No. 24-320

IN THE

Supreme Court of the United States

SIMON A. SOTO, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED,

Petitioner,

v.

UNITED STATES,

Respondent.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

BRIEF OF *AMICUS CURIAE* THE NATIONAL LAW SCHOOL VETERANS CLINIC CONSORTIUM IN SUPPORT OF PETITIONER

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INTEREST OF *AMICUS CURIAE*[1]

The National Law School Veterans Clinic Consortium ("NLSVCC") submits this brief in support of the position of Petitioner Simon A. Soto. The filing of this brief was authorized by the Board of the NLSVCC, a 501(c)(3) organization.

The NLSVCC is a collaborative effort led by the nation's law school legal clinics that is dedicated to addressing the unique legal needs of U.S. military veterans and supporting veterans law clinics at law schools nationwide. The Consortium believes that law school veterans clinics play a fundamental role in safeguarding and advocating for the legal rights of veterans, including by advancing veterans and military law scholarship and training veterans advocates.

The Consortium works with like-minded stakeholders to support and advance common interests with the Department of Veterans Affairs, Congress, state and local veterans service organizations, court systems, educators, and all relevant entities for the benefit of veterans throughout the country. It also supports the dual teaching and advocacy missions of the nation's law school veterans clinics through cross-clinic collaboration.

The NLSVCC's interest in Mr. Soto's petition stems from our members' commitment to serving the legal

1. In compliance with Rule 37.6, no counsel for a party authored the brief in whole or in part. No party, counsel for a party, or any person other than amicus curiae and their counsel made a monetary contribution intended to fund the preparation or submission of the brief.

interests of U.S. military veterans, including the legal interests of combat-injured retirees. The Federal Circuit's erroneous interpretation of the Combat-Related Special Compensation ("CRSC") statute erodes the symbolic value of CRSC as well as its actual value: the application of the Barring Act's six-year limitations period has already decreased over 9,000 combat-wounded retirees' lifetime compensation. As veterans advocates and veterans law scholars, *amicus* NLSVCC has an important interest in requesting that this Court take up Mr. Soto's petition, correct the Federal Circuit's misinterpretation of statutory text, and allow the Department of Defense to settle these veterans' claims fairly without the strictures of a six-year limitations period.

SUMMARY OF THE ARGUMENT

Combat-Related Special Compensation is explicitly not military retired pay. 10 U.S.C. § 1413a(g). Yet the Federal Circuit's decision applying the Barring Act's six-year limitations period to claims for CRSC relies in part on its finding that CRSC is a "claim[] involving . . . retired pay" within the meaning of the Act. Pet. App. 9a.

The Federal Circuit's decision to ignore the fundamental difference between CRSC and retired pay underscores the need for this Court to reexamine the Federal Circuit's application of the Barring Act to CRSC claims. Unlike retired pay, CRSC acknowledges the extraordinary sacrifice of veterans wounded in combat or in combat-like conditions who continued to serve for full military careers, or for as long as their medical conditions permitted. This distinction provides good reason for this Court to find that Congress did not intend for the Barring

Act's harsh six-year limitations period to apply to CRSC claims.

Moreover, application of the Barring Act's strict deadline to CRSC disregards the heightened prevalence of medical and personal challenges in this population, either of which raise barriers to timely meeting filing deadlines. To fully realize the significance of CRSC—to honor and fully compensate combat-wounded retirees—this Court must act so that the Secretary of Defense may properly offer these veterans equitable access to the benefits their sacrifice has earned, unencumbered by the Barring Act's unjust limitations period.

ARGUMENT

I. It Is Exceptionally Important to Correct the Federal Circuit's Misunderstanding of CRSC to Preserve Its Significance for Combat-Wounded Retirees.

The Federal Circuit's ruling against Mr. Soto and over 9,000 similarly-situated veterans is based in part on its misunderstanding of the nature of CRSC, including its significance within the relevant historical context. The statute's text and structure make clear that CRSC should not be understood as military retired pay, a category of post-service payment that history shows lacks the same significance as compensation for combat-wounded veterans. Further, while the Barring Act applies to the settlement of claims for retired pay, it does not apply to CRSC by the statute's plain terms. The historical context provides good reason for this Court to refuse to read the CRSC statute as subject to the strictures of the Barring Act.

A. It is particularly important that this Court correct the Federal Circuit's misreading of the CRSC statute because CRSC is not retired pay.

