



Non-VA-Accredited Companies

*The American Legion
Department Service Officer
Quarterly Conference Call
February 8, 2024*

DSO Briefing Objectives

Learn about the non-VA-accredited companies that ***illegally assist*** and ***illegally charge*** fees to Veterans for representing them when filing VA disability claims:

- Learn about **what constitutes representation.**
- Learn about **VA accreditation.**
- Learn about **unaccredited companies.**
- Learn actions to **stop unaccredited companies.**

Representation Law

- It is **illegal** to represent a Veteran in a claim if you are **not accredited** by VA.
- 38 U.S.C. § 5901
 - “[N]o individual may act as an agent or attorney in the **preparation, presentation, or prosecution** of **any claim** under laws administered by the Secretary **unless** such individual has been **recognized** for such purposes by the Secretary.”



What is Representation?

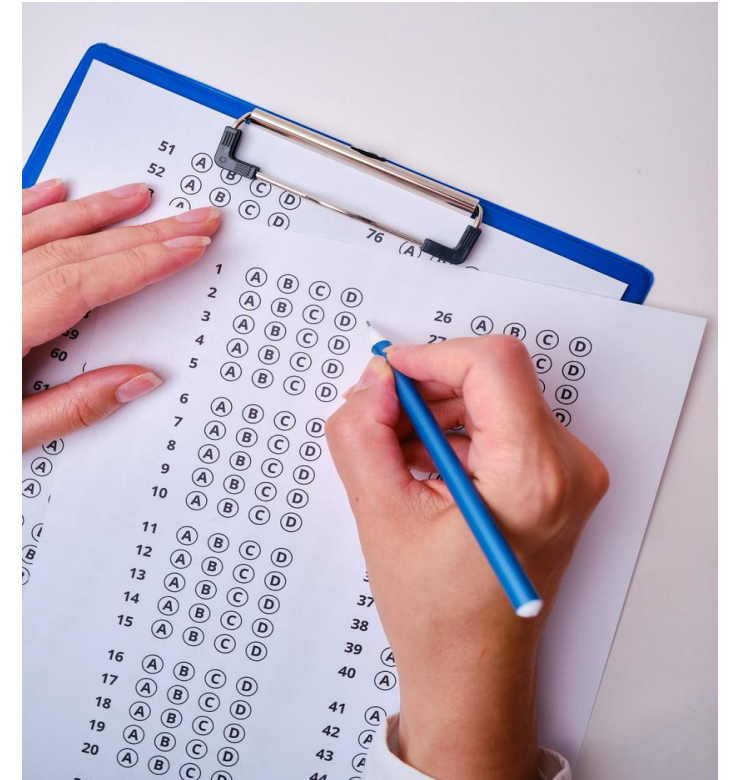


- 38 U.S.C. § 5901 is clear:
 - “**preparation, presentation, or prosecution of any claim.**”
- Preparing or advising a Veteran in the preparation of a claim is representation.
- Only **VA-accredited** representatives should advise or assist a Veteran with **any part of the process.**

It is no different than a person without a medical license providing medical advice.

What does accreditation mean?

- Congress required VA's regulations be consistent with the Model Rules of Professional Conduct of the American Bar Association.
 - 38 U.S.C. § 5904(a)(2).
- An accredited representative is:
 - Registered with VA.
 - Complies with VA ethics, testing, and competence rules.



Anyone charging fees without being accredited by VA is deliberately avoiding VA regulations, oversight, and accountability!

Who can be accredited?

- **Three types of VA accreditation:**

- VA-recognized and trained Veterans Service Organizations, **who are free.**
- Attorney in good standing with a state bar.
- Claims Agent who undergoes a character review by VA and passes VA's written exam.



