No. 24-320

IN THE

Supreme Court of the United States

SIMON A. SOTO,

Petitioner,

v.

UNITED STATES,

Respondent.

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

REPLY BRIEF

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TABLE OF CONTENTS

TABLE OF AUTHORITIES

CASES Page

STATUTES AND REGULATIONS

TABLE OF AUTHORITIES—continued

LEGISLATIVE MATERIALS

OTHER AUTHORITIES

INTRODUCTION

The parties agree on two key legal principles governing this case. First, the parties agree that "[t]he word 'settlement' in connection with public transactions and accounts has been used from the beginning to describe administrative determination of the amount due." Resp. Br. 24 (quoting *Ill. Sur. Co.* v. *United States*, 240 U.S. 214, 219 (1916)). Further, the parties agree that there is no requirement that a statute use particular terms to grant settlement authority. *Id.* at 26. A statute thus authorizes settlement if it authorizes an official to determine whether a claim is valid, and the amount due—"[r]egardless of the precise language used." *Id.* at 27.

These undisputed principles resolve the question presented. The CRSC statute authorizes the Secretary concerned to determine whether a veteran is eligible for CRSC and thus has a valid claim, and, if so, to determine the amount due. Thus—even though the CRSC statute does not use the word "settle"—it confers settlement authority, and is "another law" that displaces the Barring Act.

The government cannot dispute the words of the statute: the Secretary concerned has "[a]uthority" to accept a veteran's "appl[ication]," to "consider" whether the veteran is eligible for CRSC, to "determine" the amount due, and finally to pay what is owed. 10 U.S.C. § 1413a(a), (b), (d). Instead, the government argues that determining the amount "due" requires more—in particular, evaluating whether the amount to be paid to the veteran should be offset based on other statutory provisions or obligations. Resp. Br. 29-30. But this new argument fails. Cases addressing settlement authority hold that "settlement" refers to determination of a particular "claim"

and does not encompass calculation of potential offsets. To the contrary, whether the payment made on a settled claim is to be offset relates to *payment*—a step distinct from *settlement*—and does not implicate settlement authority at all. Because the CRSC statute authorizes administrative determination of a claim, it confers settlement authority, without regard to the prospect of offsets to the ultimate payment.

The government's arguments in support of the Federal Circuit's test also fail. Although the government at times endorses the Federal Circuit's requirement that a statute contain "specific language" to confer settlement authority, see Resp. Br. 32, it elsewhere concedes that settlement authority may be established "[r]egardless of the precise language used," *id.* at 27. The latter position—that no magic words are required for settlement authority—is the only one that comports with this Court's case law.

Nor is there merit to the government's argument that the Federal Circuit's test finds support in the supposedly "uniform" governmental practice of settling other military-pay claims under the Barring Act. The Barring Act precludes any conclusion that settlement authority is determined differently for military-pay claims than other claims: for *any* claims, the Barring Act does not apply if "another law" confers settlement authority. And no authority supports the government's contention that this Court's reading of the CRSC statute should be influenced by agency practice in settling other claims governed by other statutes.

Setting aside the CRSC statute entirely, the government draws the Court's attention to dozens of other statutes involving military compensation, arguing that—if Corporal Soto's reading of CRSC were applied to these other statutes—disaster would ensue,

creating a "gaping exception" to the Barring Act. Resp. Br. 40. But the government fails to show that any of the statutes it cites has the features necessary for settlement authorization, much less many or all. The litany of statutes the government points to is no more than a distraction.

Finally, the government's policy-focused arguments are unpersuasive. Congress had ample reason to authorize independent settlement authority for CRSC claims—and the statutory text confirms that is what Congress did. The judgment below should be reversed.

ARGUMENT

I. THE CRSC STATUTE AUTHORIZES SETTLEMENT OF CLAIMS FOR CRSC AND THUS DISPLACES THE BARRING ACT.

A. The CRSC statute authorizes the Secretary concerned to determine the validity of CRSC claims and amount due.

As demonstrated in Corporal Soto's opening brief, the plain text of the CRSC statute grants authority to the Secretaries of the military departments to determine whether a veteran's claim to CRSC is valid, and the amount of CRSC due. See Pet. Br. 28-33 (discussing 10 U.S.C. § 1413a). Stated in the language of the government's Response Brief, that statute authorizes the Secretary concerned to accept, determine, adjust, and conclusively dispose of a claim for CRSC. Resp. Br. 27-28.