The CRSC statute reads, "Payments under this section are not retired pay." 10 U.S.C. § 1413a(g). Yet the Federal Circuit ignored the CRSC statute's explicit statement providing the Department of Defense ("DoD") with its own authority to settle claims for CRSC and does not burden combat-wounded veterans with filing deadlines by applying the prior-enacted Barring Act's six-year deadline.[2]

By its plain terms, the Barring Act applies to "claims involving . . . retired pay," among other enumerated categories of wage-related payments. 31 U.S.C. § 3702(a)(1)(A). The Federal Circuit dismissed Petitioner's straightforward argument—that the text of the CRSC statute must be read as written—as "unpersuasive." Instead, it pointed to CRSC's calculation with reference to retired pay, 10 U.S.C. § 1413a(b), as evidence that claims under the CRSC are "claims involving . . . retired pay" within the meaning of the Barring Statute. Pet. App. 9a. Yet, the CRSC calculation's use of retired pay, or even the CRSC provision's housing within the "Computation of Retired Pay" chapter of Title 10, cannot convert claims for or involving CRSC into claims for or involving retired pay, where Congress has expressly provided that CRSC is "not retired pay."

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2. NLSVCC endorses each of Petitioner's arguments as to the proper interpretation of the CRSC statute and the Barring Act. Pet. 10-16.

On the one hand, CRSC provides monthly cash payments to those who were wounded in combat or in combat-like scenarios, and who nonetheless persisted in serving their country until the end of a twenty-plus year military career, or until their disabilities forced an early medical retirement. 10 U.S.C. § 1413a(e). It recognizes and honors these veterans' extraordinary service and sacrifice, and so is properly situated in our nation's long tradition of monetary recognition of bodily sacrifice through combat service in particular. *See* Section I.B, *infra*.

On the other hand, retired pay, like the military "pay, allowances, travel, transportation, payments for unused accrued leave . . . and survivor benefits" enumerated in the Barring Act, falls within the category of salary and the ordinary benefits of employment. Retired pay incentivizes retention of top talent to strengthen our national security and recognizes years of dedicated service. *Id.* at § 3702(a)(3). To be sure, military service is no ordinary job, but the DoD pay, reimbursement, and retirement pension structures are substantially similar to the federal civil service's equivalent structures.[3]

3. Compare, e.g., the "General Schedule" for federal civilian employee pay, 5 U.S.C. § 5332, with the military basic pay schedules, 37 U.S.C. ch. 3; the Thrift Savings Plan (TSP) available to federal civilian employees under the Federal Employees Retirement System (FERS), 5 U.S.C. §§ 8351, with the Blended Retirement System (BRS) for military personnel under 10 U.S.C. §§ 1401-1410, both of which include government matching contributions for retirement savings; the minimum age and years of service requirements for retirement eligibility under FERS, 5 U.S.C. § 8410, with those for military retirement under 10 U.S.C. § 8911 (20 years for active duty retirement, typically 20 years for federal service at age 60, with variations for other age and service combinations); and the survivor benefit programs for federal

Indeed, within the Barring Act subsection authorizing the Secretary of Defense to settle out these ordinary pay and benefits claims, parallel provisions authorize other administrators to settle "claims involving Federal civilian employees' compensation and leave," 31 U.S.C. § 3702(a)(2), and "claims involving expenses incurred by Federal civilian employees for official travel and transportation, and for relocation expenses incident to transfers of official duty station." *Id.* at § 3702(a)(3).[4] Thus, the enumerated claims to which the Barring Act's six-year limitations period applies are solidly workaday in nature.

CRSC is something distinct from and more sacred than retired pay or other ordinary salary and employment benefits.[5] This difference in kind between CRSC and retired pay may be reflected in the roundabout structure of CRSC payment delivery, as well as in CRSC's tax-

civilian employees under 5 U.S.C. § 8341 with the Survivor Benefit Plan (SBP) for military retirees under 10 U.S.C. §§ 1447-1455.

4. Whether the Director of the Office of Management and Budget's authority to "settle claims not otherwise provided for by this subsection or another provision of law," 31 U.S.C. § 3702(a)(4), is narrowed by parallelism to the wage-rated nature of the other claims provide for in this subsection is not at issue in this case, as the CRSC provides its own settlement authority. Pet. 12-16.

