



NATIONAL COALITION *for* HOMELESS VETERANS
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WASHINGTON, Dec. 10, 2014 --Today, the Supreme Court of the United States heard oral arguments for two closely related cases, United States V. Wong, and United States V. June. In both, the matter at the heart of the cases was the possibility of the “equitable tolling” of time limits on suits brought against the government, under the Federal Tort Claims Act (FTCA). The National Coalition for Homeless Veterans (NCHV) contributed to *amici curiae* briefs for both, in order to make the case for a decision’s impact on the homeless veteran population.

Normally, a citizen cannot sue the government of the United States. In some cases, however, this is possible; one of those cases is when the citizen is in some way injured by the negligence of a government employee in the course of his or her duties. The US government has allowed itself to be sued in these situations, and put in place an administrative process through which citizens may seek to recover damages. This process begins with filing an administrative claim and, if denied the claim, may end in federal court.

Time-limits are applied to beginning each step of this process, however. The initial administrative claim must be made within 6 months, and if denied their claim the citizen must initiate a lawsuit within two years. If these deadlines are missed, the government re-claims its immunity from suit.

It has long been argued that these time-limits may be ignored, and late claims considered, in situations where the citizen did not (or could not) discover the injury until after the time-limits had passed. This is the central tenant of the idea of “equitable tolling” at issue in these court cases. Should a citizen be allowed to file suit against the government that injured him or her, after the passage of the time-limit, if there are extenuating circumstances which prevented the suit being brought in a timely manner?

NCHV supported the position of the respondents in both cases, that *yes* equitable tolling ought to be offered in these scenarios. We joined the Paralyzed Veterans of America, the Military Order of the Purple Heart, the Jewish War Veterans of the United States, the National Veterans Legal Services Program, and the National Defense Committee in laying out the impacts of a negative decision on the veteran community. NCHV contributed our expertise to the issue as it related to the homeless veteran population.

The amici briefs underscored for the Court that the US government has a longstanding national policy of providing veterans every benefit of the doubt, and assistance with their interactions with the government – and that disallowing equitable tolling would be contrary to that goal. The briefs furthermore highlighted that medical malpractice by the VA is one of the leading causes of tort claims, and that therefore veterans would be disproportionately affected by their decision.

Mission: The National Coalition for Homeless Veterans will end homelessness among veterans by shaping public policy, promoting collaboration, and building the capacity of service providers.



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NCHV emphasized in particular that the unique nature of the daily lives of homeless veterans – their lack of a permanent mailing address and possibly phone access, their difficulty navigating bureaucratic hurdles, and a lack of transportation options – make it difficult for this population to be aware of and meet statutory deadlines. Furthermore, though they are usually as likely as any other citizen to be the victim of a tortious act by the government, in one respect homeless veterans are more likely. Namely, in the frequency with which they interact with federal law enforcement officers. These officers can provide grounds for a suit under the FTCA if they commit any of six offenses, including assault and abuse of process, during the course of their duties. There are both anecdotal evidence and scholarly studies that show the rising criminalization of homelessness in the United States, and this trend creates more opportunities for negligence on behalf of the government – through statistical frequency alone!

NCHV believes in the rights of homeless veterans and continues to advocate for them on a broad range of issues and through all branches of the federal government. We will keep you updated on the outcome of these two cases when the Court release their decision.

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