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Education and Training

Impact of Rudisill and Perkins Supreme Court Decision on Veterans' Education Benefits



Veterans no longer need to request a review under the Rudisill decision to determine if they qualify for additional VA education and training benefits. VA is updating systems to automate education benefit reviews and will either issue a formal decision or inform Veterans if any action is required. VA will focus our resources on the Veterans in the most urgent need of additional benefits – those currently enrolled in school or were enrolled in the last six months.

What has changed?

On April 16, 2024 the Supreme Court of the United States decided (https://www.supremecourt.gov/opinions/23pdf/22-888_1b8e.pdf?fbclid=IwZXh0bgNhZW0CMTAAR1jgVkoU9pyW0_VUZ1quTTk9j_TgooxAcctNaiucPODSCf5e_yuokuHx7E_aem_Ar3YXblq-hbQ0eSSD71QbbLu2C8ZlvsN8xkph) that if you served at least two periods of service—one that qualifies for the Montgomery GI Bill (MGIB) and another that qualifies for the Post-9/11 GI Bill (PGIB)—you may be able to receive both benefits for up to 48-months of entitlement.

Since that announcement, the United States Court of Appeals for Veterans Claims' decided in Perkins v. Collins (<https://cases.justia.com/federal/appellate-courts/cavc/24-6515/24-6515-2025-05-16.pdf?ts=1747668739>) that Veterans who served for a single obligated period of sufficient length could also be eligible for two different education programs based on different months and days of service within that single obligated period.

The following chart shows the changes caused by the Rudisill and Perkins decision:

Before	Now
• Veterans eligible for both MGIB and PGIB were required to waive MGIB eligibility to begin using PGIB benefits. • PGIB entitlement was limited to the amount of remaining MGIB entitlement. • Previous elections to waive MGIB could not be revoked.	• Veterans impacted by either Rudisill or Perkins are no longer required to waive MGIB eligibility to use PGIB benefits when applying. • PGIB entitlement is no longer limited to the remaining MGIB entitlement, but Veterans are still subject to the 48-month limit for combined benefits under multiple programs. • Previous elections to waive MGIB in order to use PGIB can be revoked.

Frequently Asked Questions

Q. Am I eligible for benefits? If so, what should I do?

A. If you have previously applied to use VA education benefits, you may be eligible for additional benefits if you waived all or part of your MGIB benefits so you could use PGIB benefits. You will not be required to request a review to find out if you are eligible for additional benefits as a result of the Rudisill or Perkins decisions. VA will automatically evaluate your file and inform you if additional action is required.

Note: By law, PGIB and MGIB eligibility is limited to a maximum of 48 months of combined benefits. Additionally, federal law prohibits the use of these benefits at the same time.

Q. How is VA notifying Veterans who may have been impacted by these changes?

A. VA previously notified Veterans who had been identified as having possible eligibility for benefits under the Rudisill decision. For many there was no action required, because VA was automatically reviewing their files. However, some were informed to submit a request to receive an evaluation. **This is no longer a requirement.** VA will inform these Veterans if additional action is necessary. VA is reaching out to Veterans previously instructed to submit a request to make them aware of this change.

VA is also reaching out to those who may have eligibility under the Perkins decision. No action is required from them at this time. VA will evaluate all affected Veterans' files and notify them with an official decision or let them know if any action is required from the Veteran.

Q. Is there still a deadline to apply?

A. No, there is no longer a deadline to apply. The October 1, 2030, deadline previously provided by VA no longer applies now that VA is automatically reviewing the files of all Veterans with possible eligibility.

Q. What if I exhaust my current benefits before VA reviews my eligibility for

benefits through the Rudisill decision?

A. VA will continue to review records for benefits under Rudisill or Perkins for Veterans who have less than three months of benefits remaining and are either a currently enrolled student or were enrolled within the past six months. **This review will be automatic. No one will be left without benefits** if they qualify for entitlement.

Q. I have already submitted my application, but I have not heard from VA. When will I find out my status?

A. If you have previously applied for benefits, VA will notify you via U.S. mail that your application has been received, and that the status is pending until VA is able to review the file.

Q. How will the system updates that VA is making affect my application status?

A. While VA implements the necessary system updates, as well as policies and procedures to automate the process, **VA will prioritize the evaluation of claims impacted by Rudisill or Perkins** for those Veterans who are currently enrolled in school or were enrolled in the last six months. VA will work to update systems to automatically evaluate all affected Veterans' files without any action on your part. Once the updates are complete, VA will review your records for any possible entitlement and notify you via mail once an official decision is made.

Q. Will I be able to transfer the additional benefits to my spouse, dependents, or survivors?

A. Your eligibility to transfer benefits to your spouse, dependents, or survivors will not be impacted by this decision. Existing Transfer of Entitlement requirements and limitations of use apply to any PGIB benefits you might receive because of Rudisill or Perkins.

