

The Supreme Court Update - March 5, 2025

by Ian Blodger, Jessica M. Leano, and Brock Huebner

The Supreme Court of the United States issued one decision today:

Bufkin v. Collins, No. 23-713: This case involves the “benefit-of-the-doubt rule,” a unique standard of proof the Department of Veterans Affairs (“VA”) applies to a claim for service-related disability benefits that tips the scales in a veteran’s favor when “there is an approximate balance of positive and negative evidence” on any material issue. Petitioners applied for benefits and were dissatisfied with the VA’s adverse determinations, which the Board of Veterans’ Appeals reviewed de novo and denied. Those decisions were upheld by the U.S. Court of Appeals for Veterans Claims (“Veterans Court”) on grounds that the Board’s “approximate balance” determinations were not clearly erroneous. Petitioners appealed to the Federal Circuit, challenging the Veterans Court’s legal interpretation of 38 U.S.C. § 7261(b)(1), which requires the Veterans Court to “take due account” of the VA’s application of the “benefit-of-the-doubt rule.” The Federal Circuit affirmed, rejecting Petitioners’ argument that “take due account” means the Veterans Court must review the entire record de novo and decide for itself whether the evidence is in “approximate balance.” In a 7-2 decision authored by Justice Thomas, the Court affirmed the Federal Circuit and held that the Veterans Court must review the VA’s application of the “benefit-of-the-doubt rule” the same way it would any other determination—by reviewing legal issues de novo and factual issues for clear error. 38 U.S.C. § 7261(a) defines the scope of Veterans Court review and empowers the Veterans Court to decide relevant questions of law; compel action unlawfully withheld or unreasonably delayed; and hold unlawful and set aside VA findings, conclusions, rules, and regulations that are arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. Under 38 U.S.C. § 7261(a)(4), the Veterans Court may set aside or reverse factual findings only if “clearly erroneous,” and the VA’s determination that the evidence is in “approximate balance” is a predominantly factual determination reviewed only for clear error. Justice Jackson dissented, joined by Justice Gorsuch.

View the Court's [decision](#).

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