

**STATEMENT FOR THE RECORD
PARALYZED VETERANS OF AMERICA
FOR THE
HOUSE COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEES ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS AND
OVERSIGHT AND INVESTIGATION
ON
AT WHAT COST? ENSURING QUALITY REPRESENTATION IN THE VETERAN
BENEFIT CLAIMS PROCESS
APRIL 27, 2022**

Chairwoman Luria, Chairman Pappas, Ranking Member Nehls, and Ranking Member Mann, and members of the subcommittees, Paralyzed Veterans of America (PVA) would like to thank you for this opportunity to provide our views on ensuring quality representation in the veteran benefit claims process. No group of veterans understands the importance of having access to Department of Veterans Affairs (VA) benefits and services more than our members—veterans who have incurred a spinal cord injury or disorder (SCI/D).

As a long-time accredited veterans service organization, PVA has years of perspective on the procedures for accreditation and the protections that accreditation provides for both the VA and veterans. The standards may seem cumbersome, but that is because the stakes are high. After all, those accredited to represent veterans before the VA have access to veterans' and claimants' most personal data, including Social Security numbers, private health information, marital status, and children's information. It should not be easy to access this information, and the accreditation requirements exist to protect veterans and their families so that they can fully trust the VA with the information required to adjudicate their claims.

While this system is not always perfect, we believe the VA generally does a good job with respect to VSO and attorney accreditation and tracking. We share the concern of our fellow VSOs, however, about those who may claim to be assisting veterans but have no credentials and are not accredited. We have heard stories about veterans signing contracts that commit them to 1) giving their VA eBenefits logon information to an unaccredited organization, 2) giving their private information to that organization, or the organization accessing their information through the VA, and 3) paying months' worth of benefits if a claim is granted, contrary to the accepted formula set out in 38 U.S.C. § 5904.

One might ask, if veterans get their benefits, what is the harm? We are concerned about veterans being misled into believing the payment system is somehow “normal” or authorized by the VA, or that it’s advisable to share logon information.¹ We are also concerned, however, about the exposure of veterans’ private information and its misuse, and the inability to address it when something goes wrong.

It is not difficult to imagine a worst-case scenario: the veteran contracts with an unaccredited claims organization and turns over their VA logon information, along with other critical private data. The veteran may receive VA benefits, but then later find that fraud has been committed in their name, their identity has been stolen, or their health records have been made public somewhere, because an unscrupulous employee who has access to this treasure trove of information has misused it. What are the chances the veteran can find the culprit or get relief? How would the veteran know they had been compromised, where would they go for help? It is critical that the VA have the tools to police those who participate in the claims process in any way to not only protect veterans, but also to protect the integrity of the process.

Possible solutions should address two points. First, any individual or organization providing aid to multiple veterans or claimants in navigating the VA claims process must be subject to VA’s oversight and must be accredited. Fortunately, the VA already has a structure in place, claims agent status for individuals, that can be used. Second, there must be accountability. Anyone authorized to interact with the VA on a veteran’s behalf must be listed with the VA, and the department needs the ability to police representatives. Penalties must be put in place and should be strong enough to both give veterans a means of vindicating any mistreatment and to act as a deterrent to those who would try to avoid accountability by evading the VA’s system. Although 38 U.S.C. § 5905 is vague and needs strengthening, it provides a good starting point.

Recently, a widow in her 90s that PVA has represented since 2011 was financially harmed by a for-profit claims company. Our representatives assisted her with her claims for non-service connected survivor’s benefits. The widow’s daughter contacted PVA because she believed the VA was taking \$1,200 per month from the widow’s bank account for “health aids that rarely come to the home.” Upon investigation, we discovered a non-accredited entity submitted its own 21-534ez (claim for survivor’s pension) and a VA form 21-0845 (permission to disclose information). The widow signed the forms because she was confused about what she was signing. Even worse, this non-accredited entity gained access to the widow’s bank account to pay for a service agency to visit the home for a certain number of hours per week. When we spoke with the daughter, they had not come to the home in many months and the non-accredited agency was not answering calls. PVA assisted the family in preparing an official complaint and taking the necessary

¹ It is unclear what possible VA IT security concerns might arise from having unauthorized users access VA’s systems.

actions to stop the withdrawals. Sadly, this is not an isolated incident, but one example of harm to a veteran's widow because of unscrupulous activity.

As we noted earlier, PVA has a long, proud history as an accredited VSO. Over the years, we have represented hundreds of thousands of veterans and members helping them to secure billions in life-sustaining financial aid, other benefits, and life-long health care. VA's accreditation procedure has not limited our success for our clients in any way, and we encourage Congress to strengthen the accreditation system so that veterans can be assured their representatives are putting veterans' and their families interests first.

PVA would once again like to thank the subcommittees for the opportunity to submit our views on VA's accreditation process. We look forward to working with the subcommittees on this important issue.

Information Required by Rule XI 2(g) of the House of Representatives

Pursuant to Rule XI 2(g) of the House of Representatives, the following information is provided regarding federal grants and contracts.

Fiscal Year 2022

Department of Veterans Affairs, Office of National Veterans Sports Programs & Special Events — Grant to support rehabilitation sports activities — \$ 437,745.

Fiscal Year 2021

Department of Veterans Affairs, Office of National Veterans Sports Programs & Special Events — Grant to support rehabilitation sports activities — \$455,700.

Fiscal Year 2020

Department of Veterans Affairs, Office of National Veterans Sports Programs & Special Events — Grant to support rehabilitation sports activities — \$253,337.

Disclosure of Foreign Payments

Paralyzed Veterans of America is largely supported by donations from the general public. However, in some very rare cases we receive direct donations from foreign nationals. In addition, we receive funding from corporations and foundations which in some cases are U.S. subsidiaries of non-U.S. companies.