For example, if you have previously transferred PGIB benefits to a dependent and wish to transfer the PGIB entitlement, you must follow the existing [instructions for changing your transferred benefits \(https://www.va.gov/education/transfer-post-9-11-gi-bill-benefits/#:~:text=Can%20I%20cancel%20or%20change%20my%20transferred%20benefits%3F\)](https://www.va.gov/education/transfer-post-9-11-gi-bill-benefits/#:~:text=Can%20I%20cancel%20or%20change%20my%20transferred%20benefits%3F).

If you are not on Active Duty and were not approved to transfer of benefits while still on Active Duty, the Court's decision will not make you eligible to do so.

[Learn about PGIB Transfer of Entitlement eligibility \(https://www.va.gov/education/transfer-post-9-11-gi-bill-benefits/\)](https://www.va.gov/education/transfer-post-9-11-gi-bill-benefits/).

Note: The Department of War decides whether you can transfer GI Bill benefits to your family. VA does not have the authority to change or waive the eligibility requirements, age cap, or other limitations related to Transfer of Entitlement.

Q. Will I be given a new delimiting date?

A. For eligible Veterans who previously had to forfeit their benefits in order to use their PGIB, VA will recalculate their benefit expiration date and provide them any return time after the election was made to use the benefit. The new expiration will be calculated by adding the time a Veteran had left when they previously

forfeited their benefit to 90 days plus the date of issuance of the new Certificate of Eligibility (COE).

Example: A Veteran forfeited their MGIB benefits on January 1, 2016. At the time the Veteran had seven years remaining, before their MGIB benefits expired on January 1, 2023. The Veteran is approved by VA for reinstated MGIB eligibility on January 1, 2025 (new COE date). The seven years the Veteran had remaining before their benefits would have expired is added to the date of their new COE, plus an additional 90 days: January 1, 2025, + 90 days + 7 years or March 31, 2032, is the adjusted expiration date.

Q. Can I waive my MGIB benefits to receive a refund of my \$1,200 MGIB contribution and PGIB kicker payments?

A. Yes, you can still voluntarily elect to waive your MGIB benefits and receive PGIB kicker payments and a refund of your \$1,200 MGIB contribution.

Q. I was told I had to waive my MGIB benefits to use PGIB benefits even though I had two periods of service. Can I revoke that decision and use MGIB? Do I have to pay back the \$1,200 refund?

A. Yes, if you were previously required to make an election to waive MGIB even though you have two periods of qualifying service, VA will revoke prior elections. However, if a revocation will result in a reduction to your current benefit payment amount, you will be given the choice whether you wish to revoke your election (reducing your current benefit payment amount) or retain your election (maintaining your current benefits payment amount).

If you received a refund of the \$1,200 contribution, you will not be required to pay it back.

Q. I waived MGIB or MGIB-SR benefits to receive a kicker under my PGIB benefits. In light of Rudisill and Perkins, can I revoke that decision and get back my MGIB or MGIB-SR? If so, do I have to pay back the kicker?

A. Yes, you can revoke your decision to waive MGIB or MGIB-SR benefits. However, you are only eligible for your kicker payments if you voluntarily waive MGIB or MGIB-SR benefits. If you revoke your waiver, you may get extra months of MGIB or MGIB-SR but you will lose your MGIB or MGIB-SR kicker payments under PGIB.

You will not be required to pay back any kicker payments you have already received, but any remaining kicker entitlement will be paid under your remaining MGIB or MGIB-SR benefits.

Q. Does this affect my Veteran Readiness and Employment benefits?

A. Veterans who are currently participating or were previously participating on or after August 15, 2018, in the Veteran Readiness and Employment (VR&E) program and did not have eligibility to Post-9/11 GI Bill (PGIB) benefits when they elected which subsistence allowance they wanted to receive (Chapter 31 or PGIB rate), but have since been granted retroactive PGIB benefits, may now be eligible to receive the basic allowance for housing (BAH) subsistence rate.

The BAH subsistence rate is often higher than the standard Chapter 31 rate. If a Veteran is granted retroactive PGIB entitlement, VR&E will automatically adjust the rate and pay the difference, if the PGIB rate is more beneficial to the Veteran.

If you have general questions about your GI Bill benefits, please visit:

Education and Training Home (<https://www.benefits.va.gov/gibill/>)

For questions regarding Veteran Readiness and Employment benefits, please visit:

Veteran Readiness and Employment (VR&E) Home (<https://www.benefits.va.gov/vocrehab/index.asp>)

For the latest VA updates related to the Rudisill Supreme Court decision and Perkins Veterans Court Decision:

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