

No. 2025-2033

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

COMMONWEALTH OF VIRGINIA, THE VETERANS OF FOREIGN
WARS OF THE UNITED STATES, IRAQ AND AFGHANISTAN
VETERANS OF AMERICA, JAMES R. RUDISILL, KASSIDY A.
PERKINS, PAUL H. YOON, ELIZABETH F. YOON, TOBY DORAN,
KENNETH BRATLAND, and MCKENNA BRATLAND,

Petitioners,

v.

SECRETARY OF VETERANS AFFAIRS,

Respondent.

**BRIEF OF THE AMERICAN COUNCIL ON EDUCATION AND
SEVENTEEN OTHER HIGHER EDUCATION ASSOCIATIONS AS
AMICI CURIAE IN SUPPORT OF PETITIONERS' MOTION FOR A
STAY PENDING REVIEW**

Jayna Marie Rust
Thompson Coburn LLP
1909 K St. NW
Suite 600
Washington, DC 20006
(202) 585-6929
jrust@thompsoncoburn.com

Date: September 12, 2025

*Counsel for Amici Curiae
American Council on Education,
American Association of
Collegiate Registrars and
Admissions Officers, American*

Association of Community Colleges, American Association of State Colleges and Universities, American Association of University Professors, Association of American Universities, Association of Community College Trustees, Association of Governing Boards of Universities and Colleges, Association of Jesuit Colleges and Universities, Association of Public and Land Grant Universities, Council for Opportunity in Education, Council of Graduate Schools, Middle States Commission on Higher Education, NASPA-Student Affairs Administrators in Higher Education, National Association for College Admissions Counseling, National Association of College and University Business Officers, National Association of Independent Colleges and Universities, and State Higher Education Executive Officers Association

CERTIFICATE OF INTEREST

Counsel for *amici curiae* certifies the following:

1. The full name of every party or *amicus curiae* represented by me is:
 - American Council on Education
 - American Association of Collegiate Registrars and Admissions Officers
 - American Association of Community Colleges
 - American Association of State Colleges and Universities
 - American Association of University Professors
 - Association of American Universities
 - Association of Community College Trustees
 - Association of Governing Boards of Universities and Colleges
 - Association of Jesuit Colleges and Universities
 - Association of Public and Land Grant Universities
 - Council for Opportunity in Education
 - Council of Graduate Schools
 - Middle States Commission on Higher Education
 - NASPA–Student Affairs Administrators in Higher Education
 - National Association for College Admissions Counseling
 - National Association of College and University Business Officers
 - National Association of Independent Colleges and Universities
 - State Higher Education Executive Officers Association
2. The name of the real party in interest represented by me is:

None.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of each *amicus curiae* represented by me are:

None.

4. The names of all law firms and the partners or associates that appeared for the *amici curiae* now represented by me in the trial court or agency or are expected to appear and have not already entered an appearance in this court are:

None.

5. The following cases are pending in a court within the United States and may directly affect or be directly affected by this court's decision in the pending petition for review:
 - *Kassidy A. Perkins v. Douglas A. Collins*, No. 25-2003, in the U.S. Court of Appeals for the Federal Circuit, on appeal from the U.S. Court of Appeals for Veterans Claims (No. 24-6515);
 - *James R. Rudisill v. Douglas A. Collins*, No. 25-2578, in the U.S. Court of Appeals for Veterans Claims.
 - *Paul H. Yoon, Elizabeth F. Yoon, Toby G. Doran, and Thomas J. Doran v. Douglas A. Collins*, No. 25-255, in the U.S. Court of Appeals for Veterans Claims, on remand from the U.S. Court of Appeals for the Federal Circuit (No. 25-1839).
6. *Amici* have no information identifying organizational victims in criminal cases and debtors and trustees in bankruptcy cases as required under Fed. R. App. P. 26.1(b) and 26.1(c).

