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Rudisill: VA Officially Expands G.I. Bill Benefits for Veterans with Multiple Qualifying Periods of Service

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The Department of Veterans Affairs (VA) has officially implemented expected changes[3] to G.I. Bill benefits, offering a higher cap on benefits for veterans who have served multiple qualifying periods of military service.[4]

Advocates say that this adjustment—spurred by the Supreme Court decision in *Rudisill v. McDonough*[5]—corrects a longstanding limitation in the G.I. Bills' application. Both the Montgomery G.I. Bill and the Post-9/11 G.I. Bill grant 36 months of higher education benefits. Previously, VA limited veterans to a maximum of 36 months of educational

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[3] Readers can learn more about the history and issues behind these changes in earlier articles at roa.org.

[4] U.S. Department of Veterans Affairs, *Impact of Rudisill Supreme Court Decision on Veterans' Education Benefits*, https://benefits.va.gov/GIBILL/rudisill.asp (last accessed January 17, 2025).

[5] 601 U.S. 294 (2024).

benefits, even if a veteran qualified under both the Montgomery G.I. Bill and the Post-9/11 G.I. Bill due to separate periods of service.

The *Rudisill* decision determined that this 36-month limitation contradicted the law. VA has now updated its regulations to comply with the decision. Under the new rules, veterans who qualify for both the Montgomery G.I. Bill and Post-9/11 G.I. Bill due to multiple terms of service are eligible for up to **48 months**[6] of combined educational benefits.

How Can Veterans Access the Increased G.I. Bill Benefits Granted After *Rudisill*?

This change could potentially benefit over one million veterans and their beneficiaries. VA is actively notifying eligible veterans and launching outreach campaigns to ensure they are aware of these expanded benefits.

VA estimates that approximately 660,000 claims will be processed automatically, requiring no action from veterans. For those whose claims are not automatically adjudicated, VA will provide instructions on how to apply for additional benefits.

Veterans who are ready to apply for additional benefits can complete VA Form 22-1995. VA encourages veterans to specifically note that they are requesting a *Rudisill* review on page two of the application.

Applicability to Veterans with Expired G.I. Bill Benefits

Normally, Montgomery G.I. Bill benefits must be used within 10 years of leaving the military. As part of the rollout of the new G.I. Bill

[6] Separate federal rules still cap government higher education payouts at 48 months.

benefits, veterans who chose to use the Post-9/11 G.I. Bill over the Montgomery G.I. Bill can apply for an extension.

After receiving the extension, veterans will have the amount of time that they still had to use the Montgomery returned to them, with an additional 90-day extension. (For example, if a veteran still had four years left to use the Montgomery G.I. Bill when they chose the Post-9/11 G.I. Bill, then when their extension is granted, they will have four years plus ninety days to use the extended G.I. Bill benefits.)

VA calculates the new delimiting date from when the veteran applies for the new benefits. Therefore, veterans should consider waiting until they are ready to use their benefits before applying for the to prevent your benefits from expiring before you are able to use them.

However, veterans must apply for this extension by October 1, 2030.

Applicability to Veterans Who Have Not Used G.I Bill Benefits

VA no longer requires veterans to waive Montgomery G.I. Bill eligibility to use Post-9/11 G.I. Bill benefits. If they have already waived the Montgomery G.I. Bill, they can revoke their waiver.

However, the 48-month limit for combined benefits will still applies.

The Limitations of the New G.I. Bill Benefits

While the expanded benefits are a significant step forward, there are still some limitations.

For example, veterans cannot retroactively apply the benefits toward previously incurred student loans or request refunds for education that the veteran already paid for.

Also, the total educational benefits remain capped at 48 months, regardless of eligibility for both 36-month programs.

Conclusion

VA's expansion of G.I. Bill benefits is a welcome development for veterans who have dedicated multiple periods of service to their country.

Eligible veterans should access these expanded G.I. Bill benefits if available to them, starting by monitoring communications from VA and confirming whether their claims are processed automatically. If not, they should promptly follow VA instructions to file a claim.

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