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FOR IMMEDIATE RELEASE

Supreme Court rules for veterans

INDIANAPOLIS (March 1, 2011) – The leader of The American Legion praised today's unanimous decision of the Supreme Court which ruled that the 120-day requirement to file an appeal with the Court of Appeals for Veterans Claims is not concrete - that an individual may take longer if circumstances warrant.

The court's ruling will certainly make a difference in the outcomes of many veterans' appeals," said Jimmie L. Foster, national commander of the nation's largest veterans organization which had filed an amicus brief in the case *Henderson v. Shinseki*.

Mr. Henderson served on active military duty from 1950 to 1952. He was discharged in 1952 after being diagnosed with paranoid schizophrenia, for which he has established service connection and currently has a 100 percent disability rating. In August of 2001, he filed a claim for monthly compensation with the Department of Veterans Affairs ("VA") Regional Office ("RO"), based on his need for in-home care. The RO denied the claim, and he appealed to the Board. The appeal was denied on August 30, 2004. On January 12, 2005, Henderson filed a notice of appeal with the Veterans Court, fifteen days after the expiration of the 120-day appeal period.

In its ruling, the court held that the deadline for filing a notice of appeal with the Veterans Court can be modified for good cause.

"Our veterans sacrifice so very much serving in combat thousands of miles from home," Foster said. "They deserve every opportunity and consideration in applying for the benefits they earned through their service. The American Legion is proud to have been a friend of the court in this litigation."

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