First, the Secretary's authority to accept claims for CRSC is clear from subsections (a) and (d). Subsection (a) grants "[a]uthority" to the "Secretary concerned" to "pay" CRSC to "each eligible combat-related disabled uniformed services retiree who elects

benefits under this section." 10 U.S.C. § 1413a(a). Subsection (d) directs the establishment of "procedures and criteria under which a disabled uniformed services retiree may apply to the Secretary of a military department to be considered to be an eligible combat-related disabled uniformed services retiree." Thus, the statute authorizes the Secretary to accept and "consider" a veteran's "appl[ication]" (or claim) for CRSC.

Second, the Secretary's authority to determine and adjust such claims is equally clear from subsections (a), (b), and (d). Subsection (d) authorizes the Secretary concerned to "consider[]" whether an applicant qualifies as "eligible" to receive CRSC. *Id.* § 1413a(a), (d). By determining a claimant's "eligibility" for CRSC, the Secretary determines whether the claim is valid. With respect to the amount due, subsection (a) further grants to the Secretary concerned "[a]uthority" to pay an "amount" of CRSC "determined under subsection (b)." *Id.* § 1413a(a), (b). And subsection (b) directs precisely how the amount is to be determined.

Third, the CRSC statute on its face authorizes the Secretary concerned to conclusively dispose of a claim for CRSC: Once the Secretary concerned has determined that a veteran is eligible for CRSC and has determined the amount due, subsection (a) directs that "[t]he Secretary concerned shall pay" the CRSC owed. *Id.* § 1413a(a).

The CRSC statute is thus clear that the Secretary concerned is authorized to accept, determine, adjust, and conclusively dispose of a claim for CRSC. Under the government's reasoning, therefore, "[r]egardless of the precise language used" in the text, the statute grants settlement authority, Resp. Br. 27-28—and the Barring Act does not apply.

The government is mistaken in asserting that Corporal Soto "does not contend that Section 1413a expressly confers settlement authority." Resp. Br. 18; *id.* at 35 ("Petitioner does not dispute that Section 1413a lacks an express grant of settlement authority."). As detailed above and in Corporal Soto's opening brief, the CRSC statute *does* expressly grant the Secretary concerned "[a]uthority" to settle claims for CRSC. To be sure, the statute does not use the word "settle," but as the government acknowledges, no case or statute supports the notion "that a statute *must* use the term 'settle' to grant independent settlement authority." Resp. Br. 41; *id.* at 25. The government is also correct that the CRSC statute "does not use the word 'claim,'" *id.* at 28, but it ignores that the statute directs the Secretary concerned to consider a veteran's "appl[ication]" for CRSC, 10 U.S.C. § 1413a(d), which application the government elsewhere concedes "is a 'claim,'" Resp. Br. 16. Word games aside, the government agrees that authority to accept, determine, and conclusively dispose of a claim is settlement authority, Resp. Br. 27-28—and that authority is express on the face of the CRSC statute. Corporal Soto thus does not seek "judicial supplementation" of the statutory text, as the government contends, Resp Br. 28 (quoting *Rotkiske* v. *Klemm*, 589 U.S. 8, 14 (2019)), but instead asks that the plain terms be read to mean what they say.

The government does not meaningfully contest that the statute authorizes the Secretary concerned to take each of these steps. The government acknowledges that the CRSC statute does not merely provide "substantive criteria" for CRSC, but also prescribes procedures for administratively determining whether a particular veteran's claim to CRSC is valid. Resp. Br. 28-29. Oddly, the government criticizes the lan-

guage Congress chose as "a roundabout way" to authorize the Secretary concerned to administratively determine whether a particular veteran has a valid claim to CRSC. *Id.* at 29. Subsection (a) begins by directly conferring "[a]uthority" on the Secretary concerned to pay CRSC to "eligible" veterans, and subsection (d) provides that the Secretary concerned is to use CRSC-specific "procedures and criteria" to determine whether a particular applicant qualifies as "an eligible combat-related disabled uniformed services retiree" with a valid claim to CRSC.

