



Combating Claims Predators

DJ Montreal



VA Statement

Statement from VA Press Secretary

Terrence Hayes, July 5, 2023

“ A business or individual who prepares, presents, or prosecutes VA benefits claims without proper accreditation by the Department is doing so contrary to law.”



Course Topics

- Accredited
- What is a claims predator?
- Signs of a claims predator
- Unaccredited Facts
- What should veterans ask?
- OGC Advice and Standards
- Your responsibilities
- Q&A

**FRUSTRATED WITH YOUR
VA RATING?**

WE CAN HELP.

Hey there 🐼 would you like to increase your VA disability rating?

Are you ready to get the VA Benefits YOU DESERVE?



Accredited

“No individual may assist claimants in the preparation, presentation, and prosecution of claims for VA benefits as an agent or attorney unless he or she has **first been accredited by VA** for such purpose.”

38 CFR 14.629(b)

- “Only accredited agents and attorneys may receive fees from claimants or appellants for their services provided in connection with representation.”

38 CFR 14.629(f)



- Requires every Veteran to sign a VA “Power of Attorney” (POA) form and submit it to VA.
- Uses a signed POA to submit documents and access VA claim records.

VA Form 21-22 used by accredited VSOs.

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



What is a Claims Predator?

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 fees for their services, sometimes totaling in the tens of thousands of dollars for services that veterans can receive from you **FOR FREE**.

These companies have used the pandemic to their advantage, offering fully remote “assistance” and easy to access to capitalize on the reduced resources available due to VA closures.



Telltale Signs of a Claims Predator

Most claims predators advertise on social media, targeting veterans with statements such as:

- Promise a guaranteed grant or increase in benefits
- Tell clients they can “start” for free
- Provide “Coaching” during the claims process
- Guaranteed success rate

"All I had to do was send in my medical records. Once I got my results back, I opened the envelope, and I was like 'Wow! 100%!'"



"Risk-Free. You Only Pay When You Get Paid."



Telltale Signs of a Claims Predator

Claims predators rarely claim to represent veterans, instead offering “Consulting Services” or “Benefits Advice”.

They cannot access VBMS or other VA systems so they often ask for the veteran’s eBenefits password so they can “review the record”.

Some companies instruct their clients to not inform VA that they are being “assisted” or disclose their fee structures to any other clients.