Accreditation and Fees

- It is **illegal** to **charge fees** for assisting a Veteran with a claim, if you are **not accredited** by VA.
- It is illegal to charge **any** fee for assistance provided **before** VA initially decides a claim.
- “Whoever wrongfully withholds from any claimant or beneficiary any part of a benefit or claim allowed and due to the claimant or beneficiary, shall be fined as provided in title 18, or imprisoned not more than one year, or both.” 38 U.S.C. § 5905



Power of Attorney

- Anyone assisting a Veteran must have the Veteran sign and submit a VA "Power of Attorney" (POA) form.
- VA restricts access to VA computer records to only those who are accredited.
- Anyone offering VA claims assistance without using a POA form is most likely **not** VA-accredited.

Department of Veterans Affairs
VA DATE STAMP (DO NOT WRITE IN THIS SPACE)

APPOINTMENT OF VETERANS SERVICE ORGANIZATION AS CLAIMANT'S REPRESENTATIVE

INSTRUCTIONS: Before completing the form, read the Privacy Act and Respondent Burden on Page 3. The VA Office of General Counsel maintains a list of all attorneys, claims agents, and Veterans Service Organization (VSO) representatives accredited by VA to assist in preparing, presenting, and prosecuting claims for VA benefits at <https://www.va.gov/vaapp>. You can search this list by name, state, or zip code. We recommend you use the list to confirm and validate VA accreditation before signing any contract or appointing someone to represent you on your VA benefits claim. If you prefer to have an individual assist you with your claim instead of a VSO, complete VA Form 21-22a, Appointment of Individual as Claimant's Representative. For more information, you can contact us through Ask VA, <https://www.va.gov>, or call us toll-free at 1-800-827-1000 (TTY: 711). VA forms are available at <https://www.va.gov/forms>. After completing the form, use the mailing addresses provided on Page 4.

SECTION I: VETERAN'S INFORMATION

NOTE: You can either complete the form online or by hand. If completed by hand, print the information requested in ink, neatly, and legibly to expedite processing of the form.

1. VETERAN'S NAME (First, Middle Initial, Last)
2. SOCIAL SECURITY NUMBER (SSN)
3. VA FILE NUMBER (if applicable)
4. VETERAN'S DATE OF BIRTH (MM/DD/YYYY)
5. VETERAN'S SERVICE NUMBER (if applicable)
6. INSURANCE NUMBER(S) (if applicable) (include letter prefix)
7. MAILING ADDRESS (Number and street or rural route, P.O. Box, City, State, ZIP Code and Country)
8. TELEPHONE NUMBER (include Area Code)
9. EMAIL ADDRESS (optional)

SECTION II: CLAIMANT'S INFORMATION (if other than veteran)

10. CLAIMANT'S NAME (First, Middle Initial, Last)
11. CLAIMANT'S DATE OF BIRTH (Month, Day, Year)
11B. RELATIONSHIP TO VETERAN
12. MAILING ADDRESS (Number and street or rural route, P.O. Box, City, State, ZIP Code and Country)
13. TELEPHONE NUMBER (include Area Code)
14. EMAIL ADDRESS (optional)

SECTION III: SERVICE ORGANIZATION INFORMATION

15. NAME OF SERVICE ORGANIZATION RECOGNIZED BY THE DEPARTMENT OF VETERANS AFFAIRS (See list on Page 3 before selecting organization)
16A. NAME OF OFFICIAL REPRESENTATIVE ACTING ON BEHALF OF THE ORGANIZATION NAMED IN ITEM 15 (This is an appointment of the entire organization and does not indicate the designation of only this specific individual to act on behalf of the organization)
16B. JOB TITLE OF PERSON NAMED IN ITEM 16A
17. EMAIL ADDRESS OF THE ORGANIZATION NAMED IN ITEM 15
18. DATE OF THIS APPOINTMENT (MM/DD/YYYY)

OMB Control No. 2900-0021
Respondent Burden: 5 Minutes
Expiration Date: 7/31/2026

VA Form 21-22 used by VA-accredited VSOs.

