

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 Lumber Co.*, 200 U. S. 321, 337.

# SUPREME COURT OF THE UNITED STATES

Syllabus

BROWN, SECRETARY OF VETERANS AFFAIRS v.  
GARDNER

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

No. 93-1128. Argued October 31, 1994—Decided December 12,  
1994

After respondent veteran had back surgery in a Department of Veterans Affairs facility for a condition unrelated to his military service, he developed pain and weakness in his left leg, which he alleged was the result of the surgery. He claimed disability benefits under 38 U. S. C. §1151, which requires the VA to compensate for "an injury, or an aggravation of an injury" that occurs "as the result of" VA treatment. The VA and the Board of Veterans' Appeals denied the claim on the ground that §1151, as interpreted by 38 CFR §3.358(c)(3), only covers an injury if it resulted from negligent treatment by the VA or an accident occurring during treatment. The Court of Veterans Appeals reversed, holding that §1151 neither imposes nor authorizes adoption of §3.358(c)(3)'s fault-or-accident requirement. The Court of Appeals for the Federal Circuit affirmed.

*Held:* Section 3.358(c)(3) is not consistent with the plain language of §1151, which contains not a word about fault-or-accident. The statutory text and reasonable inferences from it give a clear answer against the Government's arguments that a fault requirement is implicit in the terms "injury" and "as a result of." This clear textually grounded conclusion is also fatal to the Government's remaining principal arguments: that Congress ratified the VA's practice of requiring a showing of fault when it reenacted the predecessor of §1151 in 1934, or, alternatively, that the post-1934 legislative silence serves as an implicit endorsement of the fault-based policy; and that the policy deserves judicial deference due to its undisturbed endurance. Pp. 2-8.

5 F. 3d 1456, affirmed.

SOUTER, J., delivered the opinion for a unanimous Court.