relief for veterans who have endured lengthy waits. Back pay applies not only to first-time claims but also to successful appeals. For example, if your initial disability rating was low and, after an appeal, it was increased, you would receive a lump sum reflecting the difference you should have been paid from the original effective date.

Determination about whether you're eligible for back pay generally revolves around the timeline of your disability and the claims process itself. When you first submit a disability claim to the VA, you identify an effective date—typically, the day your claim was filed. Sometimes, this date may even go further back if you can demonstrate medically that your disability existed prior to filing. This effective date is crucial because it determines how much back pay you'll receive. If, after months of processing, your claim is finally approved, the VA calculates the compensation you're owed based on this effective date.

The amount you receive depends primarily on your disability rating and your family status. Veterans with higher disability ratings receive higher monthly payments. Those with dependents, such as spouses or children, also receive additional funds each month.

To determine your total back pay, the VA multiplies the monthly compensation rate applicable to your disability rating by the total number of months elapsed since your claim's effective date.

For instance, if you're awarded a 70% disability rating and your claim took 12 months to process, your back pay would equal your monthly rate at 70% multiplied by 12 months.

One of the most reassuring aspects of back pay is that veterans don't need to submit a separate application or form to receive it. Once your claim is approved, the VA automatically calculates and issues back pay directly to your bank account via direct deposit. However, there are essential steps veterans can take to ensure that back pay is calculated correctly and swiftly paid. Most importantly, veterans should ensure that they clearly document and communicate their effective date from the outset of the claims process. Strong medical documentation establishing the onset of your disability is critical, as this evidence directly influences the effective date that VA specialists assign to your claim.

Once your claim is finally approved, you can typically expect to receive your back pay relatively quickly—often within about 15 to 90 days. Most veterans see the lump-sum payment appear in their bank accounts shortly after the approval letter. However, in more complicated or disputed cases—particularly those involving appeals—the wait can sometimes extend beyond a couple of months. If you've recently won an appeal that increased your disability rating, the additional back pay reflecting the increased rating usually arrives within one to two months after the appeal decision.

To avoid unnecessary delays, veterans should respond quickly whenever the VA requests additional documentation or clarification during the claims process. Thoroughly preparing your initial claim—complete with medical evidence and precise documentation—can substantially reduce processing times. Likewise, promptly appealing any decisions you disagree with can help accelerate the timeline toward getting your full compensation.

Veterans unsure about any aspect of the VA back pay process—or simply looking for additional guidance—can access support from several resources. The VA itself offers direct assistance through their helpline at 800-827-1000. Additionally, veterans service organizations (VSOs) such as Disabled American Veterans (DAV), Veterans of Foreign Wars (VFW), or the American Legion provide free, expert assistance in filing claims and navigating the appeals process.

Understanding VA back pay can significantly ease the financial strain that comes with waiting for disability compensation. By knowing how back pay is calculated, how and when it's issued, and how to streamline your claims process, veterans can more effectively advocate for the compensation they rightfully deserve.

A Comprehensive Guide to VA Benefits for Former Military Spouses

When a marriage to a military veteran ends in divorce, questions about entitlement to veterans benefits often arise.

Many former spouses wonder whether they remain eligible for any VA benefits after the marriage dissolves, especially if their former spouse receives disability compensation or other military-related benefits.

The answers, however, are not always straightforward.

The Department of Veterans Affairs (VA) and other government agencies have specific rules governing when former spouses can—and cannot—receive benefits, and navigating these rules can sometimes feel overwhelming.

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This guide provides clarity and direction, exploring the benefits available, eligibility criteria, and practical steps former spouses can take to access support they're entitled to receive.

Understanding the Landscape: Can Former Spouses Receive VA Disability Compensation?

A common misconception among divorced spouses is that they're entitled to a direct share of a veteran's disability compensation after divorce. In reality, VA disability compensation itself is protected by federal law from division in divorce proceedings. Unlike military retirement pay, which can be divided in divorce, disability benefits awarded specifically for service-connected disabilities are off-limits to former spouses. Courts cannot directly garnish or assign these disability payments to a former spouse, regardless of circumstances.

However, there are exceptions and important nuances to this rule. Although direct division or garnishment of disability benefits isn't permitted, these benefits can indirectly affect divorce settlements. For instance, courts sometimes award higher alimony or child support payments when a veteran receives disability compensation, factoring that income into overall financial calculations—even though they can't directly order a portion of disability compensation itself to be given to the former spouse.

Military Retirement Pay and the "10-Year Rule"

One veterans-related benefit commonly divided during divorce is military retirement pay. A critical rule here is what's popularly known as the "10-year rule." Under the Uniformed Services Former Spouses' Protection Act (USFSPA), former spouses who were married

to the servicemember for at least ten years, overlapping at least ten years of the veteran's creditable military service, are entitled to directly receive their share of the servicemember's retirement pay through the Defense Finance and Accounting Service (DFAS).