Department of Veterans Affairs
VA DATE STAMP (DO NOT WRITE IN THIS SPACE)

APPOINTMENT OF INDIVIDUAL AS CLAIMANT'S REPRESENTATIVE

INSTRUCTIONS: Before completing the form, read the Privacy Act and Respondent Burden on Page 3. The VA Office of General Counsel maintains a list of all attorneys, claims agents, and Veterans Service Organization (VSO) representatives accredited by VA to assist in preparing, presenting, and prosecuting claims for VA benefits at <https://www.va.gov/vaapp>. You can search this list by name, state, or ZIP code. We recommend you use the list to confirm and validate VA accreditation before signing any contract or appointing someone to represent you on your VA benefits claim. If you prefer to have a VSO assist you with your claim instead of an individual, complete VA Form 21-22, Appointment of Veterans Service Organization as Claimant's Representative. For more information, you can contact us through Ask VA, <https://www.va.gov>, or call us toll-free at 800-827-1000 (TTY: 711). VA forms are available at <https://www.va.gov/forms>. After completing the form, use the mailing addresses provided on Page 3.

SECTION I: VETERAN'S IDENTIFICATION INFORMATION

NOTE: You may complete the form online or by hand. If completed by hand, print the information requested in ink, neatly and legibly, insert one letter per box, and completely fill in each applicable check box to help expedite processing of the form.

1. VETERAN'S NAME (First, Middle Initial, Last)
2. SOCIAL SECURITY NUMBER (SSN)
3. VA FILE NUMBER (if applicable)
4. DATE OF BIRTH (MM/DD/YYYY)
5. SERVICE NUMBER (if applicable)
6. BRANCH OF SERVICE
7. MAILING ADDRESS (Number and street or rural route, city or P.O., State and ZIP Code)
8. TELEPHONE NUMBER (include Area Code)
9. E-MAIL ADDRESS (optional)
10. CLAIMANT'S NAME (First, Middle Initial, Last)
11. CLAIMANT'S DATE OF BIRTH (MM/DD/YYYY)
12. RELATIONSHIP TO VETERAN
13. CLAIMANT'S MAILING ADDRESS (Number and street or rural route, city or P.O., State and ZIP Code)
14. TELEPHONE NUMBER (include Area Code)
15. EMAIL ADDRESS (optional)

SECTION II: APPOINTED REPRESENTATIVE'S INFORMATION

16A. NAME OF INDIVIDUAL APPOINTED AS REPRESENTATIVE (First, Middle Initial, Last)
16B. INDIVIDUAL'S (check appropriate box)
 ATTORNEY
 AGENT
 INDIVIDUAL PROVIDING REPRESENTATION UNDER SECTION 16430 (See required statement below)
 SERVICE ORGANIZATION REPRESENTATIVE (Specify organization)
17. SIGNATURE OF REPRESENTATIVE
18. DATE OF THIS APPOINTMENT (MM/DD/YYYY)

VA FORM JUL 2022 21-22a SUPERSEDES VA FORM 21-22a, FEB 2019 Page 1

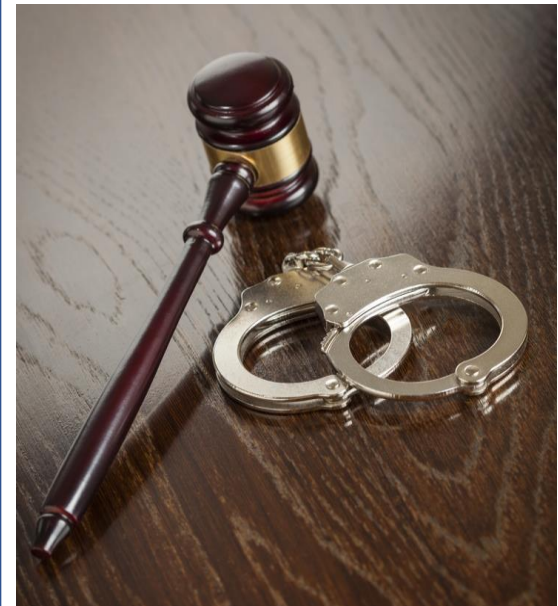
VA Form 21-22a, used by VA-accredited claims agents and VA-accredited attorneys.

