

**Department of the Veterans Affairs Disability Benefits
Combating Claim Sharks**

(Predatory companies who have no accountability, no oversight, and no penalties)

*S. 740 Lead Sen. Boozman, John [R-AR], House Ver. HR 1139
Governing Unaccredited Representatives Defrauding (GUARD) VA Benefits Act*

37 Dems (two from Colorado), 13 GOP, and 3 Independent Senators have already signed on

The VFW is concerned that bad actors who we call “Claim Sharks” have been preying on veterans seeking to access their earned Department of Veterans Affairs (VA) benefits. S. 740 will reinstate penalties for charging veterans and survivors unauthorized fees relating to claims for VA benefits.

A Claim Shark is an individual or company that “assists” or “consults” veterans with VA claims even though they are not accredited with VA. Many of these companies charge large fees for their services, sometimes totaling in the tens of thousands of dollars for services that veterans can receive for free. These companies have used the pandemic to their advantage, offering fully remote “assistance” and easy to access “one click away buttons” in order to capitalize on the reduced resources available due to VA closures.

Claim Sharks now have gained a foot hold and remain operating even though Accredited Service Officers and VA Benefit centers have reopened from the pandemic.

Several of these predatory companies have made statements that there is no avenue for them to seek VA accreditation, but this is *completely untrue*. There are no restrictions for these consultants to be accredited by VA, but they refuse to do so because they would no longer be able to charge exorbitant fees. They would also be subject to oversight by VA’s OGC. Currently, these predatory companies have no accountability, no oversight, and no penalties. Companies that prey upon veterans and flagrantly disregard congressional oversight authority should be held accountable.

VA Benefit rules cap the amount a service provider may charge. Typically, the fee is 20% of the back pay from a benefit claim paid to a disabled veteran. That fee is paid directly to the service provider from the VA. If the percentage is larger then the disabled veteran will be paid by the VA and her or him will have to write a check to pay the service provider. Claim Sharks not only charge an exorbitant amount, but often take a percentage of the monthly disability check for the rest of his or her life, amounting in hundreds of thousands of dollars. Currently, these predatory companies have no accountability, no oversight, and no penalties. The VFW and other Veteran Service Organizations want Congress to amend title 38 to reinstate penalties for charging veterans outrageous fees.

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The Veterans of Foreign Wars strongly opposes the *Plus for Veterans Act of 2023*, which is proposed legislation that they believe would allow companies to charge high fees in exchange for claims assistance. The VFW firmly believes that veterans should not have to pay for the benefits they have earned through their service and is actively working to ensure that veterans receive the assistance they deserve without financial burden.

The Big Six Veteran Service Organizations (American Legion, Veterans of Foreign Wars, Paralyzed Veterans of America, Disabled American Veterans, American Veterans, and Vietnam Veterans of America) Veteran Service Officers are trained and accredited the Veterans Affairs plus the never charge any fee and membership is not required or implied. Claim sharks need to be stopped.

Claim Sharks Q&A

Q: What makes these companies predatory?

A: The law prohibits anyone who assists veterans with the preparation, presentation, or prosecution of their Department of Veterans Affairs (VA) disability claims to charge fees for their services. Many of these companies use contracts that include a commitment by the veteran to pay them all or a portion of their increased benefits. If a veteran receives a disability percentage increase years later, these companies often return seeking more money. Furthermore, they routinely obtain medical opinions from affiliated medical providers, which raises ethical concerns.

Q: Some of these companies say they would seek VA accreditation but there currently is no path for them to do so. Shouldn't our focus be on reforming accreditation?

A: This claim is untrue. Anyone can seek VA accreditation, but then would be subject to oversight by VA's Office of General Counsel and would not be allowed to charge high fees for claims assistance. The VFW is open to discussions about how to improve the accreditation process, but that does not involve making it easier for Claim Sharks to take advantage of veterans.

Q: What does it mean when a claims representative or service officer is accredited? What is accreditation?

A: Accreditation by VA authorizes individuals or Veterans Service Organizations (VSOs) to represent veterans for their VA benefits claims. VA accreditation is for the sole and limited purpose of preparing, presenting, and prosecuting claims before VA. Accreditation requires passing extensive training and background checks. VSOs like the VFW have some of the most well-trained and professional claims representatives in the country.

Q: Organizations that offer claims assistance for free do not have enough people to serve all the veterans who need it. Aren't these companies filling a gap?

A: This claim is also untrue. The VFW alone has more than two thousand accredited representatives and they helped tens of thousands of veterans receive more than ten billion

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dollars in VA benefits last year. No private company that charges fees even comes close to those numbers.

Q: Why are penalties necessary?

