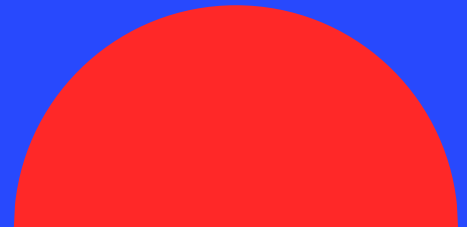
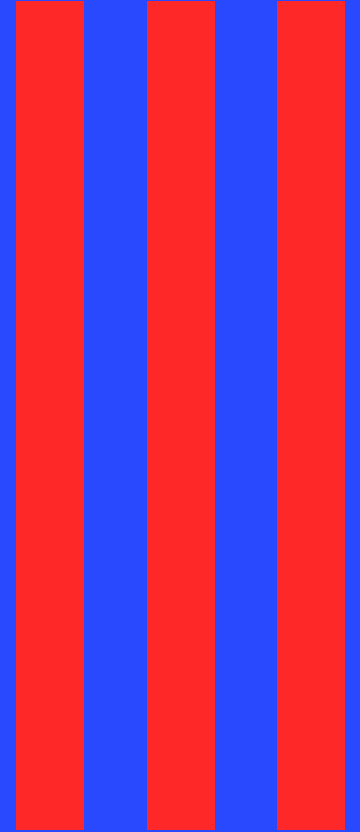


# **Ethics and Standards of Conduct for VSO's**



# Agenda

Introduction

What are ethics for VSO's

Fraud and who it applies to

VSO Standards of Conduct

Final tips & takeaways



# Ethics Defined

**According to the Oxford Dictionary, Ethics is defined as “Moral principals that govern a person’s behavior or the conducting of an activity”**

**Webster’s Dictionary defines ethics as a principle of right or good behavior. It further defines ethical as conforming to accepted principles of right and wrong that govern the conduct of a profession.**



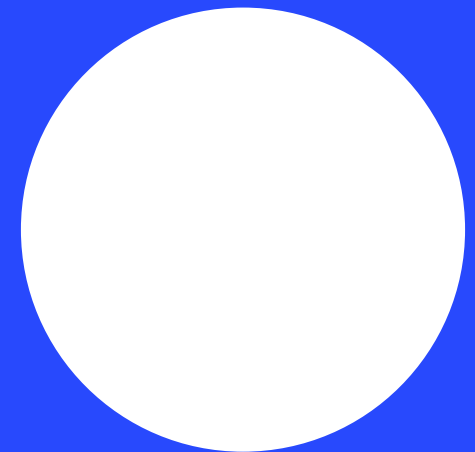
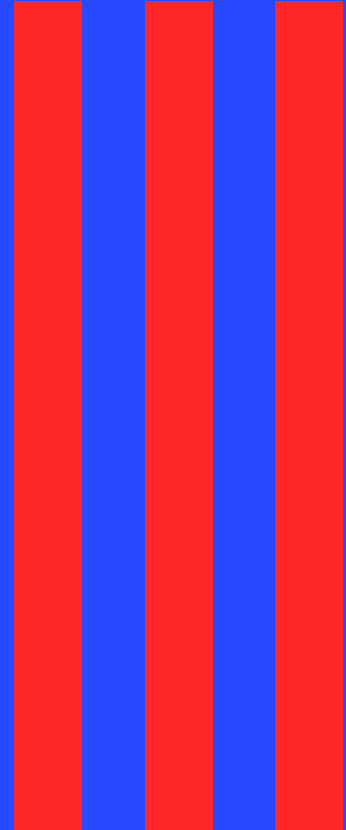
# VSO Code of Ethics

**Confidential information, whether supplied by the veteran, the Department of Veterans Affairs, or other parties shall remain confidential and will not be released or discussed, except to those personally connected to the case with a need to know, in order to assist the veteran or his/her family members.**

**The Service Officer will prepare and perfect all claims to the best of his/her ability with the intent of affording the claimant the benefits to which they are entitled. The Service Officer must ensure that all information is true and factual to the best of his/her knowledge.**

**The Service Officer shall maintain high professional standards in dealing with other service officers, (federal, state, and local) and other persons and agencies as necessary in service to his/her client.**

**The Service Officer will provide services, without prejudice, to all persons making a claim to the Department of Veterans Affairs**






# Code of Ethics

The Service Officer will to the best of his/her ability, maintain a working knowledge of all rules and regulations concerning veterans' benefits and will strive to keep such knowledge updated in light of constantly changing laws and regulations.

