No. 24-

IN THE
Supreme Court of the United States

SIMON A. SOTO,

Petitioner,

v.

UNITED STATES,

Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Federal Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

This case determines whether thousands of medically retired combat veterans should receive all the combat related special compensation (CRSC) that Congress specifically authorized for combat veterans. The government has elected to calculate the period of retroactive compensation due using the procedure in the Barring Act (31 U.S.C. § 3702) instead of the one in the CRSC statute (10 U.S.C. § 1413a)—a maneuver that allows the government to apply the Barring Act's six-year limitations period in order to pay the veterans less. But the Barring Act is a default provision and does not apply where "another law" provides a procedure for calculating the amount due—that is, for "settling" a demand for payment.

Although this Court's precedent defines "settlement" of demands for payment from the federal government as "the administrative determination of the amount due," it has not decided the test for whether a statute provides a settlement procedure that should apply in place of the Barring Act. And agency practice more broadly—which aligns with the test the District Court articulated and is consistent with this Court's definition of "settlement"—is irreconcilable with the novel test that the Federal Circuit applied, although both tests claim reliance on this Court's definition of "settlement."

The question presented is:

When a person makes a demand for money from the federal government pursuant to federal statute, what test should courts and agencies use to determine whether that statute includes a settlement procedure that displaces the default procedures and limitations set forth in the Barring Act (31 U.S.C. § 3702)?

PARTIES TO THE PROCEEDING AND RULE 29.6 STATEMENT

Simon A. Soto is the Petitioner here and was the Plaintiff-Appellee below.

The United States government is the Respondent here and was the Defendant-Appellant below.

STATEMENT OF RELATED PROCEEDINGS

This case arises from the following proceedings:

Simon A. Soto v. *United States*, No. 22-2011 (Fed. Cir. order denying petition for rehearing en banc entered June 20, 2024)

Simon A. Soto v. *United States*, No. 22-2011 (Fed. Cir. judgment entered February 12, 2024)

Simon A. Soto v. *The United States of America*, No. 1:17-cv-00051 (United States District Court for the Southern District of Texas judgment entered December 16, 2021)

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PETITION FOR A WRIT OF CERTIORARI

Petitioner respectfully petitions for a writ of certiorari to review the decision of the United States Court of Appeals for the Federal Circuit.

OPINIONS BELOW

The Federal Circuit's panel opinion reversing and remanding the decision of the District Court for the Southern District of Texas is reported at 92 F.4th 1094, and reproduced at Pet.App.1a. The final judgment of the District Court for the Southern District of Texas is unreported, but it is available at 2021 WL 7286022 and reproduced at Pet.App.38a.

JURISDICTION

The Federal Circuit entered its judgment on February 12, 2024, Pet.App.1a. The Federal Circuit panel denied Soto's timely petition for rehearing *en banc* on June 20, 2024, Pet.App.40a. This Court has jurisdiction to review the Federal Circuit's judgment under 28 U.S.C. § 1254(1).

CONSTITUTIONAL/STATUTORY PROVISIONS INVOLVED

The relevant statutory and regulatory provisions are reproduced at Pet.App.42a-47a. The Barring Act, 31 U.S.C. § 3702, is reproduced at Pet.App.45a. The Combat-Related Special Compensation Act, 10 U.S.C. § 1413a is reproduced at Pet.App.42a.

STATEMENT OF THE CASE

In 2002, Congress passed a law to provide an incredibly deserving segment of the country's military veterans—veterans *both* injured in combat or other

hazardous duty *and* who retired from the military because they served at least twenty years (longevity retirees)—with Combat-Related Special Compensation ("CRSC"). 10 U.S.C. § 1413a. That law, which Congress amended in 2008 to include veterans whose disabilities prevented further service (medical retirees), contains all the provisions needed for the relevant federal agency to "settle" a claim for CRSC; that is, to determine the amount due to a veteran who submits a demand for payment. The Federal Circuit has ratified the government's choice to substitute a default statute for that determination—the Barring Act (31 U.S.C. § 3702)—which applies only where another law does not provide for settlement, and which, unlike the CRSC statute, contains a six-year statute of limitations.