5. The "survivor benefits" authorized for settlement by the Department of Defense under the Barring Act are distinct from the dependency and indemnity compensation administered by the Department of Veterans Affairs, which is paid on a monthly basis to surviving spouses and dependents of veterans who die on active duty or from a service-connected condition. 38 U.S.C. §§ 1310-1318. Current DoD "survivor benefits" include an insurance-like pension program that requires the servicemember to make monthly payments while living. 10 U.S.C. §§ 1447-1455.

free status, a characteristic shared with VA disability compensation and not with retired pay or Concurrent Retirement and Disability Pay ("CRDP").[6] *Compare* 26 U.S.C. § 104(b) (CRSC) *with* 26 U.S.C. § 61(a)(10) (pensions taxed).

Importantly, the CRSC statute does not eliminate or modify the "concurrent receipt" prohibition, which requires retirees to forfeit a portion of their retired pay in exchange for VA service-connected disability compensation. 38 U.S.C. § 5304, § 5305. CRSC recipients are still bound by this rule, reinforcing that CRSC is not equivalent to retired pay. And CRSC does not refund retired pay withheld under the concurrent receipt bar. Rather, it is a distinct payment that is calculated with reference to withheld retired pay. U.S.C. §1413a(b). Therefore, the payment remains separate and distinct from retired pay itself.

B. It is equally important that this Court correct the Federal Circuit's misreading of the CRSC statute because historical context makes clear that Congress intended to compensate combat-wounded retirees separate and apart from retirement pay.

CRSC carries heavy emotional weight for combat-wounded retirees and their families, as Petitioners note.

6. In contrast to CRSC, CRDP (enacted two years after CRSC) is conceived of as a restoration of retired pay and like retired pay, is taxed. *See* Congressional Research Service, Concurrent Receipt of Military Retired Pay and Veterans Disability Compensation: Background and Issues for Congress, R40589, at 5 (2023), https://crsreports.congress.gov/product/pdf/R/R40589/19.

Pet. 11. Its roots in our nation's history and identity run deep. Political willingness to pay out generous veterans' benefits has shifted along with changing national priorities. But over our history, Congress has repeatedly acted to honor and protect combat-wounded veterans even as austerity and other forces demanded cuts elsewhere in veteran spending. The CRSC statute is one such example of a long tradition of Congress setting payments for combat-wounded veterans apart from and above other post-service pay.

Congress authorized the first payments to veterans disabled in wartime service, including by sickness, in a series of enactments in the years following the Revolution. These original pensions shaped an early sense of national identity. *See Hayburn's Case*, 2 U.S. 409, 414 (1792) ("[T]he objects of this act are exceedingly benevolent, and do real honor to the humanity and justice of Congress."). But as concerns about the Treasury's ability to pay out pensions rose, Congress restricted pension eligibility. *See* Laurel Daen, *Revolutionary War Invalid Pensions and the Bureaucratic Language of Disability in the Early Republic*, 52 Early Am. Lit. 141, 156 (2017). Nonetheless, Congress ensured that veterans disabled by the "direct effect of known wounds or hurts received while in the actual line of duty" would continue to receive compensation if they could provide affidavits of credible witnesses "setting forth the time and place of such known wound." *Id.* (quoting An Act to Regulate the Claims to Invalid Pensions, 1 Stat. 324, Feb. 28, 1793, ch. 17.)

In better times in the early nineteenth century, Congress initially expanded pensions to impoverished war veterans and their widows generally, only to restrict

pensions yet again amidst the largescale human toll of the Civil War by requiring proof of a nexus to an in-service wartime injury. *See* Theda Skocpol, *America's First Social Security System: The Expansion of Benefits for Civil War Veterans*, 108 Pol. Sci. Q. 85, 93 (1993) (citing Act of July 14, 1862, ch. 166, 12 Stat. 566.). These Civil War pensions, undifferentiated by rank, were conceived as recognition from a grateful nation of the highest form of bodily sacrifice in our nation's time of need. *See* Floor remarks of Rep. William Steele Holman of Indiana, Congressional Globe (Washington), vol. 32, pt. 3, May 18, 1862, p. 2102) ("[T]his bill proposes to pay a bounty on the part of the Government in consideration of the hardships endured, the perils incurred, the sufferings borne by those soldiers who may be disabled in the service of the country, an expression of gratitude and a provision against want.").

