

20-480 BABCOCK V. KIJAKAZI

DECISION BELOW: 959 F.3d 210

LOWER COURT CASE NUMBER: 19-1687

QUESTION PRESENTED:

Dual-status military technicians in the National Guard are members of the National Guard. They serve in uniform, observe military protocol, are required to maintain a military grade appropriate for their role, and are available for active deployment with their unit. A provision of the Social Security Act exempts payments from adverse treatment if they are "a payment based wholly on service as a member of a uniformed service." 42 U.S.C. § 415(a)(7)(A)(III).

The question presented, which has divided five Courts of Appeals, is:

Is a civil-service pension payment based on dual-status military technician service to the National Guard a payment based wholly on service as a member of a uniformed service?

CERT. GRANTED 3/1/2021