A: Consultants who refuse to adhere to VA's well-established standards of accreditation and fee arrangements should be subject to penalties in the same manner as accredited representatives. This is a much-needed protection to deter bad actors and protect veterans' earned benefits.

Q: Why were penalties removed in the first place?

A: Penalties were removed to allow accredited attorneys and agents to charge certain fees for their services. The unintended consequence was that this opened the door to unaccredited, predatory consultants to operate illegally without penalty. We must reinstate these penalties.

S.928 Lead Sen. Tester, Jon [D-MT] House ver. H.R. 4157

Not Just a Number Act

25 Dems (One from Colorado), 6 GOP, and 2 Independent Senators have already signed on

Economic Opportunity's Role in Preventing Suicide

The VFW's Concerns

As the VFW has advocated for many years, the Department of Veterans Affairs (VA) must immediately incorporate Veterans Benefits Administration (VBA) data into its annual suicide prevention report, to include disability compensation, education and employment benefit use, home loan use and foreclosure assistance, and participation in housing and food insecurity programs. Currently, VA tracks only how many veterans who die by suicide had interactions with VA through medical or mental health appointments. Short of this incorporation, economic opportunity benefits cannot be fully leveraged to successfully prevent suicide among veterans.

Education - A 2020 study of recently transitioned service members found those with fewer years of education had a higher hazard of suicide, with lack of education being a likely factor in difficulty finding post-military employment, potentially leading to financial instability.

Employment - Unemployment can be detrimental to mental health. It is even associated with increased risk for suicide. However, the relationship between

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unemployment and suicide is a complex one. Providing benefits while veterans are unemployed and making sure they are swiftly reemployed can moderate mental health issues and potentially mitigate suicidal ideations.

Compensation – Some veterans may feel hopeless, unheard, or retriggered by their trauma during the benefit claims process. They may also be facing financial hardship to pay medical expenses until they can receive care at VA. A 2021 study in Military Behavioral Health showed that veterans with a service-connected disability designation who utilized services were less likely to attempt suicide.

Housing – Data from a study published in a 2021 issue of the Journal of Epidemiology & Community Health on veterans who self-reported housing instability between 2012 and 2016 indicated over half of these veterans accessed homeless services and associated this use of services to a significant reduction in suicide risk. This is a positive sign for the ability of these programs to perform upstream intervention.

***Note:** All of these programs are administered by the Veterans Benefits Administration. However, none of them are incorporated into the VA annual suicide prevention report.*

The VFW urges Congress to

- Direct VA to incorporate veteran benefit usage into its annual suicide prevention report. This would show the correlation between VA benefits and veterans who die by suicide.
- Analyze which benefits have a greater impact on upstream suicide prevention and focus on expanding those benefits in an effort to reduce the overall number of veteran suicides.
- Direct VA to provide utilization reports on community grants for suicide prevention.

Comparison of veteran suicide rates

Where in Colorado through 2021, 248 veterans completed suicide, 59 of them were in El Paso County, 202 along the Front Range, and 20 on the Western Slope. Take a moment to formulate your own thoughts as to why... The VA has the data, yet?

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Department of the Defense Department of Defense Transition Assistance Program

*S. 2888 Lead Sen. King, Angus S., Jr. [I-ME] House Ver. H.R. 3933
TAP Promotion Act*

12 Dem (1 from Colorado), 10 GOP, and 1 Independent Senators have already signed on

Leaving service is often complicated by service-related ailments, family needs, loss of identity and support networks, and the required training to enter a new career. Sadly, the initial year following discharge also has a higher suicide risk among new veterans, resulting in the need to ensure all transitioning service members are connected to post-service benefits and resources as quickly as possible.

One of the best resources to have during this period are accredited representatives who can help file Department of Veterans Affairs (VA) Benefits Delivery at Discharge (BDD) claims. Through BDD, service members can file expedited claims and complete medical evaluations before leaving service, enabling VA to provide disability ratings upon discharge. Receiving accelerated claims decisions means BDD participants are better able to minimize gaps in essential care like mental health counseling and medication management once they officially leave service.

Unfortunately, not all service members going through the Department of Defense Transition Assistance Program (TAP) have access to BDD accredited representatives, resulting in lost opportunities to receive timely care and benefits upon discharge. The VFW believes there is immense value in incorporating these accredited representatives into the TAP curriculum itself. Specifically, we would like to see these representatives physically present in TAP classrooms during VA briefings on resources that can be applied for prior to discharge. Accredited representatives would not only be able to highlight the BDD program, but also help transitioning service members file claims. Unfortunately, VA contract employees who largely teach the VA curriculum cannot legally assist with claims.

The VFW firmly believes the BDD program is an underutilized tool in the fight against veteran suicide. Directly connecting transitioning service members to accredited representatives in TAP classrooms has the potential to save lives.