Dated: September 12, 2025

Jayna Marie Rust
Thompson Coburn LLP
1909 K St NW
Suite 600
Washington, DC 20006
(202) 585-6929
jrust@thompsoncoburn.com

TABLE OF CONTENTS

	Page(s)
Table of Authorities.....	ii
Statement of Identity, Interest and Authority to File	1
I. Introduction.....	8
II. Timely Receipt of GI Bill Benefits is Crucial to Both Student Veterans and the Educational Institutions they Attend	9
III. Student Veterans Are a Critically Important and Unique Demographic at Educational Institutions	11
IV. Allowing the VA to Delay Benefits Harms Service Members, their Dependents, and their Educational Communities	14
A. Impact on service members’ constitutionally protected interests	15
B. Impact on service members’ future employment and earnings	16
C. Impact on service members’ debt and finances	17
D. Impact on completion of educational or degree program	20
E. Impact on dependents of service members	22
V. Conclusion	23

TABLE OF AUTHORITIES

	Page(s)
Constitutions	
U.S. Const. amend V	15
Cases	
<i>Cushman v. Shinseki</i> , 576 F.3d 1290 (Fed. Cir. 2009)	15
<i>Johnson v. Robison</i> , 415 U.S. 361 (1974)	16
<i>Mathes v. Hornbarger</i> , 821 F.2d 439 (7th Cir. 1987)	15
<i>Rudisill v. McDonough</i> , 34 Vet. App. 176 (Vet. App. 2021)	14
<i>Rudisill v. McDonough</i> , 601 U.S. 294 (2024)	<i>passim</i>
Statutes and Rules	
38 U.S.C. § 3001 <i>et seq.</i>	4
38 U.S.C. § 3301 <i>et seq.</i>	4
38 U.S.C. § 3313(h)	11
Federal Rule of Appellate Procedure 29(a)	7
One Big Beautiful Bill Act, Pub. L. No. 119-21, § 81001, 139 Stat. 72 (2025)	18
Other Authorities	
Brian Borsari et al., <i>Student Service Members/Veterans on Campus: Challenges for Reintegration</i> (2017)	20

Chris Andrew Cate et al., <i>National Veteran Education Success Tracker: A Report on the Academic Success of Student Veterans Using the Post 9-11 GI Bill</i>	19, 21
Coll. of Charleston Treasurer’s Off., <i>Billing Schedule</i>	10
Cory Turner, <i>What borrowers should know about student loan changes in the One Big Beautiful Bill</i> , NPR (July 24, 2025).....	18
Dep’t. of Veterans Affs., <i>Veterans Benefits Admin. Manual M22-4, Part II, Chapter 2, Section D, Topics 06-10: Chapter 33 Processing Screens in DGI</i> (Aug. 27, 2025)	8
Jennifer Ma and Matea Pender, <i>Education Pays 2023: The Benefits of Higher Education for Individuals and Society</i> (2023).....	16
Katherine W. Phillips, <i>How Diversity Makes Us Smarter</i> , Sci. Am. (Oct. 1, 2014)	13
Mike Richman, <i>Navigating the College Experience</i> , U.S. Dep’t of Veterans Affs. Office of Rsch. & Dev. (Oct. 26, 2017).....	20
Nandini Dasarathy, <i>Back to School: How Academic Departments at Universities Can Best Assist Student Veterans’ Transitions into Degree Programs Post-Service</i> (2016).....	21
Phillip Oliff et al., <i>Veteran Student Loan Debt Draws New Attention</i> , The Pew Charitable Trusts (Sep. 13, 2021)	12, 17
Robert Hiltonsmith, <i>At What Cost? How Student Debt Reduces Lifetime Wealth</i> (2013)	19
Soo Hyun Cho et al., <i>Understanding Student Loan Decisions: A literature Review</i> (2015)	19

Syracuse Univ. D’Aniello Inst. for Veterans and Military Families, <i>Student Veterans: A Valuable Asset for Higher Education</i>	13
Texas Tech Univ. Student Business Services, <i>Important Dates</i>	10
U.S. Army, MyArmyBenefits, <i>Post-9/11 GI Bill</i> (Aug. 27, 2025).....	10-11
U.S. Dep’t of Veterans Affs., <i>Learn About Student Veterans</i> , (Jan. 6, 2025).....	12
Univ. of Ga. Off. of the Registrar, <i>Key Dates for Semester</i>	10
Veterans Benefits Admin., <i>Report: Fiscal Year 2024</i> (2024)	22