With respect to determination of the amount of CRSC due, the statute provides that the Secretary concerned is authorized to "pay … a monthly amount … determined under subsection (b)," with subsection (b) spelling out the procedures for determining "the monthly amount to be paid … under subsection (a)." 10 U.S.C. § 1413a(a), (b)(1) (titled "Determination of monthly amount"). The government halfheartedly suggests that the "calculation function is not expressly assigned to the component Secretary" in this statutory text. Resp. Br. 37. But the government's statement reflects more creative lawyering than close reading. The explicit statutory authorization to the Secretary concerned to pay an amount "determined under subsection (b)" necessarily encompasses the authority to make the requisite "determination" of what amount the Secretary is to pay. Indeed, in both subsections (a) and (b), the payment and determination functions run hand in hand: (a) refers to paying an amount determined under (b), while (b) addresses determining the amount to be paid under (a). The government thus rightly acknowledges that "Section 1413a is best read to identify the 'Secretary concerned' as the person who should make the relevant determinations." Resp. Br. 37.

B. Nothing more is required to establish settlement authority.

Without a basis to refute the CRSC statute's express grant of authority to the Secretary concerned to administratively determine CRSC claims, the government now argues for a new, broader definition of claim-settlement. According to the government's response brief, "[c]onclusively determining the amount 'due' on a claim involves more than assessing whether the claim has merit or calculating what the claimant might be owed under the terms of a statute." Resp. Br. 24. Instead, settling a veteran's claim to CRSC "may also entail, for instance, auditing the relevant account, making adjustments for any applicable debts or offsets, and effecting a final disposition." *Id.* "As a practical matter," the government says, "this involves a review of the retiree's records to determine whether the retiree has any existing obligations to the United States government that would require an offset, such as an administrative offset to recover a debt owed to the United States or a garnishment for child support or alimony," as well as coordination with other benefits. *Id.* at 29-30. The government's point, apparently, is that the CRSC statute should not be read to authorize settlement of CRSC claims because the statute does not explicitly address authority to determine whether payment of CRSC to a claimant is subject to offset or coordination with other benefits. The government's argument should be rejected for multiple reasons.

First, the government did not raise this argument below, and the Federal Circuit accordingly did not consider it—reason enough for this Court to disregard it now. See *Byrd* v. *United States*, 584 U.S. 395, 404 (2018) ("Because this is a court of review, not of first view, it is generally unwise to consider argu-

ments in the first instance.") (internal quotation marks and citation omitted). In the Federal Circuit, the government argued that the "administrative claims settlement process" established in the Barring Act "govern[s] disputes about the precise *amount of compensation due*." Brief for Appellant at 30-31, *Soto* v. *United States*, 92 F.4th 1094 (Fed. Cir. 2022) (No. 2022-2011) (emphasis added). The government nowhere argued that authority to settle a CRSC claim requires authority to determine, for example, the claimant's potentially offsetting child support obligations.

Second, the expanded interpretation of settlement the government belatedly raises here has already been rejected. As the Federal Circuit wrote—adopting a definition previously recited by the D.C. Circuit—"'[s]ettling' a claim 'means to administratively determine the validity of *that claim*'"—not to effect a broader audit of the claimant's financial situation vis-à-vis the federal government. Pet. App. 3a n.1 (emphasis added) (quoting *Adams* v. *Hinchman*, 154 F.3d 420, 422 (D.C. Cir. 1998)). The D.C. Circuit derived this definition from the first edition of the GAO Red Book, see *Adams*, 154 F.3d at 422, a source the government characterizes as "authoritative" for purposes of understanding settlement authority, Resp. Br. 27 n.7. That document confirms that "to settle a claim means to administratively determine the validity of *that claim*" alone. Off. of Gen. Counsel, GAO, *Principles of Federal Appropriations Law* 11-6 (1st ed. 1982) (emphasis added).