The Federal Circuit's decision is wrong in light of this Court's precedent and has important and wide-ranging implications that require this Court's intervention. This Court has defined settlement as "an administrative determination of the amount due" on a demand for payment. Thus, in assessing whether another law displaces the Barring Act, this Court's test requires only a determination of whether that law provides a procedure for determining the amount due on a demand for payment. The law need not specifically use the word "settle" or equivalent language, and it need not include a limitations provision—neither of which determine whether the law contains the relevant procedure. In holding otherwise, the Federal Circuit leaves Petitioner—and thousands of other combat veterans who rendered heroic service to our nation that left them with long-term, life-altering disabilities—without the full measure of compensation the nation promised in return for their sacrifices. The Federal Circuit's novel test, if left untouched, also raises difficult questions about whether other statutes under

which agencies have been delegated the authority to settle demands for payment in fact provide for that authority. This Court should grant the petition to address these exceptionally important matters.

A. Statutory Background

Congress enacted the CRSC program on December 2, 2002, to provide benefits to members of the uniformed services who have combat-related injuries. 10 U.S.C. § 1413a. In the years since its inception, CRSC has been amended and expanded to provide benefits to thousands of veterans. In 2003, the National Defense Authorization Act ("NDAA") authorized CRSC for certain military retirees with combat- or operations-related disabilities. *Id*. The 2003 Act provided CRSC to retired service members with qualifying disabilities rated at 60% or higher, and to those retirees with disabilities associated with the award of a Purple Heart decoration. *Id.* As originally enacted, the substantive entitlement to CRSC was payable only to longevity retirees (those who completed at least twenty years of service). Pub. L. No. 108-136, 117 Stat. 1392.

Today's iteration of CRSC was signed into law under the NDAA adopted on January 28, 2008 (2008 NDAA). Under it, CRSC eligibility was expanded to anyone medically retired, including retirees with fewer than twenty years of service, effective January 1, 2008. Pub. L. No. 110-181, 122 Stat. 3.

The CRSC Statute provides that "[t]he Secretary concerned shall pay . . . a monthly amount for the combat-related disability of the retiree determined under subsection (b)." 10 U.S.C. § 1413a(a). The CRSC Statute goes on to establish how to determine the amount of monthly payment due, the maximum amount payable, who is eligible, the status of the payments, who can prescribe application procedures, and the source of

the payments. *Id*. By its own terms, the CRSC Statute not only determines *who* is eligible, but also provides the framework to administratively determine *how much* CRSC is due to an eligible veteran and the procedure by which that determination should be made.

The Barring Act is an "independent administrative claims handling procedure" See U.S. Gov't Accountability Off., GAO-08-978SP, *Principles of Federal Appropriations Law* 14-25 n.54 (3d ed. 2008) ("GAO Red Book"). The Barring Act provides for a six-year statute of limitations. 31 U.S.C. § 3702(b)(1). Importantly, however, the Barring Act makes clear that its limitations period does not apply where "another law" establishes how "claims" against the United States "shall be settled." *Id*. § 3702(a). In other words, if "another law" includes its own settlement procedure, the Barring Act—and its six-year limitations period—do not apply to claims under that law.

B. Factual Background

The pertinent facts are not in dispute. Mr. Soto enlisted in the United States Marine Corps in August 2000. Pet.App.22a. During his first two tours in Operation Iraqi Freedom, he served in Mortuary Affairs and was assigned to "search for, recover, and process the remains" of war casualties." *Id.* He began experiencing, *inter alia*, suicidal thoughts, vivid nightmares, and difficulty concentrating as a result of his experiences in Mortuary Affairs, including one mission in which he and other service members retrieved "over 300 pieces of five or seven soldiers" who had been killed. Complaint ¶ 55, *Soto* v. *United States*, No. 1:17-cv-51 (S.D. Tex. Mar. 2, 2017), ECF No. 1. He began being treated for his afflictions in December 2005. *Id.* ¶ 57. His physicians at that time documented the correlation between his distressing combat experiences in

Iraq and his later diagnosis of post-traumatic stress disorder ("PTSD").

