Reserve Organization of America

GOT THE MONTGOMERY GI BILL? YOU MAY HAVE 12 MORE MONTHS OF BENEFITS FROM THE VA…TENS OF THOUSANDS IN BENEFITS

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EXECUTIVE SUMMARY

If you earned the Montgomery GI Bill and later qualified for the Post-9/11 GI Bill, the Rudisill and Perkins decisions may entitle you to up to 12 more months of education benefits — 48 months in all. Equivalent to tens of thousands of dollars in education benefits and even a housing allowance.

If you served on active duty long enough to earn the Montgomery GI Bill and later earned the Post-9/11 GI Bill—through a second enlistment, a commission, or a mobilization with the National Guard or Reserve—the Department of Veterans Affairs (VA) may owe you up to 12 more months of education benefits. Two court decisions, the Supreme Court's 2024 ruling in *Rudisill v. McDonough* and the Veterans Court's 2025 ruling in *Perkins v. Collins*, open the door to as many as 48 total months of GI Bill benefits, and VA estimates that *Perkins* alone may help as many as 1.2 million additional veterans.[1] For a reservist working toward a degree, a graduate program, or a professional credential, one more year of Post-9/11 benefits—tuition and fees, a monthly housing allowance, and a books-and-supplies stipend—can easily be worth tens of thousands of dollars.

How We Got Here: *Rudisill v. McDonough*

For decades, the law provided that a servicemember who qualifies under more than one GI Bill may receive up to 48 months of education benefits in total, even though each GI Bill on its own provides 36

[1]Veterans Benefits Administration, "VA is making it easier for Veterans to access their benefits" (email bulletin, Feb. 27, 2026).

months.[2] After Congress enacted the Post-9/11 GI Bill in 2008, however, VA required veterans who used part of their Montgomery GI Bill to give up the rest of it in order to switch, and it capped their Post-9/11 benefits at whatever Montgomery entitlement they had left. In practice, most of these veterans could never get past 36 months.[3]

James R. Rudisill challenged that rule. He served three periods of active duty—in the Army from 2000 to 2002, in the Army National Guard from 2004 to 2005, and as an Army officer from 2007 to 2011. He used about 25 months of Montgomery GI Bill benefits for his undergraduate degree, then applied for Post-9/11 benefits to attend Yale Divinity School. VA told him he had only about 10 months left—36 months in all. The Board of Veterans' Appeals agreed with VA, but the U.S. Court of Appeals for Veterans Claims reversed, and a three-judge panel of the U.S. Court of Appeals for the Federal Circuit affirmed in 2021.[4] The full Federal Circuit then reheard the case en banc and, by a 10-2 vote, ruled for VA.[5]

The Supreme Court granted review in June 2023, and on April 16, 2024, it ruled 7-2 for Rudisill.[6] Writing for the Court, Justice Ketanji Brown Jackson explained that a servicemember who earns both benefits through separate periods of service is entitled to both. The law's "bar to duplication" keeps a veteran from drawing on both programs at the same time or counting the same service twice, but it does not shrink what the veteran earned; the only overall limit is the 48-month cap. One question remained: what about a veteran with a single, long period of service? On May 16, 2025, the Veterans Court answered it in *Perkins v. Collins*, holding that "a veteran whose single period of service is long enough to qualify for benefits under both the [MGIB and PGIB] programs without using any period of time twice to establish eligibility is entitled to receive benefits under both programs up to a statutory 48-month cap on such educational benefits."[7] VA later withdrew its appeal of *Perkins*, although litigation over VA's implementing rules continues in the Federal Circuit.[8]

VA Efforts

On February 27, 2026, VA's Veterans Benefits Administration emailed education beneficiaries to announce that it is "making it easier for eligible Veterans to receive their additional G.I. Bill benefits" as a result of *Rudisill* and *Perkins*.[9] The key points:

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[2]38 U.S.C. § 3695(a).
[3]See Law Review 24027 (May 2024), by Captain Samuel F. Wright, JAGC, USN (Ret.), available at Law Center | ROA.
[4]*Rudisill v. McDonough*, 4 F.4th 1297 (Fed. Cir. 2021).
[5]*Rudisill v. McDonough*, 55 F.4th 879 (Fed. Cir. 2022) (en banc).
[6]Rudisill v. McDonough, 144 S. Ct. 945 (2024).
[7]Perkins v. Collins, Vet. App. No. 24-6515 (May 16, 2025) (precedential opinion).
[8]See Troutman Pepper Locke, "Landmark Victories Affirm Access to Educational Benefits for 2.2 Million Veterans and Counting" (Mar. 9, 2026); Office of the Attorney General of Virginia, news release (Mar. 20, 2026).
[9]VA bulletin, supra note 1.