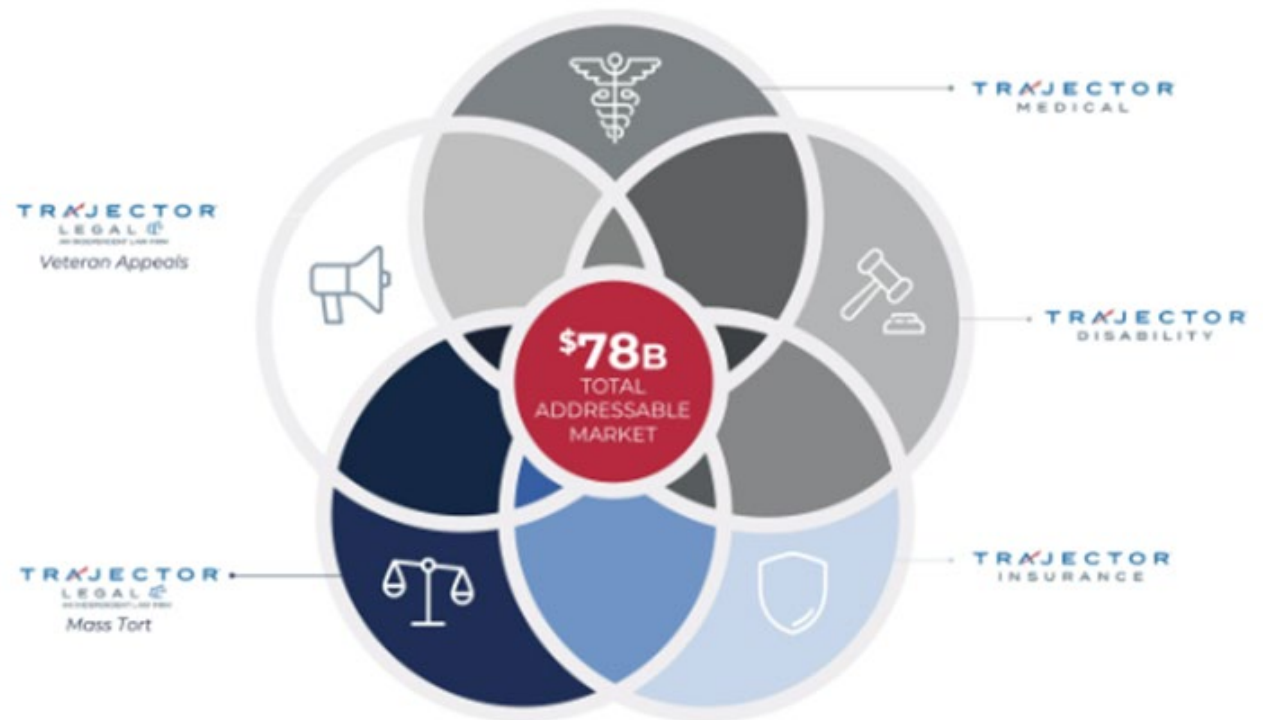


Unaccredited Facts

Trajectory is the largest unaccredited company:

- Disability claims
- Claims appeals
- Claims medical exams

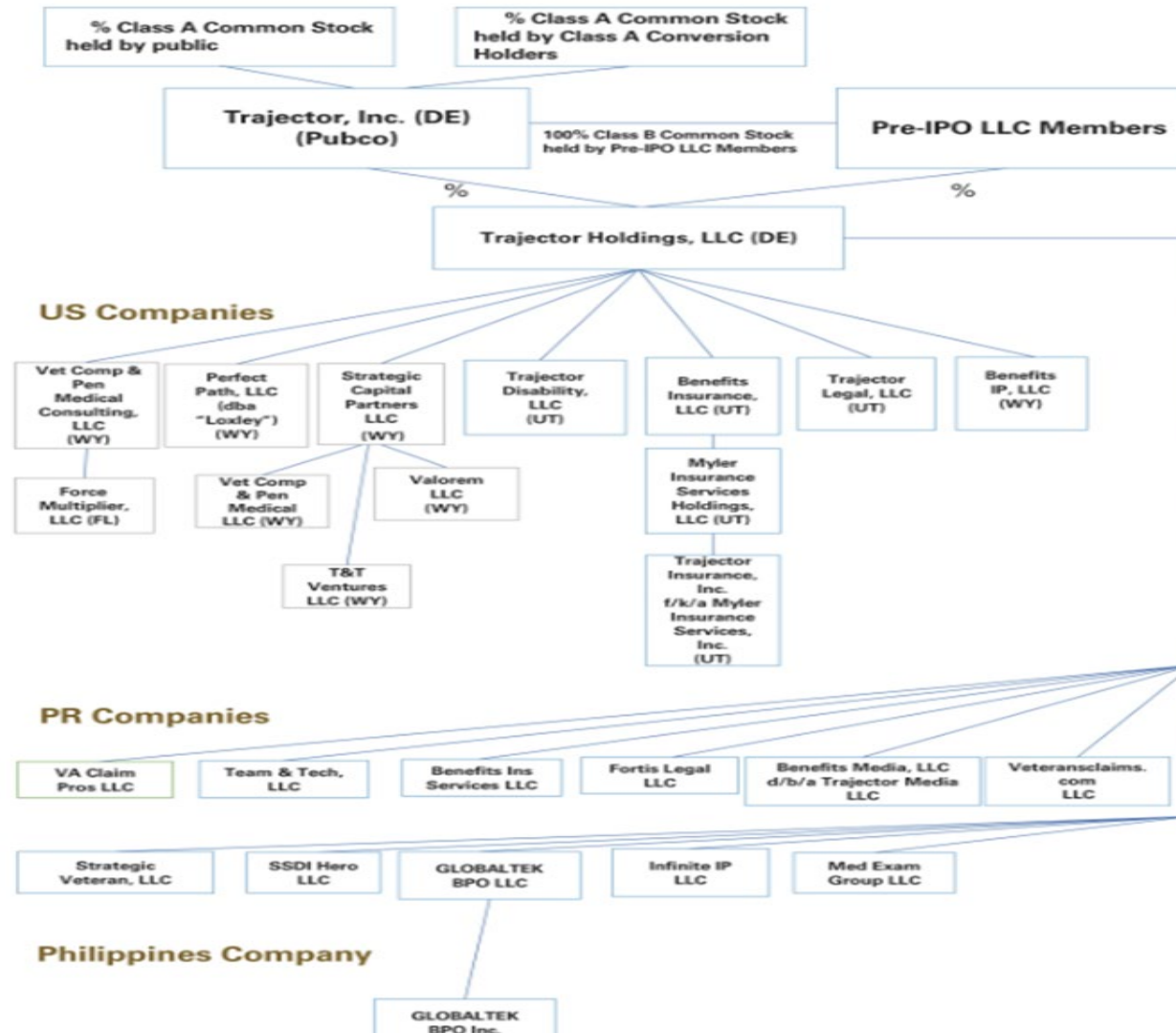
Most Comprehensive Integrated Platform
Assisting Vastly Underserved Populations