STATEMENT OF IDENTITY, INTEREST AND AUTHORITY TO FILE

Amici are eighteen associations of colleges, universities, educators, trustees, and other representatives of higher education in the United States. *Amici* represent public, independent, large, small, two-year, four-year, urban, rural, denominational, non-denominational, graduate, and undergraduate educational institutions. American Council on Education (ACE) serves as the major coordinating body for the nation's colleges and universities, with a diverse membership of nearly 1,600 colleges and universities, related associations, and other organizations. American Association of Collegiate Registrars and Admissions Officers is comprised of higher education members from approximately 2,300 institutions in more than 40 countries. American Association of Community Colleges is the advocacy organization for the nation's community colleges, representing more than 1,000 institutions. American Association of State Colleges and Universities represents more than 500 regional public colleges, universities, and systems. American Association of University Professors is a union and membership association of faculty and other academic professionals. Association of American Universities is comprised of 71 research universities. Association of Community College

Trustees is an educational organization of governing boards, representing more than 6,500 elected and appointed trustees who serve on more than 500 governing boards of community, technical, and junior colleges in the United States and beyond. Association of Governing Boards of Universities and Colleges provides leadership and counsel to member boards, chief executives, organizational staff, policymakers, and other key industry leaders. Association of Jesuit Colleges and Universities represents Jesuit higher education among its various constituencies. Association of Public and Land Grant Universities is a membership organization, consisting of more than 250 public research universities, land-grant institutions, state university systems, and affiliated organizations. Council for Opportunity in Education is a membership organization dedicated to furthering the expansion of college opportunities for low-income, first-generation students, and students with disabilities and is comprised of more than 1,000 colleges and agencies. Council of Graduate Schools serves to advance graduate education and research in the United States and globally and supports its mission through advocacy in the policy arena, innovative research, and the development and dissemination of best practices. Middle States

Commission on Higher Education is a global institutional accreditor and is comprised of more than 500 institutions of higher education. NASPA-Student Affairs Administrators in Higher Education is a professional membership association for student affairs administrators in higher education. National Association for College Admissions Counseling is an organization of more than 28,000 professionals who are dedicated to serving students as they make choices about pursuing postsecondary education. National Association of College and University Business Officers is a membership organization representing members from more than 1,700 colleges and universities. National Association of Independent Colleges and Universities is comprised of presidents from accredited private, nonprofit colleges and universities. State Higher Education Executive Officers Association serves the chief executives of statewide governing, policy, and coordinating boards of postsecondary education and their staffs.

Amici submit this brief to explain the immediate, direct, and irreparable harm that will be felt by educational institutions across the country if the U.S. Department of Veterans Affairs' ("VA") erroneous

policies are not stayed and to provide additional background as to the harm that Petitioners describe they will suffer.

Every semester, before and while students are beginning their classes, and with many of them moving into or returning to on- and off-campus student housing, there are administrators at postsecondary institutions working behind the scenes to ensure that their students, each of whom has already demonstrated the qualifications for enrollment, can finance the education they have worked so hard to pursue.

Congress has made promises to veterans—and the children of veterans—who have sacrificed and served the United States, individually and as families. Qualifying service members can earn up to a combined 48 months of educational benefits, under both the Montgomery GI Bill (38 U.S.C. § 3001 *et seq.*) and the Post-9/11 GI Bill (38 U.S.C. § 3301 *et seq.*). *See Rudisill v. McDonough*, 601 U.S. 294, 314 (2024). These benefits can also be transferred to their dependents.

Recipients of GI Bill benefits apply to and attend *Amici* member colleges and universities across the nation, relying on the promises their nation made to them in furtherance of their education. These students

bring unique and valuable perspectives to campus communities. The experiences and varied viewpoints of those who have served, along with the impact that military service has on a family, contribute to a higher education community's richness and provide vast opportunities for fulsome and informed conversation and reflection.