Veterans Service Officers should not, under any circumstances, accept remuneration in cash or other form for services rendered.

Veterans Service Officers should not, under any circumstances, serve as guardians, committees, or fiduciaries for any other individuals receiving benefits from the Department of Veterans Affairs or any other agency.



# Duty to Report

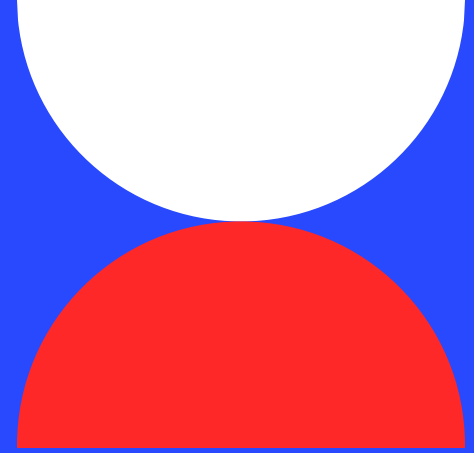
**If you suspect a veteran or even a VSO of fraud, you have an obligation to report it**

**VA OIG call 1-800-488-8244**

**Or VSAFE 833-388-7233 (confidential)**



# What is Fraud, could you be an accomplice?



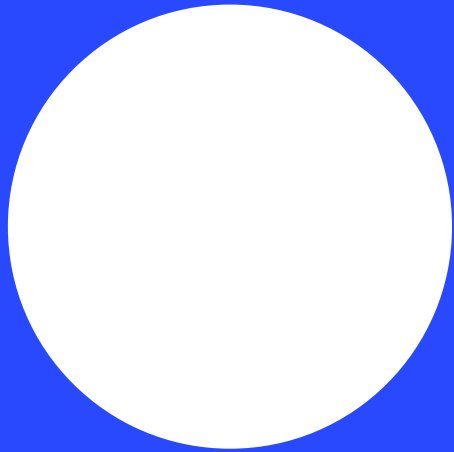
Fraud is when a person knowingly makes, or assists in making a false statement concerning a claim for VA benefits

- Making false statements about their service
- Making false statements about certain awards; CIB, CAB, Purple Heart, Silver Star

The key here is \*knowing\*

- The VSO must be truthful with the veteran as well as the VA
- If you know it to be false, or the veteran's story is untrue, or unverifiable should you file?
- Don't get caught in a Frivolous Claim. As a VSO you MUST be able to make a good faith argument on the merits of the claim

# SCENARIO



Veteran Bob comes in and states he has a Combat Infantry Badge and wants to file a claim for PTSD. Nowhere in his records, or his DD 214 can you find the award. You ask Bob and he states it was awarded after he got out. You notice on the DD 214 his MOS is listed as 13F. What do you do?

Veteran Tim stops in one day and tells you he messed his low back up while loading a deer into his truck last weekend. He went to his private doctor and got some meds for it and an X-ray. Veteran Tim has previously been denied SC for low back and there is no records that show any injury in service. Now he wants to file a 20-0995 for his back. What do you do?



# VSO Standards of Conduct 38 CFR 14.632

This section states what a VSO must do and must not do

As VSOs we must:

Be and advocate and look out for the veteran's best interest

Be truthful- with the veteran and the VA

Be competent- know what you are doing

Do more than the bare minimum



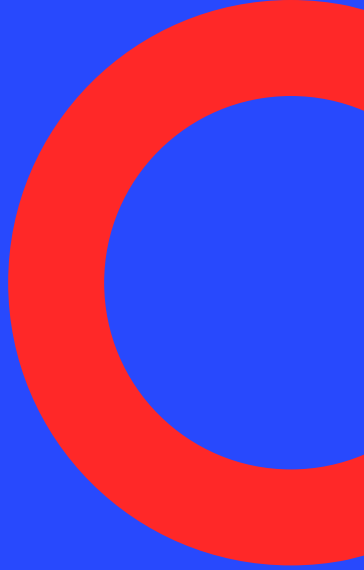
# VA accredited individuals shall not:

## **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.

# **Violations of the Standards of Conduct could result in a loss of Accreditation**

- Knowingly violates or refuses to comply with the law
- Knowingly presents a fraudulent or frivolous claim
- Knowingly presents false information to VA
- Commits any other unlawful, unprofessional, or unethical practice