This widespread understanding that settling a claim requires only settling that claim, and not engaging in a broader financial reckoning, makes sense. How benefits are ultimately paid—whether in the form of cash payments or resolving other debts—goes

to *payment* of a claim, not *settlement*. The settlement of the CRSC claim is separate from—and precedes—the ultimate payment of the claim, which may take into account offsetting obligations or coordination with other benefits. See Resp. Br. 38 (agreeing that "*settlement* of a claim is a distinct step that precedes *payment* of a claim") (quoting Pet. Br. 22).[1]

The sources cited by the government do not support its new view. Both simply restate the standard understanding of "settlement" as focused on claims. See Resp. Br. 5 (citing U.S. Gov't Accountability Off., GAO-08-978SP, *Principles of Federal Appropriations Law* at 14-23 (3d ed. 2008) ("*GAO Red Book*"); Office of Legal Counsel, *Statute of Limitations and Settlement of Equal Credit Opportunity Act Discrimination Claims Against the Department of Agriculture*, 22 O.L.C. 11, 16 (1998)).

No authority supports the government's implication that the potential for offsets undermines settlement authority. Indeed, the Barring Act itself—indisputably a source of settlement authority—authorizes only the settlement of "*claims*," saying nothing about offsets. See 31 U.S.C. § 3702(a)(1) (emphasis added). The CRSC statute's comparable authorization of settlement notwithstanding the pro-

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[1] Some authorities distinguish between settlement of an individual's "account" and settlement of "claims." For example, the Comptroller General's Memorandum delegating settlement authority to various departments expressly distinguishes between, on the one hand, settlement of "*[c]laims* for military personnel pay, allowances, travel, transportation, retired pay, and survivor benefits" and, on the other, "final settlement of the *accounts* of such personnel." Comptroller General, B-275605, *Transfer of Claims Settlement and Related Advance Decisions, Waivers, and Other Functions* 1-2 (Mar. 17, 1997), https://perma.cc/89K2-DBKA (emphases added).

spect of offsets makes it "another law" that displaces the Barring Act. *Id.* § 3702(a).

II. THE FEDERAL CIRCUIT'S TEST IS WRONG.

A. The government offers no coherent defense of the Federal Circuit's test.

The Federal Circuit erroneously held that the CRSC statute does not confer independent settlement authority because, in the court's view, it does not include "specific language authorizing the Secretary of Defense to *settle* a claim." Pet. App. 7a; see also Pet. Br. 34-39.

The government's brief is of two minds about the Federal Circuit's test. On the one hand, the government endorses "[t]he court of appeals' search for 'explicit[]' or 'specific' language." Resp. Br. 32 (quoting Pet. App. 6a). On the other, the government concedes that a statute may confer settlement authority "[r]egardless of the precise language used." *Id.* at 27. This concession is compelled by this Court's ample case law rejecting any requirement for "magic words" in a statute, see Pet. Br. 37-38 (citing authorities); this Court's precedent recognizing the existence of settlement authority even in the absence of "special language," *id.* at 34-35 (quoting *United States* v. *Corliss Steam-Engine Co.*, 91 U.S. at 323 (1875)); and the government's acknowledgment that Congress has repeatedly conferred settlement authority through "other statutory formulations that do not use the word 'settle'" or any other specified term. Resp. Br. 26-27 (citing authorities using a variety of words to refer to settlement, including "decision," "allow," and "determine"); see also Pet. Br. 35-36 (citing additional authorities).

The two positions advanced by the government—"specific language" may be required, Resp. Br. 32, but "precise language" is not, *id.* at 27—are irreconcilable.

This internal inconsistency reflects the incoherence of the position advocated by the government and adopted by the Federal Circuit. The government does not identify any requirement for claim settlement that is not authorized in the CRSC statute, and neither did the Federal Circuit. Thus, the government is left to argue that the statute fails to use magic words: "Section 1413a does not authorize any military department or official to 'settle,' 'allow,' or 'dispose of' a retired service member's request for unpaid compensation." *Id.* at 28. But, to quote one page earlier in the government's own brief, a statute may confer settlement authority "*[r]egardless of the precise language used*." *Id.* at 27 (emphasis added). Thus, Congress's choice to use the words "determine" and "consider" in the CRSC statute—rather than "settle," "allow," or "dispose of," as the government prefers—makes no difference.

