

LEGISLATIVE HEARING ON
H.R. 234; H.R. 854; H.R. 984; H.R. 1139; H.R. 1329;
H.R. 1378; H.R. 1529; H.R. 1530

HEARING
BEFORE THE
SUBCOMMITTEE ON DISABILITY
ASSISTANCE AND MEMORIAL AFFAIRS
OF THE
COMMITTEE ON VETERANS' AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
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WEDNESDAY, MARCH 29, 2023

U.S. HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND
MEMORIAL AFFAIRS
COMMITTEE ON VETERANS' AFFAIRS
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:30 a.m., in room 390, Cannon House Office Building, Hon. Morgan Luttrell (chairman of the subcommittee) presiding.

Present: Representatives Luttrell, Ciscomani, Crane, Self, Pappas, Levin, Bergman, Ramirez, and McGarvey.

OPENING STATEMENT OF MORGAN LUTTRELL, CHAIRMAN

Mr. LUTTRELL. Good morning, and it is absolutely great to see everyone here today. This legislative hearing is the Subcommittee on Disability Assistance and Memorial Affairs and it will now come to order. I want to first welcome all the new members of the subcommittee and all of those returning. I also ask unanimous consent that Congressman Bergman and Congressman Levin will be allowed to sit on the dais, make a statement, and ask questions.

Hearing no objections, so ordered.

The House Committee on Veterans Affairs has a reputation for operating in a bipartisan manner. I am looking forward to working with Ranking Member Pappas to ensure that this extends to our subcommittee. Turning to today's hearing, we are here to discuss the eight bills that are intended to benefit veterans and their families. These bills would remove barriers to survivors benefits for spouses after the loss of their loved one, improve outreach and access to VA services for rural and underserved veterans, impose penalties or predatory actors—on predatory actors attempting to take advantage of veterans and their benefits, and help address backlogs on the Board of Veterans Appeals and the Court of Appeals for Veterans claims.

I am honored to have introduced two of these bills myself, H.R. 1529 and H.R. 1530, which I will speak about later. Again, thank you for being here today. I know my colleagues have worked hard on their proposals, and I welcome a healthy discussion about their merits. I now yield to Ranking Member Pappas for his opening remarks.

OPENING STATEMENT OF CHRIS PAPPAS, RANKING MEMBER

Mr. PAPPAS. Well, thank you very much, Mr. Chairman. Congratulations on taking the gavel. I want to join you in welcoming everyone to the first hearing of the Disability Assistance and Memorial Affairs Subcommittee for the 118th Congress. Before I get started, I want to recognize and thank all of our veterans, but today, especially our Vietnam veterans and their families, for their service and sacrifices. Today marks National Vietnam War Veterans Day. It is a stark reminder that there is still much more we need to do to help our veterans and their survivors.

As the ranking member of this subcommittee, I look forward to working with you, Mr. Chairman, to advance the cause of supporting our veterans, their survivors, dependents, and families, and holding VA accountable to those that they serve. While I am sure we have policy disagreements from time to time, I am confident that those disagreements will never be personal. At the end of the day, I know we are both trying to achieve the same goal, which is to ensure that our veterans and their families have access to the benefits that they have earned through their service.

To that end, I appreciate you holding this hearing today. We will have several important measures to help improve the experience of veterans, their survivors, and dependents when trying to access their well-earned benefits at VA, including my bipartisan GUARD VA Benefits Act, H.R. 1139, which I will address later.

Congressman Levin has also offered a bipartisan bill on today's agenda to authorize grants to states to improve outreach to veterans, assist with VA claims, hire additional county veteran service officers, or CVSOs, and train them for VA accreditation. I want to thank Congressman Levin for inviting me to help introduce this important legislation.

Chairman Luttrell, your Veterans Compensation Cost of Living Adjustment Act of 2023 will increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for their survivors of certain disabled veterans. I appreciate the opportunity to co-lead this legislation and to support you in those efforts.

There are, of course, many other bills on the agenda today, and I look forward to the testimony that we will hear on all of them. I hope it will provide this subcommittee with valuable information to approve upon the legislation before us and help us provide needed services to our Nation's veterans and their survivors. With that, I yield back.