After serving in the Marine Corps, Mr. Soto was medically retired from active duty on April 28, 2006. Pet.App.22a. Due to the lasting effects of his service, he was then placed on the Temporary Disability Retirement List ("TDRL"), which entitled him to military retirement pay. *Id*. Subsequently, the Secretary of the U.S. Navy (the "Secretary") removed Mr. Soto from the TDRL and gave him permanent disability retirement, which continued his entitlement to military retirement pay. *Id*.

Later, Mr. Soto sought service-connected disability benefits from the Department of Veterans Affairs (the "VA") based on his PTSD. Complaint ¶ 59. In June 2009, the VA issued a rating decision awarding him disability rating of 50 percent for his PTSD (effective April 26, 2006), followed by a rating of 30 percent (effective November 1, 2006), and then a rating of 100 percent (effective December 31, 2009). *Id*.

In June 2016, Mr. Soto submitted an application to the Navy seeking CRSC due to his PTSD. Pet.App.22a. In October 2016, the Navy found that his PTSD was a combat-related disability and awarded him CRSC. *Id*. The Navy assigned a CRSC effective date of July 2010, Pet.App.4a, notwithstanding the fact that Mr. Soto met all of the CRSC enrollment criteria on January 1, 2008—the effective date of the law that extended the CRSC entitled to medical retirees such as Mr. Soto. Complaint ¶ 61. See 10 U.S.C. §§ 1201—1222; *id*. § 1413a(b)(3)B). As a result of the Navy's assignment of Mr. Soto's CRSC effective July 2010, the Secretary awarded Mr. Soto only six years of retroactive CRSC payments—carrying from July 2010 to June 2016—even though he is entitled to approximately eight-and-one-half years of retroactive CRSC payments—from

January 2008 until June 2016. Complaint ¶ 61. Documentation recording the Secretary's decision provided:

> CRSC is subject to the 6-year statute of limitations [United States Code (U.S.C. 31, Section 3702(b)]. In order to receive the full retroactive CRSC entitlement, you must file your CRSC claim within 6 years of any VA rating decision that could potentially make you eligible for CRSC or the date you became entitled to retired pay, whichever is most recent. If you file your claim more than 6 years after the initial eligibility, you will be restricted to 6 years of any retroactive entitlement.

Id. ¶ 35. Defendant has used this six-year statute of limitations policy to pay no more than six years of retroactive CRSC to thousands of other deserving United States military combat veterans.

C. The Proceedings Below

On March 2, 2017, Mr. Soto filed a putative class action in the U.S. District Court for the Southern District of Texas asserting a single claim pursuant to 10 U.S.C. § 1413a (the "CRSC Statute") based on Defendant's "nationwide and unlawful policy to pay no more than six years of retroactive CRSC" (the "Retroactive Payment Cap"). Complaint at 1. The putative nationwide class consisted of:

> former service members of the United States Army, Navy, Marine Corps, Air Force, or Coast Guard whose CRSC applications under 10 U.S.C. § 1413a were granted, but whose amount of CRSC payment was limited by Defendant's application of the statute of limitations contained in 31 U.S.C. § 3702 and have a claim less than $10,000.

Pet.App.31a. After denying Defendant's Motion for Judgment on the Pleadings, see Pet.App.32a, the District Court certified the proposed class on February 11, 2019. Pet.App.31a. In response to discovery requests, the government identified 9,108 former service members whose CRSC had been limited by its application of the Barring Act.[1] Joint Statement of Stipulated Facts ¶ 3, *Soto* v. *United States*, No. 1:17-cv-51 (S.D. Tex. Aug. 13, 2021), ECF No. 87. The Claims Administrator mailed the potential class members notices which advised them that they had until July 5, 2021 to opt out of the Class. At the conclusion of the notification process, 11 of the 9,108 service members opted out of the Class.