Amici's members are particularly concerned and impacted by the urgency of necessary relief, with the press of the calendar being the primary reason for their support of the Petitioners' request for a stay. *See* Doc. 17, Petitioners' Motion for a Stay Pending Review. As a result of the VA's rules, student veterans and their dependents, including the individual Petitioners and those similarly situated to them, are now in limbo. Postsecondary institutions require payment of tuition and fees at the time of enrollment for each term. Without access to their promised GI Bill benefits as the fall semester begins, many will struggle to find the necessary funds elsewhere or otherwise forego their educational efforts altogether. Even for those who manage to fund the fall semester, payment deadlines for the spring semester will soon be looming.

If the actions of the VA are not stayed in this matter, these students may be forced to place their educational journeys on pause until such

time as this case is resolved. This result is likely to end the education of numerous students, starkly impacting their earning potential and the future of themselves, their families, and their living communities. This result will likewise deprive fellow students, teammates, faculty, and others at postsecondary institutions of the important perspectives of veterans, service members, and their families. With those perspectives missing, not only will the individual members of learning communities suffer. So too will the national conversations about and understanding of history, sociology, psychology, political science, and various scientific fields (among many others).

Because Petitioners make a compelling case for the likelihood of success on the merits in light of the Supreme Court's decision in *Rudisill v. McDonough*, *Amici* urge the Court to stay the VA's rules in order to ensure that veteran students at their member institutions can access the educational benefits they earned through their service to the United States, and to prevent attrition of student veterans that could not only drastically impact the lives of service members and their children going forward, but will also directly and immediately detract from the

educational environment at *Amici's* member institutions across the country.

Pursuant to Federal Rule of Appellate Procedure 29(a), *Amici Curiae* state that all parties have consented to the filing of this *Amicus Curiae* Brief.¹

Counsel for Petitioners and Respondent did not author the brief, in whole or in part. Petitioners and Respondent did not contribute financial support intended to fund the preparation or submission of this brief. No other individual(s) or organization(s) contributed financial support intended to fund the preparation or submission of this brief.

¹ Counsel for Respondent requested that we note, however, that if it determines that the brief is filed without sufficient time for it to respond by its filing deadline, Respondent reserved the right to request leave to file a response.

I. Introduction

Veterans and service members are entitled to educational benefits through the Montgomery GI Bill and the Post-9/11 GI Bill. The U.S. Supreme Court recently held that those who qualify for benefits under both statutes are entitled to combine them for a total of 48 maximum months of benefits. *Rudisill v. McDonough*, 601 U.S. 294 (2024). The U.S. Department of Veterans Affairs (“VA”) has contravened that holding, promulgating rules that limit otherwise qualified service members to only 36 months of benefits (as demonstrated by VA-published materials as of Aug. 27, 2025). *Veterans Benefits Admin. Manual M22-4, Part II, Chapter 2, Section D, Topics 06-10: Chapter 33 Processing Screens in DGI*, U.S. Dep’t of Veterans Affs. (Aug. 27, 2025) <https://tinyurl.com/5b96f7jv>; *see also id.*, *Topics 01-05: Chapter 33 Processing Screens in DGI*, U.S. Dep’t of Veterans Affs. (Aug. 27, 2025) <https://tinyurl.com/5e7ypsdz>; *id.*, *Topics 11-15: Chapter 33 Processing Screens in DGI*, U.S. Dep’t of Veterans Affs. (Aug. 27, 2025) <https://tinyurl.com/5n6k2csa>. As explained by Petitioners, the VA’s misapplication of the law to student veterans and their dependents would

cause drastic and irreparable harm, especially when it is nearly certain to be overturned at the conclusion of this matter.

The VA's erroneous rules also separately threaten *Amici's* member institutions with immediate and irreparable harm because the loss of student veterans from their current student bodies deprives those institutions of student experiences and viewpoints that are critical to the educational experience they aim to provide to their entire student body. This harm is not hypothetical or unpredictable. The VA's rules leave student veterans who have exhausted three years of educational benefits in the position of approaching what may be their final year of college without the expected and promised resources for completing their education at the institutions that they have chosen to attend. Fall classes have already begun, and unless the VA's policies are stayed, the real world impact of student veterans being unable to continue their educational journeys will materialize across the country.