After the war, Congress again expanded pension access by eliminating the requirement that a war veteran's disability be service-related. Dependent Pension Act of 1890, 26 Stat. 182, 182–83, June 27, 1890, ch. 634. As a result of this and other enactments, between 1880 and 1910, over a quarter of federal spending was directed at pensions. Skocpol, *America's First Social Security System*, *supra* at 85. Political backlash to broad pension spending laid the groundwork for the modern veterans disability compensation system, which emerged in the First World War and aims to compensate veterans for the disabling effects of injuries connected to service. *See* James D. Ridgway, *Recovering an Institutional Memory: The Origins of the Modern Veterans' Benefits System from 1914 to 1958*, 5 Veterans L. Rev 6-8 (2013); *see also* World War Veterans' Act of 1924, Pub. L. No. 68-242, 43 Stat. 607.

Importantly, because our nation did not maintain a large standing military in peacetime until after the Second World War, service-connected disability payments were—by default—primarily payments for war-related injuries. Congress paired the modern veterans' disability compensation scheme with a significantly lower monthly pension program for wartime veterans living in poverty due to disabilities not connected to service. *See* Servicemen's and Veterans' Survivor Benefits Act of 1957, Pub. L. No. 85-56, 71 Stat. 8. In this way, the very structure of the modern veterans disability compensation reflects a background principle that while no disabled wartime veteran should be without the means to live, veterans with war-related injuries should receive the highest recognition.

Separately, retired pay, which was initially available only to officers, has its own distinct history and purpose. U.S. commissioned military officers hold their commissions for life short of removal or resignation, even after retirement. *See U.S. v. Taylor*, 105 U.S. 244, 245 (1881). In order to create space in the ranks to promote younger officers in a time of war, Congress enacted the first retired pay statute in 1861. An Act Providing for the Better Organization of the Military Establishment, 12 Stat. 287–291, Aug. 3, 1861, ch. 42. Subsequent enactments extended retired pay to career enlisted servicemembers around the same time as public resentment towards swelling pension rolls was growing. An Act to Authorize a Retired-List for Privates and Non-Commissioned Offices of the United States Army Who Have Served for a Period of Thirty Years or Upward, 23 Stat. 305, Feb. 14, 1885, ch. 67. Retired pay then, as now, recognizes a career of service and serves as a "retainer" payment, as retirees remain subject to recall to active duty. *See* 10 U.S.C. § 688.

In the 1890s' atmosphere of broad public backlash to generous post-service benefits, however, Congress first prohibited what is now known as "concurrent receipt" of retired pay and disability compensation. Act of March 3, 1891, ch. 548, 26 Stat. 1082. Limited to collecting just one form of post-service pay, disabled retirees today forego retired pay in favor of tax-free disability compensation. 38 U.S.C. §§ 5304, 5305. The concurrent receipt rule has persisted through the present despite the distinct purposes and histories of retired pay and disability compensation payments, and decades of retiree campaigning to lift the prohibition entirely.[7]

Keeping with traditional notions about the heightened deservingness of combat-wounded veterans, it is unsurprising that Congress would move to increase these retirees' total monthly payments during the wars in the wake of the attacks on September 11, 2001.[8] It is further unsurprising that Congress would explicitly state that

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7. *See*, *e.g.*, Testimony of Kimo S. Hollingsworth, American Veterans (AMVETS), S. Hrg. 110-188 (May 9, 2007) ("AMVETS believes it is . . . grossly unfair for disabled military retirees to forfeit a dollar of their retirement pay for every dollar they receive in VA disability compensation. A disabled veteran who has served this country for 20 years should not be penalized for choosing a military career over a civilian career.) In the same hearing, representatives from Paralyzed American Veterans, Disabled American Veterans, Military Officers Association of America, and the American Legion also testified in favor of eliminating the concurrent receipt prohibition.

8. CRSC was originally enacted in 2003 in the National Defense Authorization Act for FY2004, Pub. L. No. 108-136, 117 Stat. 1392, and was amended in the National Defense Authorization Act in 2008 Pub. L. No. 110-181, 122 Stat. 3.

CRSC is "not retired pay," so as to protect it from taxation and other strictures on retired pay.

In sum, CRSC is a modern instantiation of a long line of Congressional enactments in gratitude to combat-wounded veterans. The statute's outsize generosity in allowing combat-wounded retirees to collect significantly more monthly compensation than other retirees injured in non-combat or non-combat-like circumstances provides good reason to refuse to apply the Barring Act's strictures on accessing retired pay apply to the CRSC statute. Rather, CRSC's historical context provides good reason to believe that Congress intended that these retirees have full access to payments intended to honor their extraordinary service and sacrifice.

II. Lifting the Federal Circuit's Application of the Barring Act's Deadline Is Vital to Ensuring Combat-Wounded Retirees Have Full CRSC Access.

