

The Supreme Court - February 22, 2022

by Ian Blodger

Today, the Supreme Court of the United States granted certiorari in two cases:

Adolfo Arellano v. Secretary of Veterans Affairs, No. 21-432: This case concerns whether equitable tolling may extend the deadline for veterans to submit an application for disability benefits under 38 U.S.C. § 5110(b)(1) based on *Irwin v. Dep't of Veterans Affairs*, 498 U.S. 89 (1990). Specifically, the case presents the following two questions: (1) Does *Irwin's* rebuttable presumption of equitable tolling apply to the one-year statutory deadline in 38 U.S.C. § 5110(b)(1) for seeking retroactive disability benefits, and, if so, has the Government rebutted that presumption? (2) If 38 U.S.C. § 5110(b)(1) is amenable to equitable tolling, should this case be remanded so the agency can consider the particular facts and circumstances in the first instance?

303 Creative LLC v. Aubrey Elenis, No. 21-476: In this case, a designer of wedding websites challenges the Colorado Anti-Discrimination Act (CADA) arguing that CADA impermissibly restricts her First Amendment right by requiring her to create custom websites celebrating same-sex marriage. The Court granted certiorari on the following question: Whether applying a public-accommodation law to compel an artist to speak or stay silent violates the Free Speech Clause of the First Amendment.

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