After four years of litigation, the District Court granted summary judgment to Mr. Soto on December 16, 2021. Pet.App.39a. In its order, the court held that the CRSC Statute has its own settlement mechanism "because it defines eligibility for CRSC, helps explain the amount of benefits and instructs the Secretary of Defense to prescribe procedures and criteria for individuals to apply for CRSC." Pet.App.35a-36a. Based on that conclusion, the District Court held that the CRSC Statute is a "another law," placing it outside the reach of the Barring Act and—by extension—its six-year statute of limitations. Pet.App.35a. The court entered final judgment in favor of Mr. Soto and the Class, finding that Defendant is liable to the veterans for compensation that Defendant withheld when applying its Retroactive Payment Cap. Pet.App.38a.

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[1] The number of class members described above is based on information provided by the government that was current as of 2021. The number of affected veterans has likely increased in the three years since that information was collected.

Defendant appealed the District Court's final judgment to the U.S. Court of Appeals for the Federal Circuit on October 12, 2022. Pet.App.5a.

The Federal Circuit reversed the District Court's grant of summary judgment to Mr. Soto and the Class in a split decision. Pet.App.11a. A majority of the Federal Circuit panel held that that the Barring Act's six-year statute of limitations applies because the CRSC Statute does not contain its own settlement mechanism. *Id*. The majority agreed with the District Court that the CRSC Statute established eligibility for CRSC payments, and did not contest that the statute "helps explain the amount of benefits." Pet.App.6a. But it went on to hold that establishing eligibility was different from "confer[ring] settlement authority independent of the Barring Act"—and did not specifically analyze the statute's provisions governing the amount of benefits owed. *Id*. The majority explained that a statute "must explicitly grant an agency or entity the authority to settle claims" using "specific language," which the majority stated "will typically be done by use of the term 'settle.'" Pet.App.6a-7a (emphases added). It also held that "[w]ithout specific language," the CRSC statute would need to "provide[] a 'specific' provision setting out the period of recovery." Pet.App.7a (cleaned up). Because the CRSC Statute did not meet either requirement, the majority held that it did not qualify as a "another law." *Id*. ("As we have explained, the CRSC statute does not meet either of these requirements."). *Id*.

Notably, the majority did not square its disjunctive test with this Court's teaching that the term "settlement" is used to "describe administrative determination of the amount due." *Ill. Sur. Co.* v. *United States ex rel. Peeler*, 240 U.S. 214, 219 (1916). Nor is it otherwise clear how the majority's newly created test is

derivable from that decision, which nowhere discusses or suggests either requirement when defining the term "settlement."

Judge Reyna dissented. Pet.App.12a. He opined that the "CRSC statute addresses the settlement of claims against the government and displaces the Barring Act's six-year statute of limitations." *Id*. After citing *Ill. Surety* and other authority regarding the definitions of "settle" and "claim," Judge Reyna concluded that "'[s]ettling a claim,' therefore, means administratively determining the validity of the demand for money against the government and the amount of money due." Pet.App.13a. He then undertook a comprehensive review the CRSC Statute, finding that it defined eligibility; granted the "Secretary concerned" the authority to determine an amount due to an eligible veteran; described how to determine the monthly amount due to be paid; and identified the source of the CRSC payments. Pet.App.15a. Following from that analysis, he concluded that the CRSC Statute provides a settlement mechanism and displaces the Barring Act. Pet.App.12a. Pertinent here, Judge Reyna criticized the majority's creation of "*new requirements* for determining when a statute settles a government claim," including the majority's undue focus on the word "settle," even in contexts where the use of that word is not required, *i.e.*, in situations involving "more general, remedial, and administrative determination of [the] eligibility for money from the government and the amount due." Pet.App.12a, 18a.

