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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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HENDERSON, AUTHORIZED REPRESENTATIVE OF HENDERSON, DECEASED *v.* SHINSEKI, SECRETARY OF VETERANS AFFAIRS

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

No. 09–1036. Argued December 6, 2010—Decided March 1, 2011

The Department of Veterans Affairs (VA) has a two-step process for adjudicating veterans' benefits claims for service-connected disabilities: A VA regional office makes an initial decision on the claim; and a veteran dissatisfied with the decision may then seek *de novo* review in the Board of Veterans' Appeals. Before 1988, a veteran whose claim was denied by the Board generally could not obtain further review, but the Veterans' Judicial Review Act (VJRA) created the Court of Appeals for Veterans Claims (Veterans Court), an Article I tribunal, to review Board decisions adverse to veterans. A veteran must file a notice of appeal with that court within 120 days of the date when the Board's final decision is properly mailed. 38 U. S. C. §7266(a).

After the VA denied David Henderson's claim for supplemental disability benefits, he filed a notice of appeal in the Veterans Court, missing the 120-day filing deadline by 15 days. Henderson argued that his failure to timely file should be excused under equitable tolling principles. While his appeal was pending, this Court decided *Bowles* v. *Russell*, 551 U. S. 205, which held that the statutory limitation on the length of an extension of time to file a notice of appeal in an ordinary civil case is "jurisdictional," so that a party's failure to file within that period could not be excused. The Veterans Court concluded that *Bowles* compelled jurisdictional treatment of the 120-day deadline and dismissed Henderson's untimely appeal. The Federal Circuit affirmed.

Held: The deadline for filing a notice of appeal with the Veterans Court

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does not have jurisdictional consequences. Pp. 4–13.

(a) Branding a procedural rule as going to a court's subject-matter jurisdiction alters the normal operation of the adversarial system. Federal courts have an independent obligation to ensure that they do not exceed the scope of their subject-matter jurisdiction and thus must raise and decide jurisdictional questions that the parties either overlook or elect not to press. Jurisdictional rules may also cause a waste of judicial resources and may unfairly prejudice litigants, since objections may be raised at any time, even after trial. Because of these drastic consequences, this Court has urged that a rule should not be referred to as jurisdictional unless it governs a court's adjudicatory capacity, *i.e.,* its subject-matter or personal jurisdiction. *E.g., Reed Elsevier, Inc.* v. *Muchnick*, 559 U. S. ___, ___. Among the rules that should not be described as jurisdictional are "claim-processing rules," which seek to promote the orderly progress of litigation by requiring parties to take certain procedural steps at specified times. Although filing deadlines are quintessential claim-processing rules, Congress is free to attach jurisdictional consequences to such rules. *Arbaugh* v. *Y & H Corp.*, 546 U. S. 500, applied a "readily administrable bright line" rule to determine whether Congress has done so: There must be a "clear" indication that Congress wanted the rule to be "jurisdictional." *Id.,* at 515–516. "[C]ontext, including this Court's interpretation of similar provisions in many years past, is relevant," *Reed Elsevier*, *supra*, at ___, to whether Congress has spoken clearly on this point. Pp. 4–6.

(b) Congress did not clearly prescribe that the 120-day deadline here be jurisdictional. Pp. 7–12.

(1) None of the precedents cited by the parties controls here. All of the cases they cite—*e.g., Bowles, supra; Stone* v. *INS*, 514 U. S. 386; and *Bowen* v. *City of New York*, 476 U. S. 467—involved review by Article III courts. This case, by contrast, involves review by an Article I tribunal as part of a unique administrative scheme. Instead of applying a categorical rule regarding review of administrative decisions, this Court attempts to ascertain Congress' intent regarding the particular type of review at issue. Pp. 7–8.

(2) Several factors indicate that 120-day deadline was not meant to be jurisdictional. The terms of §7266(a), which sets the deadline, provide no clear indication that the provision was meant to carry jurisdictional consequences. It neither speaks in "jurisdictional terms" nor refers "in any way to the jurisdiction of the [Veterans Court]," *Zipes* v. *Trans World Airlines, Inc.*, 455 U. S. 385, 394. Nor does §7266's placement within the VJRA provide such an indication. Its placement in a subchapter entitled "Procedure," and not in the subchapter entitled "Organization and Jurisdiction," suggests that Con-

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gress regarded the 120-day limit as a claim-processing rule. Most telling, however, are the singular characteristics of the review scheme that Congress created for adjudicating veterans' benefits claims. Congress' longstanding solicitude for veterans, *United States* v. *Oregon*, 366 U. S. 643, 647, is plainly reflected in the VJRA and in subsequent laws that place a thumb on the scale in the veteran's favor in the course of administrative and judicial review of VA decisions. The contrast between ordinary civil litigation—which provided the context in *Bowles*—and the system Congress created for veterans is dramatic. In ordinary civil litigation suits must generally be commenced within a specified limitations period; the litigation is adversarial; plaintiffs must gather the evidence supporting their claims and generally bear the burden of production and persuasion; both parties may appeal an adverse decision; and a final judgment may be reopened only in narrow circumstances. By contrast, a veteran need not file an initial benefits claim within any fixed period; the VA proceedings are informal and nonadversarial; and the VA assists veterans in developing their supporting evidence and must give them the benefit of any doubt in evaluating that evidence. A veteran who loses before the Board may obtain review in the Veterans Court, but a Board decision in the veteran's favor is final. And a veteran may reopen a claim simply by presenting new and material evidence. Rigid jurisdictional treatment of the 120-day period would clash sharply with this scheme. Particularly in light of "the canon that provisions for benefits to members of the Armed Services are to be construed in the beneficiaries' favor," *King* v. *St. Vincent's Hospital*, 502 U. S. 215, 220–221, n. 9, this Court sees no clear indication that the 120-day limit was intended to carry the harsh consequences that accompany the jurisdiction tag. Contrary to the Government's argument, the lack of review opportunities for veterans before 1988 is of little help in interpreting §7266(a). Section 7266(a) was enacted as part of the VJRA, and that legislation was decidedly favorable to veterans. Pp. 8–12.

589 F. 3d 1201, reversed and remanded.

ALITO, J., delivered the opinion of the Court, in which all other Members joined, except KAGAN, J., who took no part in the consideration or decision of the case.