Beware of anyone who does not want VA to know they are involved with a Veteran's claim!

Defining Unaccredited by VA

“Unaccredited” means **not approved** by VA:

- **Filing** any type of VA claim without prior VA accreditation is a **CRIME**.
- **Charging** a fee to file an **initial** VA claim (regardless of VA accreditation) is a **CRIME**.
- Claim Companies **do not**:
 - Apply for VA-accreditation.
 - Submit a POA form with VA.
 - Receive VA approval to access a Veteran’s VA computerized records.



VSOs Provide High Quality Representation

- In 2023, VA confirmed Veterans represented by VSOs are consistently more successful than non-VA-accredited companies with initial claims.
- VSOs add tremendous value for reviews and appeals because non-VA-accredited companies generally do not file these types of claims because they don't have access to VBMS and they lack training.
- B&M is working with VSOs to create a claims platform that will help Veterans more easily file claims and will allow VSOs to help shepherd more claimants.

Current VA Actions

- **Since 2006, VA cannot impose a fine or any jail time on an unaccredited person or company who illegally files VA claims or charges fees.**
 - Instead, OGC sends the non-VA-accredited person or company a toothless “cease and desist” letter.
- The number of complaints received by VA from Veterans charged unreasonable fees has grown more than 350% during the last three years.
 - 88 Fed. Reg. 88295 (Dec. 21, 2023).

How Non-Accredited Companies Harm Veterans



- Non-VA-accredited companies charge fees for claims that would have been granted without any assistance.
 - A large portion of claims are granted by VA after initial development and review.
 - They charge fees in these cases even though they added no value to the Veteran's award.
- Attorneys and agents charge fees only after a claim is denied or a rating has been awarded.
 - **Accredited** representatives get paid **only after they add value** by turning a denial into a grant, by getting VA to increase a disability rating, or by obtaining an earlier effective date.

Harming Veterans – 2

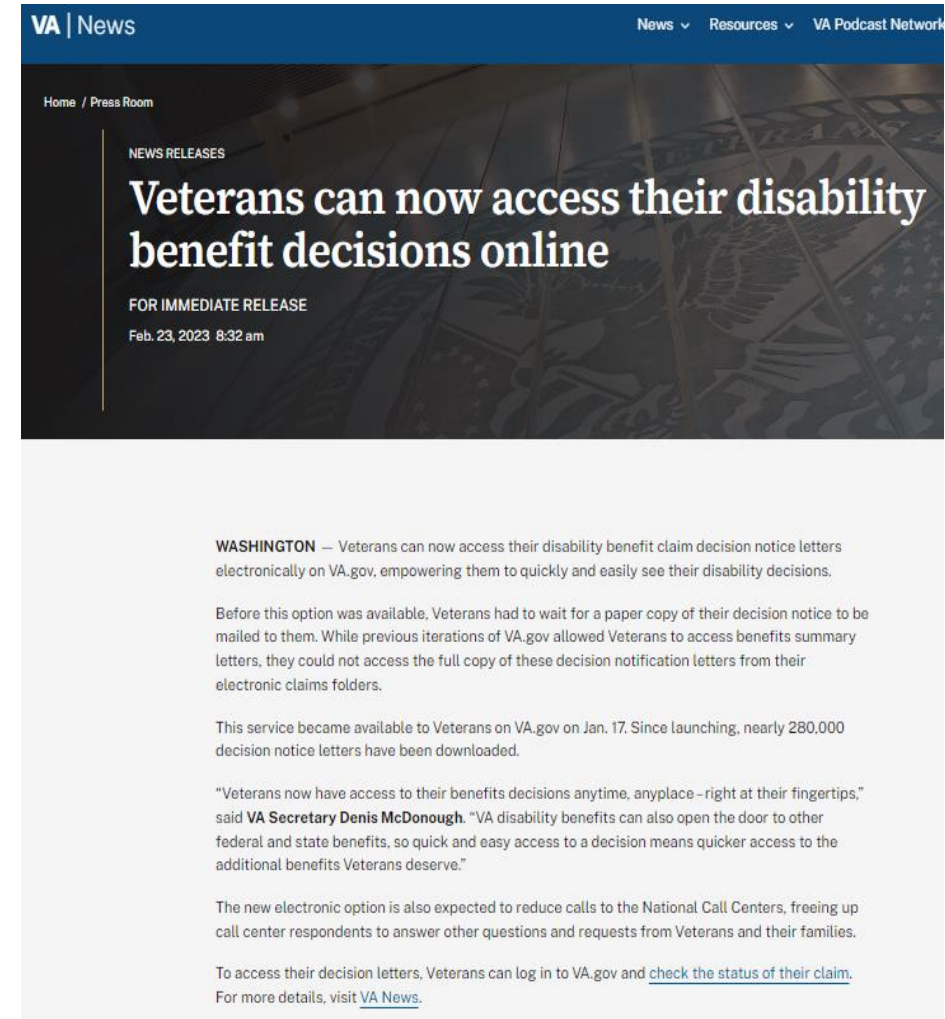
Four ways the non-VA-accredited lure Veterans:

- 1. Misleading ads:** Claim companies lure Veterans to text, email, or phone them for a “free consultation.” They pressure Veterans to sign a contract to pay “membership / consulting” fees, or fees amounting to five or six times the increase in VA monthly compensation.
- 2. Computer software:** Claim companies request the Veteran’s passwords to their computerized VA healthcare and benefit records, plus the Veteran’s bank account information. They put the personal information of Veterans at risk.

Harming Veterans – 3

3. Claim submission: Veterans usually do this part of the work by submitting the claim to VA. This is a façade, giving the appearance the Veteran acted alone.

4. Debt collection: When VA issues the Veteran a rating decision, then the company contacts the Veteran and demands payment of illegal fees – or they take it directly from the Veteran’s bank account.



Harming Veterans – 4

- **Unaccredited companies ignore important claims that do not have an immediate benefit.**
 - For example, they often ignore claims for heart conditions even though this is the most frequent cause of death.
- **Unaccredited companies don't assist Veterans with other vital benefits and services:**
 - Healthcare, Vet Centers, and suicide prevention.
 - Education, Home Loan, Insurance, and other VA benefits.
 - State and local benefits, such as reduced taxes or tuition waivers.
 - Community programs, usually offered at a VSO post.



Official VA Warnings

- **In September 2023**, VA's Office of the Inspector General (OIG) issued a "**FRAUD ALERT**" warning about criminal schemes targeting Veterans.
- The **OIG warning covers non-accredited claim companies** as well as companies that charge Veterans to complete a Disability Benefits Questionnaire (DBQ) for initial VA claims.
- In November 2023, **VA Secretary McDonough released a fraud alert video** about unaccredited claim companies.

FRAUD ALERT



US DEPARTMENT OF VETERANS AFFAIRS
OFFICE OF INSPECTOR GENERAL

Public Disability Benefits Questionnaire (DBQ) Fraud Schemes

The VA Office of Inspector General (OIG) seeks your help in preventing DBQ fraud schemes targeting veterans.

Public DBQs are medical forms that veterans submit to their healthcare provider (within VA or in the community). The information from the healthcare provider helps VA evaluate disability benefit claims from veterans. DBQ fraud schemes include attempts to obtain payment from veterans for assistance with getting DBQs completed by physicians and filing the related claim, even though **free services are offered through VA and its accredited individuals**.