Beyond preserving the significance of CRSC, the common lived experience of combat-wounded retirees also provides good reason to read the CRSC statute without the Barring Act's strictures. The prevalence of Post-Traumatic Stress Disorder ("PTSD") and Traumatic Brain Injury ("TBI") among this population, as well as the challenges of transitioning into military retirement, suggest that combat-wounded retirees are more likely than the general military retiree population and the general veteran population to struggle to meet filing deadlines. Medical and social challenges commonly faced by combat-wounded retirees are likely to have direct and significant negative impact on their ability to apply for CRSC within six years of eligibility. Thus, applying the

Barring Act's six-year limitations period to CRSC unjustly denies Mr. Soto and similarly-situated veterans access to payments that Congress intended they would receive.

A. Combat trauma residuals would impede combat-wounded retirees' timely filing of CRSC applications, thereby depriving them of full benefits.

Petitioner Soto, a medically retired Marine Corps veteran of Operation Iraqi Freedom, embodies the challenges that combat-injured veterans face after leaving service because of their experiences in combat or combat-like situations. His lived experience is representative of the 9,000 similarly situated veterans he represents.

During his first deployment to Iraq, Mr. Soto was assigned to Mortuary Affairs and tasked with recovering casualties. Pet. 4. His traumatic experiences caused him to experience suicidal thoughts, vivid nightmares, and difficulty concentrating—all classic symptoms of PTSD. *Id.* He was initially rated at the 50% level for PTSD, then at 30%, and then at 100% by the end of 2009. *Id.* at 5. The Department of Veterans Affairs agrees that veterans with 100% disability ratings for a mental health condition experience "total occupational and social impairment," including due to gross impairment in thought processes or communication, an intermittent inability to perform activities of daily living, and severe memory loss. 38 C.F.R. § 4.130 (2024).

Indeed, Mr. Soto did not file an application for CRSC with the Navy until June of 2016. Pet. 6. And, applying the Barring Act, the Navy determined that Mr. Soto was

only entitled to six years of retroactive benefits CRSC payments, even though he was eligible for CRSC over eight years prior. *Id.* at 5.

Yet, veterans with combat zone experience, such as Mr. Soto, survive what most civilians cannot begin to imagine. According to Pew Research Center, approximately half of all combat veterans have stated that they experienced emotionally traumatic events during service, such as watching a member of their unit die or become seriously injured. Kim Parker, Ruth Igielnik, Amanda Barroso & Anthony Cilluffo, *The American Veteran Experience and the Post-9/11 Generation* 14 (2019). Their additional stressors include exposure to fire from enemy forces, roadside bombs, land mines, suicide bombers, mass graves, and human remains. Rand Center for Military Health Policy Research, *Invisible Wounds of War* 52 (2008).

Because combat is inherently characterized by trauma in the clinical sense of the term, PTSD is common among combat-wounded veterans. Charles W. Hoge et al., *Combat Duty in Iraq and Afghanistan, Mental Health Problems, and Barriers to Care*, 351 New Eng. J. of Med. 13, 14 (2004). The onset of PTSD is approximately three times more prevalent among veterans with combat exposure compared to those without. Tyler C. Smith et al., *New Onset and Persistent Symptoms of Post-Traumatic Stress Disorder Self-Reported After Deployment and Combat Exposures: Prospective Population Based US Military Cohort Study*, 336 British Med. J. 366, 373 (2008). TBI, often called the "signature wound" of modern war, is prevalent in this population as well. *See* Peter Hayward, *Traumatic Brain Injury: The Signature of Modern Conflicts*, 7 The Lancet Neurology 200, 200 (2008).

Both PTSD and TBI, as well as certain other mental health conditions, are characterized by executive dysfunction, a symptom that directly inhibits a person's capacity to make and execute plans effectively. *See* Geneviève LaGarde, Julien Doyon, & Alain Brunet, *Memory and Executive Dysfunctions Associated with Acute Posttraumatic Stress Disorder*, 177 Psychiatry Rsch. 144, 146-147 (2010); Brenna C. McDonald, Laura A. Flashman & Andrew J. Saykin, *Executive Dysfunction Following Traumatic Brain Injury: Neural Substrates and Treatment Strategies*, 17 NeuroRehabilitation 333, 333-336 (2002); *see also See* Laura D. Crocker et al., *Worse Baseline Executive Functioning is Associated with Dropout and Poorer Response to Trauma-Focused Treatment for Veterans with PTSD and Comorbid Traumatic Brain Injury*, 108 Behav. Rsch. and Therapy 68, 69 (2018). These symptoms can be amplified if untreated, which is all too common given social and logistical barriers that veterans encounter, including stigma surrounding mental health and the reported lack of adequate mental health staff within the VA. *See* Ann M. Cheney et al., *Veteran-Centered Barriers to VA Mental Healthcare Services Use*, 18 BMC Health Services. Rsch. 2, 10 (2018). Moreover, participation in combat creates an enhanced risk of developing depression, anxiety, and alcohol/substance abuse disorders because of traumatic experiences during combat. McDonald, Flashman & Saykin, *Executive Dysfunction* at 127.