Because the CRSC statute authorizes the Secretary concerned to determine whether a claim to CRSC is valid and the amount due, it confers independent settlement authority that displaces the Barring Act. Full stop.

B. Governmental practice does not support the Federal Circuit's test.

Elsewhere, the government argues that interpretation of the CRSC statute should be "inform[ed]" by the "practice of using Section 3702 to settle military pay and benefit claims." Resp. Br. 32. In the government's view, "given the well-established practice of subjecting military-compensation claims to the six-

year time bar, Congress would have been expected to speak clearly had it intended CRSC to be treated differently." *Id.* at 34. The government's argument is doubly mistaken.

First, there is no merit to the government's argument in support of a clear statement rule for settlement authority that applies only to military-pay claims. The Barring Act precludes any such argument. Section 3702(a)'s carveout where "another law" provides independent settlement authority applies identically to settlement of "all claims of or against the United States Government"—including claims involving military pay, civilian compensation, expenses of civilian employees, and all other subject matter. See 31 U.S.C. § 3702(a). Had Congress intended to treat settlement of military claims differently from other claims—had it intended to make displacement of the Barring Act more difficult in connection with military-pay claims—it could have written the statute differently.

Indeed, Congress well knew how to write a statute to establish exclusive settlement authority, as earlier versions of the Barring Act did exactly that. See Pet. Br. 24; Resp. Br. 6-7. And, according to the government, the "practice" of settling all claims involving military compensation under the Barring Act was already "well established" by the time Congress most recently amended the Barring Act in 2000. See Resp. Br. 32-34; Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, Pub. L. No. 106-398, Div. A. Tit. VI, § 664(a), 114 Stat. 1654A-168 (2000). Accordingly, had Congress wished to codify any such practice, it could have written the current Barring Act to provide that all claims involving military pay must be settled under the Barring Act—limiting the "another law" carveout to settlement of other, non-

military-pay claims. But Congress chose not to do that. Adding the government's desired gloss to the text that Congress wrote would be just the sort of "[a]textual judicial supplementation" this Court has rejected. *Rotkiske*, 589 U.S. at 14.

Second, the government's contention that this Court's reading of the statutory text should be "inform[ed]" by governmental practice in settling military-pay claims, Resp. Br. 32, misunderstands the Court's role in interpreting the CRSC statute. "[S]tatutory interpretation must begin with, and ultimately heed, what a statute actually says." *Groff* v. *DeJoy*, 600 U.S. 447, 468 (2023) (cleaned up). The government proposes that the Court instead consult agency interpretations of *other* statutes involving *different* forms of military compensation. That is impermissible: The Court "must enforce plain and unambiguous statutory language" such as the text of the CRSC statute "according to its terms." *Intel Corp. Inv. Pol'y Comm.* v. *Sulyma*, 589 U.S. 178, 184 (2020) (cleaned up).

The authority the government cites does not help its cause. In *Waetzig* v. *Halliburton Energy Services, Inc.* (cited at Resp. Br. 37), the Court considered "the historical context in which [Federal Rule of Civil Procedure 60(b)] was enacted" when interpreting that provision. 145 S. Ct. 690, 700 (2025). But the "historical context" the Court referred to was the pre-existing provision on which Rule 60(b) was modeled, *id.*—not agency practice in connection with distinct statutory provisions.

III. THE GOVERNMENT'S ASSERTION THAT A RULING FOR CORPORAL SOTO WILL "DESTABILIZE" MILITARY PAY PROCESSES LACKS ANY FACTUAL BASIS AND DOES NOT SUPPORT DEPARTING FROM THE STATUTORY TEXT.

The government offers a litany of statutes related to the military which it suggests contain some provisions similar to those Corporal Soto identifies in the CRSC statute as providing settlement authority. The government then contends that Corporal Soto's argument would "create a gaping exception" to the Barring Act and its six-year statute of limitations. Resp. Br. 35-40. But the government's recitation of statutes does not support any such conclusion.