If this "10-year rule" isn't met, a court can still award part of a servicemember's retirement pay to a former spouse—but the veteran would pay the former spouse directly rather than through DFAS. It's crucial for former spouses to ensure their divorce decree clearly outlines these payments, especially if the marriage and military service overlapped significantly, because retirement pay may be the most substantial veterans-related benefit a former spouse could claim.

TRICARE Health Benefits: The 20/20/20 and 20/20/15 Rules

One of the most significant benefits former military spouses may access is TRICARE health insurance coverage. Eligibility for this benefit depends upon meeting very specific marriage-service overlap conditions:

The 20/20/20 Rule: If the former spouse was married to the veteran for at least 20 years, the veteran completed at least 20 years of creditable service toward retirement, and at least 20 years of marriage overlap with military service, the former spouse retains full TRICARE benefits after divorce. This includes health coverage, pharmacy benefits, and access to military installations.

The 20/20/15 Rule: For those who don't meet the full 20/20/20 criteria but were married at least 20 years, with 15 of those years overlapping the servicemember's active duty career, TRICARE coverage continues—but only temporarily (one year after divorce).

If these rules aren't met, the former spouse's TRICARE eligibility generally ends upon divorce, requiring them to seek health coverage elsewhere. Understanding where you stand with these rules can help you plan accordingly for your post-divorce healthcare needs.

VA Survivor Benefits After Divorce: What Happens to DIC and SBP?

Divorced spouses often wonder whether they remain eligible for survivor benefits, such as Dependency and Indemnity Compensation (DIC) or the Survivor Benefit Plan (SBP). Here's how it works:

Dependency and Indemnity Compensation (DIC): Unfortunately, former spouses typically lose eligibility for DIC upon divorce. DIC is reserved exclusively for surviving spouses who were still legally married to the veteran at the time of the veteran's death. Divorce usually terminates any claim to this benefit.

Survivor Benefit Plan (SBP): The SBP is a separate annuity program paid to a surviving spouse after a retired military member's death. Importantly, the veteran can elect "former spouse" coverage after divorce, either voluntarily or as ordered by the divorce decree. To secure this, it must be explicitly mentioned in divorce documents, and former spouses must ensure the veteran submits the correct paperwork to DFAS within one year of divorce. If this step is overlooked, the benefit may be lost permanently.

Education and Employment Assistance

Former spouses whose marriages overlapped significantly with active-duty service may also benefit indirectly from resources and assistance programs:

Education Opportunities: Former spouses often retain eligibility for scholarships, grants, or education assistance programs offered through nonprofit organizations and military service relief societies. These aren't VA-administered but are still important avenues of

support.

Employment Assistance: Certain military-affiliated programs may offer career counseling or job-search assistance to former spouses, particularly if they were significantly affected by the military lifestyle.

Taking Action: How Former Spouses Can Access Benefits

To maximize your chances of securing veterans-related benefits after divorce, take proactive steps:

Clearly Outline Benefits in Your Divorce Decree: Work with a qualified attorney familiar with military divorces to include explicit provisions related to military retirement pay, SBP elections, or any other relevant benefits.

Submit Paperwork Promptly: Ensure all necessary documents (such as court orders and elections for SBP coverage) are correctly filed with DFAS immediately after your divorce, preferably within the required one-year period.

Contact TRICARE or DFAS Directly: If you qualify under the 20/20/20 or 20/20/15 rules, contact TRICARE as soon as possible to confirm and continue your coverage.

Seek Professional Guidance: Consider consulting with a VSO or a civilian attorney specializing in military divorces to make sure no potential benefit is overlooked.

Divorce does not necessarily sever all ties to military and veteran benefits, but eligibility is precise, carefully defined, and hinges largely on the specifics of your marriage duration and overlap with active military service. While VA disability compensation itself is off-limits, other significant benefits—such as military retirement pay and TRICARE health coverage—can remain accessible. Understanding these distinctions clearly can empower former spouses to make informed decisions.

Educational Benefits for Service Members in 2025: A Comprehensive Look at the GI Bill and Tuition Assistance

For troops, veterans, and their families, education benefits represent one of the most valuable forms of compensation earned through military service. These benefits not only help individuals pursue higher education or specialized training but also provide critical financial support to ease the burden of tuition, housing, and other educational expenses.

The Post-9/11 GI Bill, first introduced to support veterans who served after September 10, 2001, remains one of the most significant and popular education benefits available. It covers tuition and mandatory fees for a wide range of educational opportunities—from traditional colleges and universities to vocational training, apprenticeships, and even flight schools. Moreover, it provides eligible recipients with a monthly housing allowance, designed to mirror the Department of Defense's Basic Allowance for Housing (BAH) rate for an E-5 service member with dependents. Students enrolled in courses exclusively online, however, receive half of the national average housing rate.