Source: [SEC](#), Oct. 18, 2021.



Unaccredited Facts





Unaccredited Facts

- Companies charge an average of \$5,000 in fees.
- Average pay \$106,000 per year.
- Companies are recruiting:
 - Veterans
 - VA Staff
 - Veteran Service Officers





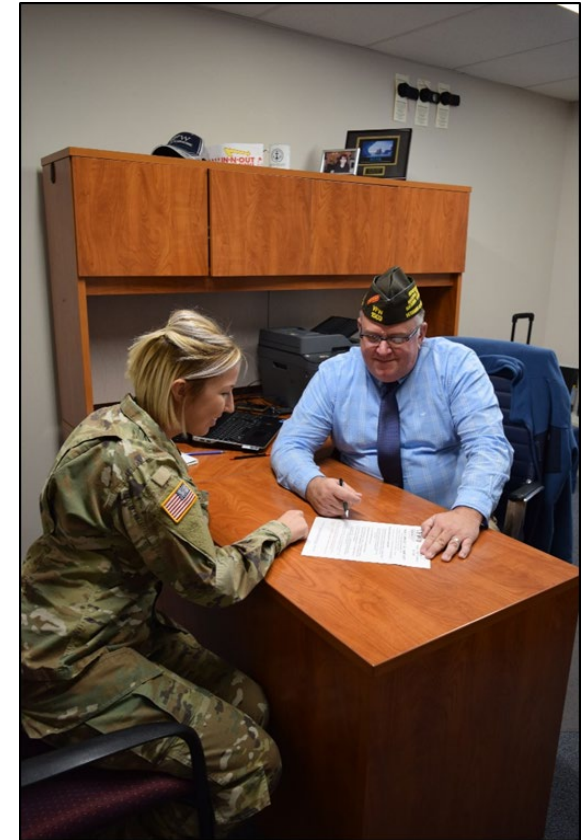
What Should Veterans Be Asking?

- As more and more claims predators emerge, VA and other organizations are instructing veterans to ask their representative about their services and intentions.
- Questions such as: “Are you accredited?” or “Can I see your credentials?” should be welcomed.
- General Council (OGC) **Accreditation Search** website:
<http://www.va.gov/ogc/apps/accreditation/index.asp>



OGC Recommended Questions

- When were you accredited by VA?
- How long have you provided VA benefits claim assistance?
- What is your training?
- What types of claims have you filed in the past?
- What is your experience with my type of claim?
- Can you provide referrals from former clients?
- How much contact may I reasonably expect from you, and what is your preferred method of communication?
- Will you personally assist me in preparing and presenting my claim to VA?
- Will anyone else assist you with my claim?
- Will you represent me throughout the appeals process to include the Court of Appeals for Veterans Claims? What is your experience with the appeal process?
- What are your fees?
- What are the expected expenses?






OGC Standards of Conduct

The standards of conduct in 38 C.F.R. § 14.632 establish the appropriate behavior for VA-accredited attorneys, agents, and representatives.