All veterans should be aware that no-cost assistance is available for filing an initial application for benefits. (Note, however, that fees may properly be charged for appeals of VA initial decisions.) It is not appropriate for any unaccredited "claims consultants" or representatives to charge veterans a percentage of future payments or fees to assist with filing initial benefit claims. Veterans should decline assistance from anyone proposing such an arrangement. These unaccredited individuals may improperly promise to send veterans to private healthcare providers that will increase the chance for successful decisions or higher benefits, or inappropriately advise veterans to avoid exams from a VA provider. Veterans should never agree to have their VA benefit payments directly deposited into the bank account of a claims consultant.



- Individuals or businesses charge veterans a fee or a percentage of monthly benefits for assistance in getting public DBQs completed by healthcare providers or for submitting the resulting claim for VA benefits.
- Unaccredited individuals guarantee a large increase in the veteran's military service-connected disability rating that would lead to larger monthly monetary benefits. Only VA can determine disability ratings.
- Healthcare providers charge a fee with promises they can find a diagnosis or exaggerate an existing medical condition to secure a successful claims decision or a higher rating than the evidence warrants.

Take Action:

- Search VA's [database](#) to ensure you are using an accredited representative.
- Work with the identified accredited representative when submitting public DBQs to physicians or claims to VA.
- Verify with accredited representatives in advance any potential charges (such as those related to filing an appeal). Accredited representative fees that seem excessive may be challenged by filing a motion to review with VA ([Accreditation, Discipline, & Fees Program - Office of General Counsel \(va.gov\)](#)).
- Ensure only accurate information regarding your disability claim is provided to VA. Knowingly providing, or having false information provided to VA on your behalf, may be a violation of federal law.



- ✓ [VA OIG fraud toolkit](#)
- ✓ [Accredited Representatives Information](#) (for information on their role in claims process)

VA OIG

Online: va.gov/oig/hotline
Phone: (800) 488-8244 | Fax: (202) 495-5861
Mail: VA Inspector General Hotline (53H)
810 Vermont Avenue, NW
Washington, DC 20420

**BE A
VOICE FOR
VETERANS**
REPORT WRONGDOING

September 2023

Additional VA Warnings



- **VA Secretary Denis McDonough, July 25, 2023:** "Do not pay anyone to file your initial [VA] claim."
- **VA Press Secretary Terrence Hayes, July 5, 2023:** "A business or individual who prepares, presents, or prosecutes VA benefit claims without proper accreditation by the Department is doing so contrary to law."

Unaccredited Company Growth



- Ten years ago, a few non-VA-accredited companies illegally charged fees to a few hundred Veterans.
- COVID struck in 2020, and they filled social media with misleading ads.
- In 2024, **scores of companies now steal VA benefits from Veterans.**
- The websites of **12 companies** brazenly boast how they have **robbed more than 640,000 Veterans.**

Unaccredited Growth – 2

- In 2023, a non-VA-accredited claim company boasted before Congress how it charged an average of **\$5,000** in illegal fees per Veteran victim, based on \$1,000 per month increase and a fee of 5 times the increase.
- The number of Veteran victims (600,000) times the amount stolen per victim (\$5,000) means the **estimated amount of VA benefits stolen from disabled Veterans is in the billions of dollars.**



Other Unaccredited Activities



- Some unaccredited companies donate to Congress seeking to **legalize** criminal conduct.
- They seek **immediate** VA accreditation, **without** proper background checks or training.
- They are attempting to replace VA-accredited VSOs.
- They lack the training to advocate for healthcare enrollment, earlier effective dates, appeals, plus other critical VA benefits such as TDIU and SMC. This deprives Veterans of considerable amounts of benefits.



Reporting to VA

- File a complaint with [VA's Office of the General Counsel](#).
- Complain to [VA's Office of the Inspector General](#), or call **800-488-8244**.