The VFW urges Congress to:

Pass S. 2888, *TAP Promotion Act*, to require accredited representatives from national, state, and local organizations to be included in TAP classes.

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**Retirement And Military Personnel
Concurrent Receipt**

S. 344 Lead Sen. Tester, Jon [D-MT], (House. ver. H.R. 1282)

43 Dems (2 from Colorado), 27 GOP, and 3 Independent Senators have already signed on, 73 total.

Major Richard Star Act

To amend title 10, United States Code, to expand eligibility to certain military retirees for concurrent receipt of Veteran's disability compensation and retired pay or combat-related special compensation, and for other purposes. The Veterans of Foreign Wars is urging Congress to pass the Major Richard Star Act to help put money back in the pockets of Veterans who were forced to retire early from military service because of battlefield injury or illness. Major Richard Star a fellow VFW member passed away February 2021 from lung cancer due to *burn pit exposure*

DoD retired pay and VA disability compensation are two different benefits established by Congress for two different reasons

These veterans are referred to as Chapter 61 retirees. As a result, some disability retirees are separated before becoming eligible for longevity retirement, while others have completed 20 or more years of service. These retirees are not authorized for concurrent receipt, which means receiving retirement pay from DoD for their service, while also receiving disability pay from the VA to compensate for injury.

As of 2023 there are approximately 575,476 Chapter 61 retirees — more than 50,000+ of whom have been medically discharged due to combat-related injuries, and unjustly denied the benefits they deserve. Of the 50,000+ there are ~1,000 in Colorado.

Colorado Chapter 61 Veterans earned this benefit, it is time to fully honor veterans who were medically retired as a result of injuries incurred in combat or combat-related training.

The bipartisan and bicameral support for H.R. 1282 / S. 344, known as the Major Richard Star Act, indicates a growing recognition among Members of Congress regarding the injustice caused by the retirement pay and disability compensation offset. This legislation has gained substantial backing, with 326 members of the House and 71 members of the Senate supporting it. The Major Richard Star Act aims to address the issue and potentially bring about changes to improve the situation for veterans affected by the offset.

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The VFW Action Corps

The VFW Action Corps is our national grassroots advocacy network comprised of more than 300,000 VFW members, Legislative members and Staff, and patriotic supporters of veterans. This group stays up to date on the issues facing our veterans, our military and their families. The VFW Action Corps is free and open to all patriotic Americans who care about the military and veterans' communities. Subscribe now <https://vfw.org/JoinActionCorps>

[VFW Opposed Bills](#)

[S. 1789: PLUS for Veterans Act of 2023](#) | 2023-2024 Regular Session (118th)

[VFW Neither Support or Oppose Bills](#)

[VFW Supported Bills](#)

[S. 42: BUILD for Veterans Act of 2023](#) | 2023-2024 Regular Session (118th)

[S. 132: Daniel J. Harvey Jr. and Adam Lambert Improving Servicemember Transition to Reduce Veteran Suicide Act](#) | 2023-2024 Regular Session (118th)

[S. 280: BEST for Vets Act of 2023](#) | 2023-2024 Regular Session (118th)

[S. 291: Establishment of the Veterans Economic Opportunity and Transition Administration in the Department of Veterans Affairs](#) | 2023-2024 Regular Session (118th)

VFW Leg Priority

[S. 344: Major Richard Star Act](#) | 2023-2024 Regular Session (118th) | **Bennet and Hickenlooper are signed on**

[S. 350: Fry Scholarship Enhancement Act of 2023](#) | 2023-2024 Regular Session (118th)

[S. 414: Caring for Survivors Act of 2023](#) | 2023-2024 Regular Session (118th) | **Bennett is signed on**

[S. 449: Veterans Patient Advocacy Act](#) | 2023-2024 Regular Session (118th)

[S. 495: Expanding Veterans' Options for Long Term Care Act](#) | 2023-2024 Regular Session (118th)

[S. 497: Military Family Nutrition Access Act of 2023](#) | 2023-2024 Regular Session (118th) | **Bennet is signed on**

[S. 498: Veteran Education Empowerment Act](#) | 2023-2024 Regular Session (118th)

[S. 545: Air Carrier Access Amendments Act of 2023](#) | 2023-2024 Regular Session (118th)

[S. 572: Ensuring Access to VA INFO Act of 2023](#) | 2023-2024 Regular Session (118th)

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[S. 656: Veteran Improvement Commercial Driver License Act of 2023](#) | 2023-2024 Regular Session (118th) **Passed Senate**

VFW Leg Priority

[S. 740: GUARD VA Benefits Act of 2023](#) | 2023-2024 Regular Session (118th) | **Bennet and Hickenlooper are signed on**