II. Timely Receipt of GI Bill Benefits is Crucial to Both Student Veterans and the Educational Institutions they Attend

Timely receipt of educational benefits for student veterans and the dependents of service members is critically (and obviously) important to student veterans and their dependents. Postsecondary institutions'

deadlines for tuition payments for the fall 2025 semester or quarter are already here, and the payment deadlines for the upcoming winter and spring semester and quarters are looming. *See, e.g.,* Texas Tech Univ. Student Business Services, *Important Dates*, <https://www.depts.ttu.edu/studentbusinessservices/calendar/importDates.php> (last visited Sep. 10, 2025); Univ. of Ga. Off. of the Registrar, *Key Dates for Semester*, <https://reg.uga.edu/general-information/calendars/key-dates/> (last visited Sep. 10, 2025); *Billing Schedule*, Coll. of Charleston Treasurer's Off., <https://charleston.edu/treasurer/payment/billing-schedule.php#accordion-0b6cc211-c63a-446b-90ed-5801045b48d8-0> (last visited Sep. 10, 2025). These deadlines cannot be arbitrarily waived or indefinitely extended on a case-by-case basis. All students, whether utilizing GI Bill benefits, federal loans or grants, or independent funding sources, must make the necessary financing arrangements to enroll in and attend class each term.

Many of the student veterans that attend *Amici's* member institutions rely principally on benefits earned through the GI Bills to fund their education. Indeed, for in-state tuition at a public institution, the GI Bills may provide for payment of full tuition and fees. U.S.

Army, MyArmyBenefits, *Post-9/11 GI Bill* (Aug. 27, 2025), <https://myarmybenefits.us.army.mil/Benefit-Library/Federal-Benefits/Post-9/11-GI-Bill?serv=122>. These payments are “paid directly” by the VA to educational institutions, including *Amici’s* members, on behalf of the student. 38 U.S.C. § 3313(h). Without the VA disbursing the benefits that these student veterans have earned, this population of students may choose—or be forced—to drop out of the educational institutions they have attended for years.

III. Student Veterans Are a Critically Important and Unique Demographic at Educational Institutions

Student veterans often have unique attributes. First, many have been out of school for significant periods prior to commencing their postsecondary education. According to the VA:

In 2018, 669,922 Veterans used VA education and vocational rehabilitation benefits to further their education. These students do not fit the mold of the traditional 18- to 22-year-old college student. Compared with traditional undergraduate students, they are older, are twice as likely to have a job off-campus, and have a considerable amount of life experience before starting postsecondary school.

U.S. Dep’t of Veterans Affs., *Learn About Student Veterans*, (Jan. 6, 2025), <https://www.mentalhealth.va.gov/student-veteran/learn-about-student-veterans.asp> (last visited Sep. 10, 2025).

Second, and relatedly, student veterans often have life experiences that differ from those of “traditional” students. For example:

- Only 15% of student veterans are the traditional age of college students. Most student veterans are ages 24–40.
- 47% of student veterans have children.²
- 47.3% of student veterans are married.
- 62% of student veterans are first-generation college students.

See id., *Characteristics of Student Veterans*.

Third, while service members certainly do not all share common political and socioeconomic perspectives or experiences, each one has the potential to draw upon unique experiences of service and self-sacrifice as they engage with others at their postsecondary institutions.

² Student veterans are twice as likely as the general student population to have dependents of their own. Phillip Oliff et al., *Veteran Student Loan Debt Draws New Attention*, The Pew Charitable Trusts (Sep. 13, 2021), <https://www.pew.org/en/research-and-analysis/articles/2021/09/13/veteran-student-loan-debt-draws-new-attention> (last visited Sep. 10, 2025).

Postsecondary campuses thrive when diverse perspectives are shared among the students and faculty. *See generally*, Syracuse Univ. D’Aniello Inst. for Veterans and Military Families, *Student Veterans: A Valuable Asset for Higher Education*, <https://ivmf.syracuse.edu/student-veterans-a-valuable-asset-to-higher-education/> (last visited Sep. 10, 2025). Veterans, service members, and their families provide a crucial and needed perspective at these campuses. Their points of view are informed by different life experiences—different expectations of service, honor, ethics, and the importance of history. *Id.* If college campuses are deprived of student veteran voices, significant loss will accrue to those communities.