VA-accredited individuals providing VA claims assistance *shall*:

- Faithfully execute their duties on behalf of a VA claimant;
- Be truthful in their dealings with claimants and VA;
- Provide claimants with competent representation before VA; and
- Act with reasonable diligence and promptness in representing claimants.

See 38 C.F.R. §§ 14.632 (a) & (b).



VA ACCREDITATION PROGRAM
STANDARDS OF CONDUCT FOR VA-ACCREDITED ATTORNEYS, CLAIMS AGENTS, AND VSO REPRESENTATIVES

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See 38 C.F.R. §§ 14.632 (a) & (b).

VA-accredited individuals *shall not*:

- (1) Violate the standards of conduct as described in 38 C.F.R. § 14.632.
- (2) Circumvent the rules of conduct through the actions of another.
- (3) Engage in conduct involving fraud, deceit, misrepresentation, or dishonesty.
- (4) Violate one or more of the provisions of title 38, United States Code, or title 38, Code of Federal Regulations.
- (5) Enter into an agreement for, charge, solicit, or receive a fee that is clearly unreasonable or otherwise prohibited by law or regulation.
- (6) Solicit, receive, or enter into agreements for gifts related to representation provided before an agency of original jurisdiction has issued a decision on a claim or claims and a Notice of Disagreement has been filed with respect to that decision.
- (7) Delay, without good cause, the processing of a claim at any stage of the administrative process.
- (8) Mislead, threaten, coerce, or deceive a claimant regarding benefits or other rights under programs administered by VA.
- (9) Engage in, or counsel or advise a claimant to engage in, acts or behavior prejudicial to the fair and orderly conduct of administrative proceedings before VA.
- (10) Disclose, without the claimant's authorization, any information provided by VA for purposes of representation.
- (11) Engage in any other unlawful or unethical conduct.

*In addition, in providing representation to a claimant before VA, VA-accredited attorneys shall not engage in behavior or activities prohibited by the rules of professional conduct of any jurisdiction in which they are licensed to practice law.
See 38 C.F.R. § 14.632(c) & (d).

If I violate a standard of conduct or engage in any other unlawful or unethical conduct, what will happen? If VA determines that you have violated the standards of conduct, VA may suspend or cancel your accreditation. VA is authorized to report the suspension or cancellation to any bar association, court, or agency to which you are admitted. In addition, VA may collaborate with State and Federal enforcement authorities if it is suspected that your actions may have implications under State or other Federal laws.

For More Information: Visit the VA Office of the General Counsel website at: <http://www.va.gov/ogc/accreditation.asp>



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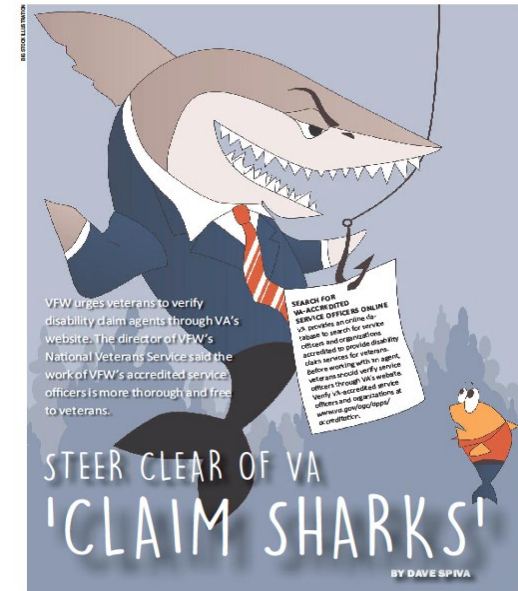
How Can You Help?

- If you are assisting a veteran who has been “helped” by a claims predator, ask if they have information for the company and forward it to David Huntimer at david.huntimer@va.gov
- If the veteran can provide a copy of their contract, it will be extremely helpful, even if it is not signed.
- SDDVA is compiling information for the VFW to help VA put a stop to these practices.



How Can You Help?

- As tempting as it may be, do **NOT** conduct your own investigation into these companies.
- Do not contact them or post comments to their social media pages.
- If a veteran asks about a specific company, do not speak negatively, instead advise them to use an accredited representative and offer to check the OGC website.





Questions