REASONS FOR GRANTING THE PETITION

I. THE QUESTION PRESENTED IS VITALLY IMPORTANT BECAUSE THE TEST FOR WHETHER A DEMAND FOR PAYMENT MUST BE SETTLED UNDER THE BARRING ACT OR ANOTHER STATUTE MERITS THIS COURT'S REVIEW.

Whether thousands of combat veterans now and into the future lose all or part of the special compensation they earned through service to and sacrifice for our nation is an exceptionally important question that merits this Court's review. That is so for two independent reasons.

A. The question is exceptionally important because it determines the scope of a statute that provides remuneration for thousands of disabled combat veterans who have made life-altering sacrifices for the nation.

1. The military retirement system accomplishes at least two core goals: it ensures fairness by rewarding the service and sacrifices of veterans, and it makes a career in the Armed Forces more competitive with opportunities with private employers and the federal Civil Service. Both goals support recruitment and retention efforts and thereby protect national security. See Cong. Rsch. Serv., RL34751, *Military Retirement: Background and Recent Developments* 1 (June 3, 2024) (outlining fundamental purposes of the military retirement system). CRSC—and questions affecting its scope and reliability—are particularly important to these goals, for two interrelated reasons.

First, CRSC focuses specifically on exceptionally worthy beneficiaries: Purple Heart recipients and others who were injured in combat or particularly

hazardous service. Example duties include those associated with confronting hostile forces, diving, parachuting, and using explosives or other dangerous materials. Example injuries include those sustained at the hands of a hostile force, munitions explosions, inhalation of toxic gases, or those resulting from use of military vehicles, ships, or aircraft. See K. Kamarck & M. Schwartz, Cong. Rsch. Serv., R40589, *Concurrent Receipt of Military Retired Pay and Veteran Disability: Background and Issues for Congress* 6 (June 22, 2023). As of 2021, the CRSC program provided economic support for over 95,000 veterans injured in these ways, over half of whom were between 90 and 100 percent disabled. See *id.* at 7 (reporting number of recipients by disability rating). Nearly half of them—45,000—were 100 percent disabled. See *id*. In other words, CRSC beneficiaries are among those living veterans who have risked the most and sacrificed the most—a population highly deserving of support.

Second, CRSC is landmark legislation in the veterans community. It is the result of over a decade of advocacy among veterans, veterans' advocacy organizations, and members of Congress, and is the first form of "concurrent receipt"—simultaneous receipt of VA disability and military retired pay—that Congress authorized since prohibiting the practice in 1892. See *id.* at 1 & n.2. As originally conceived in the House and Senate, the program had a much broader scope; CRSC as it exists is a compromise forged in the shadow of a veto threat, the linchpin of which is fairness to those whose service and sacrifice was especially significant. See U.S. Dep't of Def., *Compensation Elements and Related Manpower Cost Items: Their Purpose and Legislative Backgrounds* 619 (7th ed. Nov. 2011) (describing legislative history and fundamental purpose of CRSC). For these reasons, CRSC has symbolic

importance in veterans' circles as a particularly crystallized example of the nation's commitment to equity in rewarding service and sacrifice.

2. That commitment and its contribution to national security are at stake in this case. As the Department of Defense has observed, "[f]ew things are more important for morale than that service members believe they are being treated as fairly as possible, and, conversely, few things undermine morale more than a sense of unfair treatment." *Id.* at 3. This class action exists because thousands of deserving veterans have that sense of unfair treatment. The Question Presented will determine whether those veterans receive the full CRSC benefits that they indisputably earned, or whether an interpretation of the word "settlement" that is inconsistent with this Court's definition of that term will provide an extrinsic limit on the CRSC program's landmark commitment. The answer has implications for the legitimacy that the promises of a grateful nation will have among veterans and prospective military members, and so for the country's military readiness. For that reason alone, this case is exceptionally important.

B. The question is exceptionally important because the Federal Circuit's test alters how and even whether the federal government settles its debts.