# **Standards of conduct apply to the veteran as well**

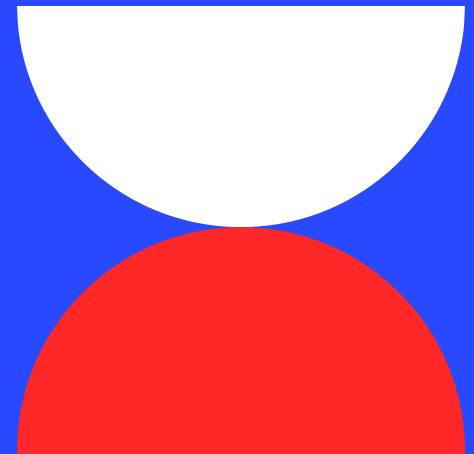
- What if a veteran tampers or alters evidence for their claim
- What if the veteran gives you false information, what is false information
- What if the veteran just refuses to cooperate with you
- What if the veteran threatens violence toward you or your staff
- What if they start harassing the VSO by phone or in person
- What if the benefits being received are contrary to law or regulation

# **Withdraw Representation**

**ALL Service Organizations reserve the right to revoke a Power of Attorney (POA) at any time.**

**The Service Orgs must file the withdrawal with VA.**

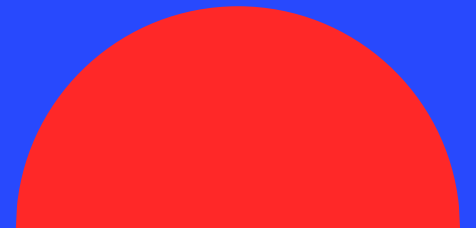
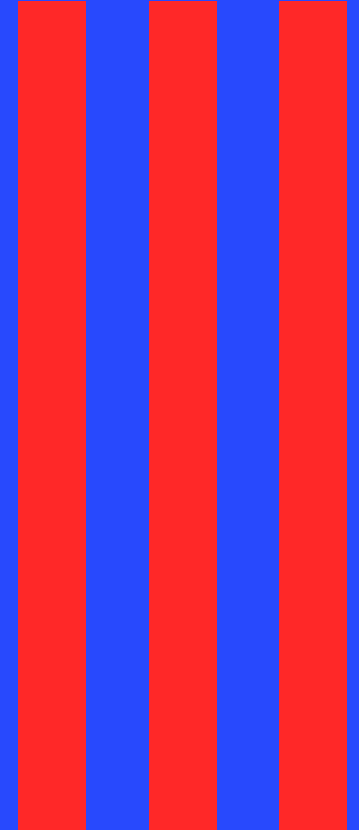
**Just like VA can pull your accreditation for misconduct, a Veteran can lose their POA for the same**





**A veteran comes in and tells you he really needs this service connection for his knee. You pull down the DBQ and tell him exactly how he needs to get his doctor to fill it out. You then pull up the rating schedule for the knee and explain to him how far the extension and flexion need to be for at least ten percent. Finally, you tell him not take any ibuprofen or Tylenol the day of the exam and to remember the extension and flexion limits for the exam. Is there an issue here?**

A veteran comes in and wants to file a claim for service-connected hearing loss and tinnitus. They explain that they have been using the VA for medical care the last few years and their primary care said they should file a claim now. The veteran shows you their DD 214 and some paperwork for a transfer from the Air Guard to the Army Guard. You ask them if they were ever active duty for other than training, and they reply no. In the paperwork you find the Air Guard did a hearing test before the transfer was approved and it shows zeros across the board for hearing loss. They served for only one year in the Army Guard as a clerk before getting out. You look back at the DD 214 and it shows 5 months of active duty for training from 1976. What now? What's the problem?



# **Do things the right way. If you are not sure, call someone. Don't open yourself up to trouble trying to outsmart the system.**

- Coaching your veterans can land you in hot water. Explain to them the system, how it works, and what to expect. DO NOT coach them and try to show them how to get what they want. You are potentially putting you and your veteran at risk.
- Remember as a VSO you MUST be able to make a good faith argument on the merits of the claim
- You have to be truthful to the veteran, and the VA
- The veterans you serve have to be truthful when they come to you for assistance. You cannot take everything they tell you as gospel. If something seems off, look into it.
- If you are not sure, something seems off, call your FSO, the SDDVA office, or check with another VSO.
- Honesty and Integrity above all else, this goes for the veteran and the VSO.