Any or all of these conditions make it more likely that combat-injured retirees may be unable to gather materials necessary to make timely submissions because their combat-related symptoms directly impact their ability to manage everyday tasks and organize their thoughts.

B. The challenges common to homecoming would likewise impede combat-wounded retirees' timely filing of CRSC applications.

The well-documented difficulties of transitioning home from deployment, and from service into the civilian world provide additional reason to believe that combat-injured retirees are likely to face barriers to applying for CRSC in the years following retirement.

Navigating disability complicates combat retirees' reintegration into civilian life, a process that can be highly destabilizing even in the best of circumstances as servicemembers leave the structure of military life behind. Shivani Sachdev & Shikha Dixit, *Military to Civilian Cultural Transition Experiences of Retired Military Personnel: A Systematic Meta-Synthesis*, Military Psychology 1, 5-9 (2023). Almost every aspect of life changes after leaving military service; adjusting to a new normal takes time. *See* Jeremy S. Joseph et al., *Reculturation: A New Perspective on Military-Civilian Transition Stress*, 35 Military Psychology 193, 195-197 (2023).

This may be especially true for medical retirees, who may have been separated from the military far earlier and more suddenly than they had planned. In sharp contrast to the camaraderie and sense of purpose inherent to military service, retirees often feel out of place and disconnected from their loved ones and the broader public when they re-join the civilian world. *See* Sachdev & Dixit, *supra* at 6-7. They often experience a sense of loss of identity and purpose, and without the structure of military life, can become overwhelmed by new responsibilities and unlimited choice. *Id.* at 6.

Further, the period of transition from military service to civilian life is generally marked with difficulties finding stable employment and housing, and is associated with more severe PTSD and TBI symptoms. *See* Nicholas Rattray et al., *The Association Between Reintegration, Perceptions of Health and Flourishing During Transition from Military to Civilian Life Among Veterans with Invisible Injuries*, 9 J. Veteran Studies 224, 225 (2023). Mental health and functional challenges can be especially acute for those having recently returned from combat deployments. *See* Nina A. Sayer, Kathleen F. Carlson & Patricia A. Frazier, *Reintegration Challenges in the U.S. Service Members and Veterans Following Combat Deployment*, 8 Social Issues and Policy Review 33, 39-42 (2014). It is understandable that the instability of the transitional period may make it more difficult for combat-injured retirees to claim benefits like CRSC within six years of eligibility. With symptoms of PTSD, TBI, or mental health disabilities compounded by the upheaval of the transitional period, it is not difficult to imagine why over 9,000 medically retired veterans like Mr. Soto had already lost months to years of CRSC payments by application of the Barring Act at the time of class certification.

Given the unique challenges faced by this population and the text of the statute, it is difficult to believe that Congress intended that the Secretary of Defense be required to apply the Barring Act's six-year limitations period to CRSC payments. Rather, the CRSC statute should be read to allow the Secretary to settle claims for CRSC fairly.

CONCLUSION

Amicus NLSVCC respectfully urges this Court to take up Mr. Simon Soto's petition for a writ of certiorari. CRSC represents our nation's recognition of and gratitude for a community of veterans marked by extraordinary service and sacrifice—those who continued serving for a full military career or for as long as medically able despite suffering a combat or combat-related injury. The Federal Circuit's decision degrades claims for CRSC as "claims involving . . . retired pay," and fails to recognize CRSC's distinct heritage and purpose. Further, given the heightened challenges this population faces, requiring the Secretary of Defense to apply the Barring Act's six-year limitations period means that combat-injured retirees like Mr. Soto will be deprived of significant amount of CRSC payments. It is vitally important that this Court correct the Federal Circuit's error and restore to these veterans the benefits and respect they are owed.

Respectfully submitted,

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