Conspicuously, the government fails to argue that *any* of the more than two dozen statutory schemes cited in its brief actually confers the authority to make all determinations necessary to settle claims—i.e., the authority that Corporal Soto has identified in the CRSC statute. Put differently, the government fails to describe *even one* other statutory scheme in its pile of citations that grants an agency authority to administratively determine the validity of a claim and amount due. For that reason, the government's professed concerns about the "logical ramifications" (Resp. Br. 35) of a holding that the Barring Act does not apply where another statute expressly authorizes an agency to administratively determine claims—as the CRSC statute does—ring hollow. Regardless, those professed concerns do not support departing from the CRSC statute's text.

A. Statutes that establish eligibility for compensation but do not authorize any agency to settle claims are not comparable to the CRSC statute.

First, the government states that "because military pay is a creation of statute," all military pay stems from statutory provisions that "specify who is eligible for the compensation or benefit and what amount the individual should receive." Resp. Br. 35. True enough. But there is a glaring difference between statutes that provide for entitlement to and rates of compensation—like the basic pay statutes cited by the government, *id.* (citing 37 U.S.C. §§ 203-206)—and the CRSC statute. The provisions for basic pay *do not provide authorization for any official* to determine the validity of claims to basic pay or the amount due to any individual claimant. Instead, these provisions detail who is eligible to receive basic pay and at what rate—*without* assigning any particular official authority to determine which individual claims are valid or the amount due. See 37 U.S.C. § 203(a)(1) ("The rates of monthly basic pay for members of the uniformed services within each pay grade are…"); *id.* § 204(a) ("The following persons are entitled to the basic pay of the pay grade to which assigned…"); *id.* § 205(a) ("…[F]or the purpose of computing the basic pay of a member of a uniformed service, his years of service are computed by…"); *id.* § 206(a) ("…[A] member of the National Guard … is entitled to compensation, at the rate of…").

Where (as with the basic pay provisions) a statute sets forth who is eligible for compensation and at what rate—but does *not* detail which governmental agency is authorized to determine the validity of claims or amount due—then the default settlement authority provided for in the Barring Act kicks in.

The basic pay statutes create the substantive right to payment at a specified rate; but, because they do not expressly authorize any agency to administratively determine claims to basic pay, they are not "another law" that displaces the Barring Act. 31 U.S.C. § 3702(a).

B. Statutes that authorize agencies to determine discrete issues are not comparable to the CRSC statute.

Next, the government lists statutes that contain individual features it says are comparable to individual provisions in the CRSC statute one at a time—pointing to (for example) a set of statutes which the government contends also provide for an eligibility determination, Resp. Br. 36-37, then pointing to another set of statutes purportedly providing for an application process for a military benefit, *id.* at 39. The government's isolated treatment says nothing about how Corporal Soto's argument might apply to these statutes. Nowhere does the government purport to identify a statutory benefit scheme in which a government agency is authorized to make all determinations necessary for claim settlement. Indeed, the government does not claim that any of these statutes actually provide all of the authority the CRSC statute includes, such that Corporal Soto's argument, if applied to that other statute, would imply displacement of the Barring Act. Surely, if Corporal Soto's argument would actually lead to such a result, the government would analyze the terms of at least one statute in order to demonstrate to the Court how and why Corporal Soto's argument would lead to that statute displacing the Barring Act—and further explain why that result would "destabilize" the Department of Defense's administration of military claims. The government makes no such argument,

and its putative parade of horribles lacks even a single marcher.

A close examination of the collection of statutes cited by the government reveals the vacuity of its argument. For example, the statutes establishing the survivor benefit plan (10 U.S.C. §§ 1448, 1450, 1451; see Resp. Br. 35-37) describe what is effectively an annuity-based life insurance policy, defining its contours and how the annuity payments work, but *not* authorizing any government agent to determine the validity of individual claims or the amount due. Section 1450 discusses beneficiaries and timing of payments, Section 1451 discusses annuity rates, and Section 1448 provides that the Secretary concerned shall act as a recordkeeper who sends notices and receives information, see, e.g., 10 U.S.C. § 1448(a), (b).