The Federal Circuit held that a statute can only provide a settlement mechanism that displaces the Barring Act if it (1) uses "specific language" that will "typically" involve the term "settle" or (2) specifically sets out a period of recovery. Pet.App.18a (Reyna, J., dissenting). But other statutes that agencies and courts have long regarded as providing their own settlement mechanism do not meet one or both of these requirements—meaning that the Federal Circuit's test, if left

in place by this Court, would cause a sea change. See, *e.g.*, *Lee* v. *DOJ*, 99 M.S.P.R. 256, 265 (M.S.P.B. July 15, 2005) (noting that predecessor to Section 3702 did not prevent MSPB from awarding back pay because 5 U.S.C. § 5596(b)(1) constituted "another law" that displaced the Barring Act, and reviewing caselaw); 5 U.S.C. § 5596 (authorizing the MSPB to determine eligibility for and award backpay, providing guidance for calculation of amount due, but not using the word "settle" or similar language)[2]; File No. S001855.2, 1999 OPM Dec. LEXIS 338 (Off. of Pers. Mgmt. June 16, 1999) (concluding that Office of Personnel Management lacked jurisdiction under Section 3702(a) to settle claim relating to "lawfulness of a separation based on the expiration of a temporary appointment" because the MSPB was "authorized by [5 U.S.C. § 7513(d)] to review" such matters); 5 U.S.C. § 7513 (authorizing appeal to the MSPB in subsection (d), but nowhere using the word "settle" or similar language).

The case of 10 U.S.C. § 7712 is particularly instructive. That statute, formerly codified at 10 U.S.C. § 4712, addresses claims for the proceeds of effects of persons who pass away in locations under Army jurisdiction. A prior version of that statute included a subsection (g), which used the word "settlement" to vest authority in the GAO to address claims. See 10 U.S.C.

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[2] The government suggested in its response to the Petition for Rehearing before the Federal Circuit that Petitioner's discussion of claims for back pay under 5 U.S.C. § 5596 referred to the Uniformed Services Employment and Reemployment Rights Act (USERRA). Response at 12, *Soto* v. *United States,* No. 22-2011 (Fed. Cir. May 5, 2024). That is wrong. USERRA is codified at 38 U.S.C. § 4324(c), was not discussed in the Petition for Rehearing, and is not discussed here. 5 U.S.C. § 5596 codifies the Back Pay Act—a wholly separate statute that includes neither the word "settle" nor any limitations period.

§ 4712 amended by General Accounting Office Act of 1996, Pub. L. No. 104-316, 110 Stat. 3826 (1996) (current version at 10 U.S.C. § 7712). Congress struck that subsection with the intent to transfer that authority from GAO to the Department of Defense (DoD). See 110 Stat. at 3842, §§ 201, 202(g) (noting that "[t]he purpose of this title is to amend provisions of law to reflect, update, and enact transfers and subsequent delegations of functions . . . as in effect immediately before this title takes effect," and striking subsection (g)); *In re Transfer Claims Settlement and Related Advance Decisions,* 97-1 Comp. Gen. Proc. Dec. P123, at *9 (Mar. 17, 1997) (acknowledging that 110 Stat. 3826 transferred settlement authority for claims under 10 U.S.C. § 4712 to DoD).

The result of Congress's amendment is a statute that neither uses the word "settle" nor anything similar, and which does not contain a specific limitations period. Before the Federal Circuit's decision in *Soto*, that did not matter. But under the majority's novel test, Congress's transfer must be understood as removing settlement authority from Section 7712 altogether, leaving claims under it subject to Section 3702. Section 3702(a)'s language specifically addresses particular kinds of claims in its subsections, see 31 U.S.C. § 3702(a)(1)–(3), and assigns any claims it does not specifically address to the Office of Management and Budget. See *id.* § 3702(a)(4). And since claims for proceeds of personal effects are not specifically discussed in Section 3702(a), they would presumably fall under the authority of the Office of Management and Budget pursuant to Section 3702(a)(4)—notwithstanding Congress's plain intent to leave them in the hands of DoD.

