

US Supreme Court hands down decision denying retroactive benefits to veterans

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The Supreme Court of the United States issued its first opinion of the 2023 term on Monday. A unanimous decision was handed down denying compensation to veterans with disabilities stemming from military service if they failed to apply “within one year of their discharge.”

In *Arellano v. McCullough*, the court ruled that Adolfo Arellano, who served in the Navy from 1977 until he was honorably discharged in 1981, was not entitled to receive retroactive benefits for his injuries because his brother filed for them on his behalf in 2011.

Arellano worked on an aircraft carrier that collided with a freighter in the Persian Gulf in 1980. The sailor, who was nearly swept overboard, witnessed shipmates crushed to death and subsequently suffered from post-traumatic stress disorder (PTSD) and other psychological illnesses.

The disorders stemming from his Naval experience rendered Arellano unable to work. However, due to the severity of his incapacitation, Arellano was unaware that he qualified for disability compensation from the US government.

Arellano’s brother, who became his legal guardian and primary caregiver, did not find out until 2011 that the injured veteran was eligible for benefits. Filing on behalf of Adolfo, the brother submitted an application requesting retroactive benefits for the previous 30 years.

While the Department of Veterans Affairs (VA) granted compensation for Arellano going forward, the agency denied benefits going back to his year of discharge. The VA said federal law allows retroactive compensation only if former military personnel file “within one year of discharge.” This means that Arellano would have had to file his application for retroactive benefits some time in 1982.

When the application for retroactive benefits was denied, Arellano appealed the decision. He argued for something called “equitable tolling,” a legal concept that has been used to suspend deadlines like the one-year application requirement on the grounds of an “extraordinary circumstance” that prevented filing on time.

In the unanimous Supreme Court decision, Justice Amy Coney Barrett upheld a Federal Court of Appeals ruling denying Arellano’s appeal of the VA’s decision on the grounds of equitable tolling. She did so based on a stringent interpretation of the law.

According to a report in *Slate*, “Barrett, a former civil procedure professor, ignored the principle of solicitude toward veterans in favor of a wooden analysis of the ‘statutory scheme.’ She focused on the fact that federal law includes 16 explicit exceptions to the general rule that veterans can’t get retroactive compensation—and equitable tolling isn’t one of them.”

The ruling is an attack on the rights of hundreds of thousands of veterans who have been used as cannon fodder in the imperialist military operations of the US government going back to the Vietnam War era.

The ostensibly liberal justices on the court sided with Barrett against military veterans. The remaining Democratic Party Supreme Court appointees—Sonia Sotomayor, Elena Kagan and Ketanji Brown Jackson—all signed on to Barrett’s decision.

There are countless examples of veterans who did not file required paperwork within the specified time frame and were denied benefits while they were still alive, or surviving spouses who ended up getting absolutely nothing for the same reason.

The decision of the high court exposes the phony expressions of sympathy from the entire ruling establishment for the sacrifices of life and limb by

military personnel. The truth is, the ruling class could care less about what happens to these men and women after their bodies and minds have been ravaged and their lives ruined by the horrors of war.

The contempt of the Supreme Court for military veterans is underscored by the fact that the details of Adolfo Arellano's experience in 1980 are not even mentioned in the decision. Although the opinion written by Justice Barrett is long on the finer points of "statutory text" and "individualized equities," the court does not bother to discuss what happened 42 years ago in the Persian Gulf.

Relevant questions to be asked are: (1) What was the name of the aircraft carrier? (2) What was the name of the freighter with which it collided? (3) What were the names of the sailors who died as a result of the collision? (4) What were the circumstances that led to the collision?



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