Exposure to diverse perspectives is essential to developing critical thinking skills for all students. *See generally*, Katherine W. Phillips, *How Diversity Makes Us Smarter*, Sci. Am. (Oct. 1, 2014), <https://www.scientificamerican.com/article/how-diversity-makes-us-smarter/> (last visited Sep. 10, 2025). The nation needs members of our higher education communities to hear and consider the voices of those who have served our country. The loss of those voices risks diminishing learning opportunities for all.

IV. Allowing the VA to Delay Benefits Harms Service Members, their Dependents, and their Educational Communities

Delaying eligible service members from receiving their VA educational benefits impacts them immediately and long into the future, in myriad ways. *Rudisill v. McDonough*, 34 Vet. App. 176, 185 (Vet. App. 2021) (“The harms that appellant alleges regarding timing and structuring of his life go beyond the dollar amount of the benefits.”). Because it is those service members who have earned their benefits by serving the nation, the direct and immediate impact on them should be paramount in the Court’s consideration of Petitioners’ motion to stay. *Amici’s* member institutions also understand and see firsthand the harm that occurs to student veterans when their ability to complete their educational journeys is eliminated.

Further, *Amici* wish to note that students who are forced to take the fall semester off will not have the benefit of having access to the fall 2025 curriculum, and as many campuses offer courses in only one semester, the delay will impact some students’ graduation dates or ability to access the full curriculum.

A. Impact on service members' constitutionally protected interests

Veterans *earn* their GI Bill benefits through their years of service to the nation. These benefits are constitutionally protected under the Due Process Clause of the Fifth Amendment. *Cushman v. Shinseki*, 576 F.3d 1290, 1298 (Fed. Cir. 2009) (“Veteran’s disability benefits are nondiscretionary, statutorily mandated benefits. A veteran is entitled to disability benefits upon a showing that he meets the eligibility requirements set forth in the governing statutes and regulations. We conclude that such entitlement to benefits is a property interest protected by the Due Process Clause of the Fifth Amendment to the United States Constitution.”); *Mathes v. Hornbarger*, 821 F.2d 439, 441 (7th Cir. 1987) (“we conclude that Mathes possesses a constitutionally protected property interest in the receipt of VA educational benefits”). The due process protections afforded to these earned benefits heightens the significance of the critical timing issues that support a stay in this case. Otherwise, the losses and harm inflicted by the VA’s rules, both to the students affected and to their institutions and others in their learning communities, will be immediate.

B. Impact on service members' future employment and earnings

Service members and their families sacrifice their time and livelihoods to protect this nation. “As a consequence, they lose valuable opportunities ranging from educational advantages to worthwhile job possibilities and potentially profitable business ventures. In addition, after completion of their military service they confront serious difficulties during the transition to civil life.” *Johnson v. Robison*, 415 U.S. 361, 380 (1974).

Access to, and the ability to complete, postsecondary education positively impacts veterans' employment outcomes and lifetime earnings. Research shows that the unemployment rate for individuals age 25 and older with at least a bachelor's degree has consistently been about half of the unemployment rate for high school graduates. Jennifer Ma and Matea Pender, *Education Pays 2023: The Benefits of Higher Education for Individuals and Society*, College Board (2023), 4, <https://research.collegeboard.org/media/pdf/education-pays-2023.pdf> (last visited Sep. 10, 2025). In 2021, among full-time, year-round workers between the ages of 25 and 34, median earnings for women with at least a bachelor's degree were \$60,540, compared with \$34,590 for those with a high school

diploma. *Id.* at 23. Median earnings for men with at least a bachelor's degree were \$75,430, compared with \$42,460 for those with a high school diploma. *Id.* fig. 2.6.

Student veterans frequently enter college as older students, which necessarily delays the “break-even” point of financing their college educations, especially if they must do so without reliance on educational benefits. Likewise, delaying entry into postsecondary education limits the time between obtaining a degree and reaching retirement, which in turn limits their earning potential in those crucial years of employment. *Id.* at 4. Allowing the VA's rules that contravene *Rudisill* to go into and remain in effect would only further exacerbate this limitation and subject student veterans (or their dependents) to an extended period of time in which they cannot use their degrees to expand their earning potential to support themselves and their families.