In sum, the potentially expansive implications of the Federal Circuit's decision—one that would upend existing congressional delegations of claims and cause

courts and agencies alike to revisit the settlement authority of numerous statutes—further support the exceptional importance of this petition.

II. THE FEDERAL CIRCUIT'S DECISION IS WRONG AND REQUIRES CORRECTION.

It is indisputable that this Court's definition of settlement in the context of public transactions and accounts—the "administrative determination of the amount due" on a claim,[3] 240 U.S. at 219—must form the basis of any test to determine whether a law provides its own settlement mechanism. Nevertheless, both prongs of the Federal Circuit's test—that a statute must either (1) use "specific language" that will "typically" involve the term "settle" or (2) specifically set out a period of recovery, Pet.App.18a—ignore and conflict with this Court's long-established definition of the term "settlement." That is improper.

The first prong is so formalistic as to make the substance of this Court's definition irrelevant. A statute without the word "settle" or similar would fail that prong of the test even if it included all the necessary features to allow an agency to make an "administrative determination of the amount due." See *supra* Section I.B. Conversely, a statute would pass that test even if the statute provided no detail whatsoever on "how eligible claims may be settled," Pet.App.7a, so long as the word "settle" or similar appeared in its text. Either way, the substance of this Court's definition has no apparent role in the inquiry.

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[3] The word "claim" in this context also has a longstanding definition. *See Hobbs* v. *McLean*, 117 U.S. 567, 575 (1886) ("What is a claim against the United States is well understood. It is a right to demand money from the United States . . . which can be presented by the claimant to some department or officer of the United States for payment, or may be prosecuted in the court[s].").

The second prong simply replaces this Court's definition of settlement directly. The question of whether a statute contains a limitations period has nothing to do with whether it contains a procedure for administratively determining amounts due. While a limitations period could reduce the total due for payment that results from executing such a procedure, it is merely an input into the calculation—not the procedure itself. The Federal Circuit offers nothing to support that a limitations period *must* be included for statute to confer settlement authority, or that this prong of its test is in any way derivable from this Court's definition of settlement.

A test that does derive from this Court's definition of settlement would directly account for a statute's substance, asking whether its provisions allow for an administrative determination of the amount due on a demand for payment. And where a statute establishes how to determine the amount of a monthly payment due, the maximum amount payable, who is eligible, the status of the payments, who can prescribe application procedures, and the source of the relevant payments—as 10 U.S.C. § 1413a indisputably does—that test is satisfied.

This Court should grant the petition to decide as much, and to correct the Federal Circuit's decision to the contrary.

III. THIS CASE IS AN IDEAL VEHICLE FOR RESOLVING THE QUESTION PRESENTED, AND NO FURTHER PERCOLATION IS POSSIBLE.

This case neatly presents a purely legal issue regarding statutory interpretation and fidelity to this Court's precedent. There are no facts in dispute. The proper test for determining whether the Barring Act governs

settlement was the core focus of the Federal Circuit's decision, and that issue was specifically decided in a precedential opinion that was outcome-determinative for the parties. The case involves no procedural complications, and is representative of how the issue would arise in the context of demands for payment under other statutes.

Moreover, no further percolation of this issue is possible. The Federal Circuit enjoys exclusive appellate jurisdiction over cases involving demands for payment from the federal government, see 28 U.S.C. §§ 1491, 1346(a), 1295(a)(2), (a)(3) (explaining that Tucker Act and "Little" Tucker Act authorize demands for payment totaling less or more than $10,000 respectively, and noting Federal Circuit's exclusive appellate jurisdiction in either case), as well as over veterans' matters, see 38 U.S.C. § 7292. The split panel decision, and the decision not to review *en banc*, are the final word on whether deserving veterans receive the benefits that they are rightfully due—unless this Court intervenes.

CONCLUSION

For the foregoing reasons, the Court should grant the petition for a writ of certiorari.

Respectfully submitted,

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