

## **Alert** | Litigation/Appeals & Legal Issues



March 2025

### **Supreme Court Limits Veterans' Ability to Challenge Disability Denials**

On March 5, 2025, the U.S. Supreme Court ruled against two veterans challenging the Department of Veterans Affairs (VA) in a case that impacts how veterans can appeal disability benefit denials. The 7-2 decision in *Bufkin v. McDonough* and *Thornton v. McDonough* affirms that the VA's determinations of whether evidence is "in approximate balance" are factual findings subject to clear-error review, rather than legal questions eligible for de novo review by the U.S. Court of Appeals for Veterans Claims. This ruling raises the standard veterans must meet to successfully appeal a denial, reinforcing the VA's discretion in these cases.

#### **The Cases: *Bufkin* and *Thornton***

Joshua Bufkin, an Air Force veteran (2005-2006), applied for disability benefits due to post-traumatic stress disorder (PTSD) linked to marital difficulties experienced during his service. His claim was denied due to conflicting medical evaluations, leading to his legal challenge.

Norman Thornton, an Army veteran (1988-1991, Gulf War service), had an existing 50% disability rating for PTSD but sought a higher rating, arguing that his condition significantly impaired his ability to work. His claim was also denied, prompting him to contest the VA's decision.

Both veterans asserted that the benefit-of-the-doubt rule, which directs the VA to rule in the veteran's favor when evidence is evenly balanced, had not been properly applied in their cases.

## The Supreme Court's Ruling

Writing for the 7-2 majority, Justice Clarence Thomas emphasized that determining whether evidence is “in approximate balance” is a factual matter rather than a legal one. As a result, the Veterans Court must defer to the VA’s factual findings unless the decision is clearly erroneous. This limits appellate review and reduces veterans’ ability to challenge VA denials.

In dissent, Justice Ketanji Brown Jackson, joined by Justice Neil Gorsuch, criticized the decision as undermining veterans’ rights. She argued that the ruling weakens Congress’ pro-veteran intent, making it more difficult for veterans to contest unfair denials of benefits.

## Takeaways for Veterans

The decision has implications for veterans seeking disability benefits. By affirming that VA benefit-of-the-doubt determinations are factual findings, the Court has made it more challenging for veterans to overturn VA denials on appeal.

Since the VA’s discretion in applying the benefit-of-the-doubt rule has been reinforced, moving forward:

- Veterans must provide stronger medical and factual evidence when filing disability claims.
- Veterans who receive an unfavorable VA decision must meet a higher burden to successfully challenge it in court.

## Authors

This GT Alert was prepared by:

- [Jenna Rackerby](#) | +1 212.801.6426 | [Jenna.Rackerby@gtlaw.com](mailto:Jenna.Rackerby@gtlaw.com)
- [Dale Wainwright](#) | +1 512.320.7226 | [Dale.Wainwright@gtlaw.com](mailto:Dale.Wainwright@gtlaw.com)

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