The government emphasizes that "'the Secretary concerned' may 'determine' whether a service member is presumed dead" under Section 1450(*l*)(1)(A). Resp. Br. 37. But Corporal Soto has not argued that authority to determine a discrete factual predicate to eligibility for a benefit, without more, constitutes settlement authority that would displace the Barring Act. The Secretary's determination that a service member is presumed dead would not suffice to determine that any claim to benefits under the survivor benefit plan was valid (see 10 U.S.C. § 1450(a) (setting forth requirements for eligibility)) or what amount was due (see *id.* § 1451 (setting forth annuity rates)). And the government does not otherwise argue that the statutes establishing the survivor benefit plan grant the Secretary all authority necessary to determine that a claim for benefits under that plan is valid or what amount is due. Accordingly, the government has not shown that applying Corporal Soto's

analysis to the survivor benefit plan would "threaten[] to destabilize" anything. See Resp. Br. 40.

The government makes the same error in invoking 10 U.S.C. § 1201 regarding disability retirement. Resp. Br. 36-37. The government correctly notes that under that statute, the Secretary concerned makes the factual determination that a service member is unfit, and when such determination is made, the Secretary "may retire" the member. 10 U.S.C. § 1201(a), (b). But this statute does not authorize the Secretary to adjudicate whether claims for retired pay are valid or what amount is due.[2] Similarly, while 37 U.S.C. § 451(a)(2)(H) lets the Secretary of Defense determine who is an "authorized traveler" for the purposes of travel allowance statutes, that decision is distinct from making an administrative determination of the validity of a claim for payment or amount due for any given travel event under travel allowance statutes such as 37 U.S.C. § 452. Even further afield is 10 U.S.C. § 1175a(b)(3), which the government characterizes as authorizing the Secretary to make an eligibility determination, Resp. Br. 36-37, but which in fact authorizes the Secretary to "determine each year the number of members to be separated, and provided separation pay and benefits, under this section during the fiscal year."

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[2] The government also cites, but does not discuss, 10 U.S.C. § 1216(b) (Resp. Br. 37), which says "the Secretary concerned has all powers, functions, and duties incident to the determination under this chapter of * * * (4) the entitlement to, and payment of, disability severance pay." The statute does not, however, grant the Secretary authority to determine the amount of disability severance pay due on any valid claim; nor does 10 U.S.C. § 1212, the statute establishing how disability severance pay is calculated.

In these and the additional statutes[3] cited by the government as authorizing "determination" of some fact or element, the government fails to identify any statute granting express authorization to determine both the validity of a claim presented under that statute and the amount due. The Secretary has thus not shown that, under Corporal Soto's approach, these statutes would constitute "another law" under 31 U.S.C. § 3702(a).[4]

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[3] *See also* 10 U.S.C. § 1174(a)(2) (Secretary authorized to veto payment of severance pay by making factual determination that "conditions under which the officer is discharged or separated do not warrant payment of such pay," but Secretary not authorized to determine the validity of claims or amount due on valid claims); *id.* § 1476(a)(2) and 1480(c) (Secretary authorized to determine facts related to cause of service member's death, but no authorization to determine the validity of claims or amount due); *id.* § 1591 (Secretary concerned may "authorize" travel reimbursements for travel with Members of Congress, but no authorization to determine validity of a claim or amount due).

[4] 10 U.S.C. § 1479, which the government cites but does not discuss (Resp. Br. 37), authorizes the Secretary and his delegates to determine eligibility for and amount of payment due in connection with death gratuities. That statute provides that "[f]or the purpose of making immediate payments" of death gratuities, the Secretary shall "authorize the commanding officer … to determine the beneficiary eligible for the death gratuity," and "authorize a disbursing or certifying official … to make the payments to the beneficiary, or certify the payments due them." These express authorizations may suffice to displace the Barring Act—and an exemption from standard procedures is appropriate given that the statute mandates the benefit in question be paid *immediately* upon notification that a service member has died on duty. 10 U.S.C. § 1479; *see also id.* § 1475(a).