- **No action is required.** VA will automatically evaluate your file and tell you if it needs anything more from you.
- **Pending claims are on hold, not lost.** If you already filed a claim and have not received an official determination letter, the decision is pending while VA updates its systems.
- **No more separate requests.** You no longer need to ask VA to assess your eligibility under both the Montgomery GI Bill (MGIB) and the Post-9/11 GI Bill (PGIB).
- **Students first.** VA is reviewing first those veterans who have less than three months of benefits left and are enrolled in school now or were enrolled in the last six months, so that no student is left without benefits he or she qualifies for.
- **Automation for everyone else.** VA is updating its systems to automate eligibility reviews for all veterans and will notify every veteran of his or her eligibility under both rulings once the review is complete.
- **The scale.** VA estimates that *Perkins* may enable as many as 1.2 million additional veterans to receive up to 12 more months of education benefits.

In a March 26, 2026 news release, VA added that while it finishes those system changes it is automatically approving the first 36 months of benefits for eligible veterans and will notify them of any additional entitlement or action needed. VA Secretary Doug Collins said, "These court decisions will influence the educational choices of millions of people."[10]

VA's Rudisill and Perkins webpage, most recently updated October 21, 2026, also confirms several practical changes: veterans no longer must give up (waive) the Montgomery GI Bill to use the Post-9/11 GI Bill; Post-9/11 entitlement is no longer capped at the veteran's remaining Montgomery entitlement; earlier Montgomery waivers made in order to use the Post-9/11 GI Bill can be revoked; and the 48-month combined limit still applies.[11]

What Guard and Reserve Members Should Do

Many Reserve Component members fit the *Rudisill* pattern exactly: they earned the Montgomery GI Bill during an initial active-duty enlistment, then earned Post-9/11 eligibility through later active service or a mobilization with the National Guard or Reserve, or even a tour in the Active Component. If that describes you, a family member, or someone you lead:

- Watch your email and mail for messages from VA, and make sure VA has your current contact information. See below for how to get a VA account.
- If you are in school and running low on benefits, you are in VA's priority group—check your status rather than waiting.
- If you previously gave up the Montgomery GI Bill to switch to the Post-9/11 GI Bill, ask VA about revoking that waiver.

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[10]U.S. Department of Veterans Affairs, "VA Helps Veterans Maximize Their G.I. Bill Education Benefits" (news release, Mar. 26, 2026).
[11]U.S. Department of Veterans Affairs, "Impact of Rudisill and Perkins Court Decisions on Veterans' Education Benefits" (updated Oct. 21, 2026).

- Don't assume your benefits are exhausted because VA told you so before 2024. Ask VA to confirm your remaining entitlement under the new rules.
- If you don't have a VA account, go to VA.gov Home | Veterans Affairs, create an account and request a review of your education benefits. Your humble author did so earlier in 2026, and received a letter roughly two weeks later informing me that I had a full year of Post-9/11 GI Bill benefits available-I thought I had *none*.

Where to Get Help: VA Resources

VA's Rudisill and Perkins webpage
"Impact of the Rudisill and Perkins Court Decisions on Veterans' Education Benefits" is VA's main page for the latest implementation updates: benefits.va.gov/GIBILL/rudisill.asp

Ask VA
Veterans with questions about their GI Bill benefits may submit them online. You must have an authenticated (signed-in) VA account to use Ask VA: va.gov/contact-us/ask-va (also at ask.va.gov).

Setting up an authenticated VA account
VA's video walks you through creating the signed-in account that Ask VA requires: youtube.com/watch?v=F63yJaITvYw

Post-9/11 GI Bill on Facebook
VA posts regular updates on its implementation efforts on its GI Bill Facebook page: facebook.com/gibillEducation

VA education email updates
VA also sends implementation updates by email. Manage or start your subscriptions here: VBA Subscriber Preferences

The court decisions
Read the opinions for yourself: the Supreme Court's decision in Rudisill v. McDonough (April 16, 2024) and the Veterans Court's decision in Perkins v. Collins (May 16, 2025).

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