WHAT A CLAIMANT SHOULD KNOW ABOUT FILING A COMPLAINT AGAINST AN INDIVIDUAL OR ORGANIZATION THAT HAS ASSISTED ON A VA BENEFITS CLAIM



If you believe that an attorney, claims agent, veterans service organization (VSO) representative, or other individual or organization has acted in an illegal or unethical manner, you can file a complaint regarding their conduct. The Office of General Counsel (OGC) of the Department of Veterans Affairs (VA) is authorized to investigate complaints regarding VA-accredited individuals, when appropriate. In addition, OGC may also refer matters to other State and Federal law enforcement authorities for possible inquiry.

"I'm ready to file my complaint. Where do I file?"

- If your complaint is about someone assisting with [VA pension benefits](#), you should file your complaint through the [Federal Trade Commission's complaint assistant](#) link on the OGC accreditation and discipline webpage at <https://www.va.gov/ogc/accreditation.asp>. VA OGC will be immediately notified of every complaint filed through this link. However, in addition to possible action by VA, by submitting your complaint through the [Federal Trade Commission](#), it will also be accessible to other Federal and State law enforcement authorities for their possible investigation and prosecution.
- If your complaint involves representation or claims assistance provided on a [VA compensation claim](#) (or another non-pension benefit) and you believe that other State and Federal laws and regulations apart from those involving VA accreditation may have been violated, you may also submit your complaint through the [Federal Trade Commission's complaint assistant](#) link on the OGC accreditation and discipline webpage at <https://www.va.gov/ogc/accreditation.asp>.
- If your complaint is against a VA-accredited attorney, claims agent, or VSO representative (please confirm VA-accreditation status on the accreditation search page at <https://www.va.gov/ogc/apps/accreditation/index.asp>) and you believe that your complaint only involves a violation of the [standards of conduct for VA-accredited individuals](#) or if you do not wish for other law enforcement entities to immediately be notified of your complaint, then you may file your complaint directly with the VA accreditation and discipline program by submitting your written complaint, and a completed [VA Form 3288](#) (this form will allow us to disclose your name and the information contained in the complaint to the VA-accredited practitioner) to:

Office of General Counsel (022D)
Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420.

Other Authorities

- File a complaint with your **State Attorney General**.
- Complain to the **U.S. Federal Trade Commission**.



PRESIDENT
Dave Yost
Ohio
Attorney General

August 8, 2023

PRESIDENT-ELECT
Ellen F. Rosenblum
Oregon
Attorney General

Via E-mail

The Honorable Kevin McCarthy
Speaker
House of Representatives
Washington, DC 20515

The Honorable Chuck Schumer
Majority Leader
United States Senate
Washington, DC 20510

VICE PRESIDENT
John Formella
New Hampshire
Attorney General

The Honorable Hakeem Jeffries
Minority Leader
House of Representatives
Washington, DC 20515

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

IMMEDIATE PAST
PRESIDENT
Josh Stein
North Carolina
Attorney General

Re: Support for Passing the G.U.A.R.D. VA Benefits Act

Brian Kane
Executive Director

Dear Congressional Leaders:

The undersigned Attorneys General write to express our strong support for the passage of bipartisan legislative proposals included in, *H.R. 1139* and *S. 740*, both cited as the *Governing Unaccredited Representatives Defrauding VA Benefits Act* and otherwise referred to as the *G.U.A.R.D. VA Benefits Act*.

The history of the service and sacrifice of our nation's veterans is long and storied. This country and the freedoms we enjoy were built on those sacrifices. Our nation has long recognized its obligation to provide support and care for those veterans and their families as compensation for their many sacrifices. This nation has long provided that support and care through various VA benefits. However, some of those benefits make the veterans who have earned them targets for financial exploitation.

1850 M Street NW
12th Floor
Washington, DC 20036
(202) 326-6000
www.naag.org

Source: [National Association of Attorneys General](#)

Thank you !

Q & A