C. Statutes authorizing discretionary payments are not comparable to the CRSC statute.

Finally, many of the statutes the government points to concern discretionary payments that the military *may* pay—not statutes providing for a defined entitlement that the military *shall* pay. For example, the Government cites a statute allowing for discretionary enlistment bonuses. Resp. Br. 37 (citing 37 U.S.C. § 331(b)(2), (d)). The cited statute provides that the "Secretary concerned *may* pay a bonus," 37 U.S.C. § 331(a) (emphasis added), but unsurprisingly does not outline procedures for asserting a claim against the United States for a bonus—much less authorize the Secretary to determine the validity of or amount due on any such claim. Further, the statute is clear that once the enlistment bonus agreement is signed, the amount is "fixed." *Id.* § 331(c)(3). Elsewhere, the government cites statutes related to travel allowances, clothing and uniform allowances, adoption expenses, reimbursement for direct deposit errors, awards for inventions, voluntary separation incentives, funeral expenses, payments for proficiency in foreign languages, special duty pay, continuation pay during hospitalization, or even costs related to the relocation of a pet. See Resp. Br. 36-40. The government does not argue, and there is no apparent reason why, Corporal Soto's argument concerning the settlement authority provided by the CRSC statute (including the grant of authority to determine eligibility and amount of compensation that the Secretary "shall pay"), has any application to statutes providing for discretionary payments and otherwise lacking any comparable provisions.

D. Regardless of whether other statutes displace the Barring Act, the CRSC statute should be read to mean what it says.

The only question before the Court is whether one statute, 10 U.S.C. § 1413a, confers settlement authority. The answer is found in that statute's text. Even if the government could demonstrate that reading the CRSC statute literally would have material "ramifications" for other statutory provisions, Resp. Br. 35, "none of that means [the Court] may disregard the statute's clear terms." *Dep't of Agric. Rural Dev. Rural Hous. Serv.* v. *Kirtz*, 601 U.S. 42, 61 (2024). Even if reading the CRSC statute according to its terms "could lead to absurd results" in connection with "other statutory provisions" (a potential entirely unsubstantiated here), the Court's "obligation … remains to enforce the statute[] presently before [it] according to its terms." *Id* at 62 (cleaned up).

IV. THE GOVERNMENT'S REMAINING ARGUMENTS LACK MERIT.

Finally, the government's policy-based arguments go nowhere. The government worries about "decades-old CRSC claims," Resp. Br. 43, but whether claims are settled under the Barring Act or the CRSC statute does not change *when* claims may be filed. Where a veteran is able to prove eligibility for CRSC, the government already pays CRSC "retroactively" regardless of how long ago the entitlement to CRSC arose. See Resp. Br. 22-23; JA 81. The issue presented here is not whether the government may face claims for CRSC based on combat injuries sustained decades ago—it already considers such claims (and no evidence suggests that it faces any significant burden in doing so). The question is whether the government may limit its acknowledged obligation to pay retroac-

tive compensation on a CRSC claim (no matter how long ago the injuries took place) by invoking the Barring Act. The answer is no: the CRSC statute's language authorizing settlement of CRSC claims displaces the Barring Act.[5]

Further, the government repeatedly asserts that Corporal Soto could have and should have sought a waiver of the six-year limit under 3702(e) instead of bringing this lawsuit. See, e.g., Resp. Br. 14, 45. Of course, such waivers are wholly discretionary. See 31 U.S.C. § 3702(e)(1) ("may waive"); 32 C.F.R. pt. 282, App. D, §(d) ("It is solely within the discretion of the Secretary of Defense whether to grant such a waiver in a particular case."). More fundamentally, Corporal Soto should not be compelled to seek a discretionary waiver from a statute that does not apply to him; instead, the government should cease unlawfully applying the Barring Act to his claim. Indeed, if the Barring Act (and its waiver provision) did apply, the government concedes it would have been required to notify Corporal Soto of his ability to seek a waiver—yet it did not. Resp. Br. 14. The government's omission supports a conclusion that the claims are *not* governed by the Barring Act.

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[5] Further, the government's stated concern about "open-ended" liability (Resp. Br. 46) ignores that Congress explicitly authorized open-ended consideration of new evidence supporting CRSC claims. When addressing denials of CRSC applications (see JA 95), the Board for Correction of Military Records will consider "requests for reconsideration … if supported by materials not previously presented to or considered by the board," "*no matter when filed*." 10 U.S.C. § 1552(a)(3)(D) (emphasis added).

CONCLUSION

For the foregoing reasons, the Court should reverse the decision of the Federal Circuit and affirm the district court's grant of summary judgment to Corporal Soto and the class he represents.

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