Eligibility for the Post-9/11 GI Bill hinges primarily on the length of active-duty service completed. Veterans who served at least 36 months or were discharged after 30 continuous days due to a service-related disability qualify for full, 100% coverage of tuition and fees at in-state public institutions. Shorter periods of active service lead to proportionally lower benefits. For instance, someone who served between 30 and 36 months receives 90% of the benefit, scaling downward incrementally to a minimum of 90 days for a 50% benefit. Veterans who served fewer than 90 days of active duty aren't eligible under this particular program.

A critical point veterans should note involves expiration dates for their Post-9/11 GI Bill benefits. Veterans who separated from active duty before January 1, 2013, have a 15-year window to utilize their GI Bill from their discharge date. However, for veterans discharged on or after January 1, 2013, these educational benefits never expire, a change reflecting Congress's shift toward long-term veteran support.

The Post-9/11 GI Bill fully covers tuition at in-state public universities, but coverage at private institutions, including foreign schools, is capped annually. For the 2024-2025 academic year, the VA's maximum tuition reimbursement at private schools stands at \$28,937.09, with the rate typically increasing each August.

Historically, housing stipends under the GI Bill were tied to the location of a university's main campus. This sometimes led to discrepancies for students attending classes at branch campuses or satellite locations. Thanks to legislative changes made under the Forever GI Bill in 2019, housing payments now correspond directly to the campus or location where a student physically attends most of their classes, resulting in more equitable and accurate benefits.

Another powerful feature of the Post-9/11 GI Bill is the option for service members to transfer unused educational benefits to their dependents. To qualify, service members must have already completed at least six years of military service and must agree to serve an additional four years once the transfer is approved by the Department of Defense.

Importantly, transfers must be completed while still in uniform; veterans who have already left the military cannot transfer their GI Bill benefits afterward.

Dependent children can access transferred benefits only after the service member reaches ten years of service, while spouses can use transferred benefits immediately.

Additionally, a recent Supreme Court ruling in 2024 clarified a significant benefit enhancement: Veterans who earned both Montgomery GI Bill and Post-9/11 GI Bill benefits during separate periods of active service might now be entitled to an extra 12 months of educational payments beyond the typical 36-month cap. Veterans who believe they may qualify should contact the VA directly to confirm eligibility and begin accessing these additional resources.

Besides the GI Bill, active-duty troops often leverage Tuition Assistance (TA) to fund education without depleting their GI Bill benefits early in their military careers. Tuition Assistance is designed explicitly for service members, covering tuition costs at up to \$250 per credit hour, with a maximum annual cap of \$4,500 per fiscal year. Unlike the GI Bill, TA is paid directly to the educational institution by the military.

Each service branch has unique guidelines for TA eligibility. For example, the Navy requires sailors (including reservists) to have at least three years of service before using TA, whereas Air Force members have no minimum service-length requirement, though officers incur a service commitment for each course taken. In the Army and Marines, officers and enlisted personnel incur service obligations after using TA—two additional years of service for Marines and Army active-duty officers, and four years for reserve officers. The Coast Guard requires active-duty members to have served at least 180 consecutive days and obtain commanding officer approval before accessing TA.

Reservists and National Guard members often qualify for TA if activated, provided they fulfill specific branch conditions, which usually involve additional service obligations. Troops are typically allowed to use TA benefits to pursue degrees up to the master's level, assuming the degree is at a higher level than any previously earned. Troops interested in tuition assistance must usually demonstrate the ability to complete the courses during their remaining period of active service, maintain a minimum grade point average, and sometimes complete service-specific training or submit degree plans before TA approval. Specific requirements can vary significantly across different branches and even within reserve or guard units.

To start the application process for either the Post-9/11 GI Bill or Tuition Assistance, service members and veterans should contact their local VA regional office or their education officer on base. Using the VA's online GI Bill application and Comparison Tool can significantly streamline enrollment and help users understand precisely how their benefits align with their chosen educational path. In 2025, military education benefits remain robust, despite ongoing budget discussions at the federal level.

VA Confirms Major Staff Cuts, Citing Need for Efficiency and Reform in 2025

Secretary of Veterans Affairs Doug Collins confirmed significant changes are coming to the Department of Veterans Affairs, including the reduction of roughly 80,000 employees over the next few months. Collins emphasized that these staff cuts are not simply about budget savings.

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Rather, they're intended to streamline the VA's bureaucracy and enhance efficiency.

Collins described the layoffs as challenging but necessary, arguing that the purpose of government agencies like the VA is not employment itself but effective service delivery to veterans. His administration has criticized past expansions of the VA's workforce, which grew significantly during both the Biden and Trump presidencies. Collins stated clearly that adding personnel and funding alone isn't enough, and instead, his approach aims to improve the overall quality of services provided to veterans, making better use of existing resources and skilled staff.

He insists these changes will ultimately lead to improved services, citing steady growth in veterans' satisfaction rates, which have risen significantly in recent years.

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