C. Impact on service members' debt and finances

Student veterans also frequently already take out federal or private student loans. According to the Pew Charitable Trust, the recent historical data shows that 27% of student veterans resorted to loan assistance. Oliff, *supra* (Sep. 13, 2021). If student veterans are

unable to timely access all of the GI Bill education benefits to which they are entitled, the strain of this reality will become even greater, as veterans will be forced to either take out additional loans or to discontinue their studies until the VA resolves this issue in accordance with the Supreme Court's ruling in *Rudisill*. *Id.*

Further, with the recent passage of the One Big Beautiful Bill Act, all students may have diminished opportunities and access to federal student loans for graduate and professional studies, and student veterans therefore may have fewer resources to replace or supplement GI Bill benefits. One Big Beautiful Bill Act, Pub. L. No. 119-21, § 81001, 139 Stat. 72 (2025); *see also* Cory Turner, *What borrowers should know about student loan changes in the One Big Beautiful Bill*, NPR (July 24, 2025, at 05:00 ET), <https://www.npr.org/2025/07/24/nx-s1-5477646/student-loan-repayment-forgiveness-trump> (last visited Sep. 10, 2025).

The changing statutory landscape related to federal loan programs further complicates an already confusing system. Affected service members may be forced to seek private loan financing at less favorable interest rates in some circumstances. For private loans, co-signors will likely be required, and these requirements may disproportionately

exclude veterans, who may lack willing co-signors acceptable to lenders because they are no longer dependents like many traditional college students.

Large amounts of education debt can have significant, negative impacts on life choices (*e.g.*, marriage, children, home ownership, etc.) for borrowers over the course of their lives and inhibit their socioeconomic mobility. Soo Hyun Cho et al., *Understanding Student Loan Decisions: A literature Review*, Fam. and Consumer 43 Scis. Rsch. J. No. 3, 238 (2015); Robert Hiltonsmith, *At What Cost? How Student Debt Reduces Lifetime Wealth*, Demos, 11 (2013), <https://www.demos.org/sites/default/files/publications/AtWhatCost.pdf>. Educational debt could impair student veterans' ability to save for retirement and build equity on their homes more so than traditional students. "Student veterans may carry their education debt with them later in life than traditional students because they are often older when they enroll in college." Chris Andrew Cate et al., *National Veteran Education Success Tracker: A Report on the Academic Success of Student Veterans Using the Post-9/11 GI Bill*, Student Veterans of Am., 41 (2017), https://studentveterans.org/wp-content/uploads/2020/08/NVEST-Report_FINAL.pdf. A failure to stay

the VA's rules during the pendency of this case only further penalizes those who chose to delay their own financial futures in favor of serving our country.

D. Impact on completion of educational or degree program

Attrition rates for veteran students are already a problem, ironically in part due to student veterans' inability to access services such as the Veterans Benefits Administration. Mike Richman, *Navigating the College Experience*, U.S. Dep't of Veterans Affs. Office of Rsch. & Dev., (Oct. 26, 2017), <https://www.research.va.gov/currents/1017-Veterans-face-challenges-in-higher-education.cfm#> (last visited Sep. 10, 2025). One of the most significant studies on the issue found that 37% of part-time and 16% of full-time veterans dropped out within nine months of enrollment. Brian Borsari et al., *Student Service Members/Veterans on Campus: Challenges for Reintegration*, 87 AM. J. OF ORTHOPSYCHIATRY NO. 2, 169 (2017), https://www.researchgate.net/publication/313817468_Student_Service_MembersVeterans_on_Campus_Challenges_for_Reintegration. “Additionally, tuition payment delays and the pressure to enroll full time pose financial challenges upon student veterans. Tuition payments are often not transferred in time by

the VA to the school before the semester or quarter begins.” Nandini Dasarathy, *Back to School: How Academic Departments at Universities Can Best Assist Student Veterans’ Transitions into Degree Programs Post-Service*, 25 S. Cal. Rev. L. & Soc. Just. 263, 269 (2016). Given the challenges student veterans already experience—whatever the root causes—the *additional* inability to timely access all earned educational benefits due to the VA’s constrained (and legally incorrect) interpretation of the law will only amplify already problematic attrition among this vulnerable group.