[S. 774: Veterans Border Patrol Training Act](#) | 2023-2024 Regular Session (118th)

[S. 815: Hello Girls Congressional Gold Medal Act of 2023](#) | 2023-2024 Regular Session (118th) | **Bennet and Hickenlooper are signed on**

[S. 853: VA Zero Suicide Demonstration Project Act of 2023](#) | 2023-2024 Regular Session (118th)

[S. 897: Expedite Veteran Appeals Act of 2023](#) | 2023-2024 Regular Session (118th)

VFW Leg Priority

[S. 928: Not Just a Number Act](#) | 2023-2024 Regular Session (118th) **Hickenlooper is signed on**

[S. 1037: Department of Veterans Affairs EHRM Standardization and Accountability Act](#) | 2023-2024 Regular Session (118th)

[S. 1090: Electronic fund transfers of educational assistance to foreign institutions of higher education](#) | 2023-2024 Regular Session (118th)

[S. 1125: EHR Program RESET Act of 2023](#) | 2023-2024 Regular Session (118th)

[S. 1172: RELIEVE Act](#) | 2023-2024 Regular Session (118th)

[S. 1299: Fairness for Servicemembers and their Families Act of 2023](#) | 2023-2024 Regular Session (118th)

[S. 1309: Student Veterans Transparency and Protection Act of 2023](#) | 2023-2024 Regular Session (118th)

[S. 1315: Veterans' Health Empowerment, Access, Leadership, and Transparency for our Heroes \(HEALTH\) Act of 2023](#) | 2023-2024 Regular Session (118th)

[S. 1436: CHARGE Act of 2023](#) | 2023-2024 Regular Session (118th)

[S. 1590: Justice for ALS Veterans Act of 2023](#) | 2023-2024 Regular Session (118th)

[S. 1612: Reimburse Veterans for Domiciliary Care Act](#) | 2023-2024 Regular Session (118th)

[S. 1828: Veterans Homecare Choice Act of 2023](#) | 2023-2024 Regular Session (118th)

[S. 1875: Veterans 2nd Amendment Protection Act of 2023](#) | 2023-2024 Regular Session (118th)

[S. 1951: Department of Veterans Affairs Income Eligibility Standardization Act](#) | 2023-2024 Regular Session (118th)

[S. 1954: Improving Whole Health for Veterans with Chronic Conditions Act](#) | 2023-2024 Regular Session (118th)

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[S. 2067: SAVES Act](#) | 2023-2024 Regular Session (118th)

[S. 2259: LINC VA Act](#) | 2023-2024 Regular Session (118th)

[S. 2263: The Rural Vital Emergency Transportation Services \(VETS\) Act](#) | 2023-2024 Regular Session (118th)

[S. 2315: Bring Our Heroes Home Act](#) | 2023-2024 Regular Session (118th)

[S. 2513: Veterans Benefits Improvement Act of 2023](#) | 2023-2024 Regular Session (118th)

[S. 2516: Veterans Accessibility Act of 2023](#) | 2023-2024 Regular Session (118th)

[S. 2649: Making Community Care Work for Veterans Act of 2023](#) | 2023-2024 Regular Session (118th)

VFW Leg Priority

[S.2888: TAP Promotion Act](#) | 2023-2024 Regular Session (118th) **Hickenlooper is signed on**

[S. 3126: Mark Our Place Act](#) | 2023-2024 Regular Session (118th)

[S. 3256: Improving Veterans' Experience Act of 2023](#) | 2023-2024 Regular Session (118th)

[S. 3295: Increasing Access to Military Service Records Act of 2023](#) | 2023-2024 Regular Session (118th)

[S. 3452: Fred Hamilton Veterans' Lost Records Act](#) | 2023-2024 Regular Session (118th)

[S. 3567: Veterans Affairs Centennial and Heritage Act of 2024](#) | 2023-2024 Regular Session (118th)

[S. 3636: Hire Veterans Act](#) | 2023-2024 Regular Session (118th)

[S. 3728: Veterans Housing Stability Act of 2024](#) | 2023-2024 Regular Session (118th)

[S. 3746: Gold Star and Surviving Spouse Career Services Act](#) | 2023-2024 Regular Session (118th)

[S. 3873: Guard and Reserve GI Bill Parity Act of 2024](#) | 2023-2024 Regular Session (118th)

[S. 3979: Use of contract physicians for disability examinations](#) | 2023-2024 Regular Session (118th)

[S. 4047: Veterans' COLA Act of 2024](#) | 2023-2024 Regular Session (118th)

[S. 4100: Honoring Veterans' Legacies and Burial Benefits Enhancements Act](#) | 2023-2024 Regular Session (118th)