In the absence of the additional obstacles at issue in this case, the National Veteran Education Success Tracker found that 71.6% of student veterans in that cohort either earned their degree or continued enrollment to that end. Cate, *supra* at 41 (2017). The importance of student veterans’ ability to access their earned educational benefits cannot be overstated: completion of a degree enables these veterans to improve their lifetime earnings and provide effectively for their families during and after the completion of their service.

Likewise, institutions of higher education must make many complex operational and financial decisions to keep their campuses

running at peak capacity. Financial aid officers can only do so much to help veterans and their families fill funding gaps in the absence of the full GI Bill benefits expected. While institutions want to see their students—especially veterans—progress through their programs and graduate, once a student drops out, getting back on track can be difficult or impossible.

E. Impact on dependents of service members

Many of the students impacted by the VA rules limiting benefits to 36 months total are dependents of current or former service members. 29% of the beneficiaries of VA educational benefits are dependents. Veterans Benefits Admin., *Annual Benefits Report: Fiscal Year 2024*, 154 (2024), <https://benefits.va.gov/REPORTS/abr/docs/2024-abr.pdf>. Many veterans and service members dedicate their earned benefits to their children, enabling them to pay for an education that their earnings during their years of service would not otherwise allow. For many, one of the reasons they choose to serve is so that they can provide an education to their children. These parents have relied on the promise of the GI Bills to plan for their children's college educations and graduate programs, and the VA's current rules breaks that promise. Depriving

service members of earned educational benefits may lead them, as parents, to tap into retirement savings or pursue unnecessary private loans.

V. Conclusion

The impact of the VA's misguided rules limiting service members' educational benefits to one full year less than what they've earned is at least disruptive and at worst disastrous to the lives of the student veterans and service members' dependents. Allowing the VA to misapply the law, even temporarily, in contravention of *Rudisill*, will result in immediate harm to those that should be receiving benefits right now and will also harm the educational communities to which they belong. A stay is appropriate and well-reasoned, in light of all of the impacts identified herein. *Amici* respectfully request that the Court take these concerns into account and enter a stay to prevent the VA from proceeding with its intended (and improper) limitations on the educational benefits earned by the men, women, and families who have served this country.

Respectfully submitted,

Dated: September 12, 2025

/s/ Jayna Marie Rust

Jayna Marie Rust
Thompson Coburn LLP
1909 K St. NW
Suite 600
Washington, DC 20006
(202) 585-6929
jrust@thompsoncoburn.com

*Counsel for Amici Curiae
American Council on Education,
American Association of Collegiate
Registrars and Admissions
Officers, American Association of
Community Colleges, American
Association of State Colleges and
Universities, American Association
of University Professors,
Association of American
Universities, Association of
Community College Trustees,
Association of Governing Boards of
Universities and Colleges,
Association of Jesuit Colleges and
Universities, Association of Public
and Land Grant Universities,
Council for Opportunity in
Education, Council of Graduate
Schools, Middle States
Commission on Higher Education,
NASPA–Student Affairs
Administrators in Higher
Education, National Association*

*for College Admissions Counseling,
National Association of College
and University Business Officers,
National Association of
Independent Colleges and
Universities, and State Higher
Education Executive Officers
Association*

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing brief on all counsel of record by electronic filing through the Court's CM/ECF system on September 12, 2025.

Date: September 12, 2025

/s/ Jayna Marie Rust
Jayna Marie Rust

Thompson Coburn LLP
1909 K St. NW
Suite 600
Washington, DC 20006
(202) 585-6929
jrust@thompsoncoburn.com

Counsel for Amici Curiae

CERTIFICATE OF COMPLIANCE

The foregoing filing complies with the relevant type-volume limitation of the Federal Rules of Appellate Procedure and Federal Circuit Rules because it has been prepared using a proportionally-spaced typeface using Microsoft Word and includes 4,041 words.

Date: September 12, 2025

/s/ Jayna Marie Rust

Jayna Marie Rust
Thompson Coburn LLP
1909 K St. NW
Suite 600
Washington, DC 20006
(202) 585-6929
jrust@thompsoncoburn.com