Mr. LUTTRELL. Thank you, Mr. Pappas. We have a full agenda today, so I will ask that everyone holds their comments to 3 minutes, including myself. This morning, we are joined by several of our colleagues both on and off the committee. We are going to be testifying about the bills that they have sponsored. Ranking Member Pappas, Representative Ciscomani from Arizona, Representative Levin from California, Representative Self from Texas, Representative Bergman from Michigan, and Representative Waltz, who will not be here today, but we will submit that for the record. I now recognize myself for 6 minutes, even though I said three, but I have two bills, just to clarify that.

STATEMENT OF MORGAN LUTTRELL

Mr. LUTTRELL. I am proud to have introduced H.R. 1529 and 1530. I also want to thank Ranking Member Pappas for being a co-lead on those bills. H.R. 1529, the Veterans Compensation Cost of Living Adjustment Act, would give a cost-of-living adjustment to veterans and survivors receiving certain VA benefits. This increase would be the same as Social Security recipients receive and would help veterans keep up with inflation. This legislation is absolutely vital in the face of rampant inflation and a potential recession. We must ensure that our veterans are able to pay their bills and put food on the table for their families.

The other bill, 1530, the Veterans Benefits Improvement Act, would help identify and remove barriers that prevent veterans from accessing the disability benefits they have earned. The bill would make several improvements to the disability exam process by ensuring that public facing disability benefits questionnaires, which are standard forms VA use to assess the veterans disability rating, are up to date on the VA's website, making travel payment reimbursements more accessible for overseas veterans that attend a disability exam, and enhancing communications on the scheduling of an exam between contract examiners, veterans, and the veterans' representatives to help prevent veterans from missing their appointments.

Moreover, 1530 would mandate a VA report on the feasibility and technical limitations of providing governmental Veteran Service Organizations (VSOs) increased access to VA systems. Governmental VSOs, known as county or Tribal VSOs assist veterans with their claims locally. These VSOs have urged VA to provide them with enhanced access to VA's claims processing systems to better help veteran claims. This report would help us find a path forward on these issues.

I look forward to working with Chairman Bost and my colleagues on this subcommittee to advance these bills. I also appreciate the feedback from VSOs who have joined us today. I yield back and now recognize Ranking Member Pappas for 3 minutes for his testimony on H.R. 1139, the GUARD VA benefits act.

STATEMENT OF CHRIS PAPPAS

Mr. PAPPAS. Well, thank you very much, Mr. Chairman, and I look forward to sharing with everyone what this bill does and what it does not do. Mr. Chairman, you have heard me and others on the committee and the VSOs that testified in our joint hearings about the troubling increase of unaccredited claims consultants looking to profit from veterans disability claims. They peddle a for-profit model for services that veterans can receive free of charge from veteran service organizations like those testifying today. It is alarming because the more third parties that have a hand on a veteran's claim, the greater the potential for fraud and abuse, which I am sure you will agree we must prevent.

To provide veterans with qualified and competent help and protect them from individuals who may be targeting their benefits, VA has long operated an accreditation, discipline, and fees program to provide oversight of those who assist with claims preparation. Critically, this program also dictates fee agreements between vet-

erans and their representatives when a veteran can be charged and for how much to ensure that the veteran is being charged a fair price. Under current Federal law, VA accredited representatives are the only individuals authorized to prepare, present, or prosecute VA claims on a veteran's behalf. Unfortunately, in 2006, Congress decided to strip the VA of its ability to penalize those who violate the long-standing prohibitions on preparation, presentation, and prosecution of a claim before VA. Let me be clear, what Congress did in 2006 was to remove the penalty for violation of law. It did not remove the underlying criminal acts from statute, meaning it has always been and will be against the law to assist in the preparation, presentation, and prosecution of a VA claim without accreditation.

Since then, the claims consulting companies have exploited this dangerous loophole to rake in millions of dollars from veterans across the country. My bill, the GUARD VA Benefits Act, will simply reinstate criminal penalties for unaccredited claims representatives. It does not create new criminal acts, nor does it change the well-established definitions of preparation, presentation, and prosecution. To that point, I want to be absolutely clear on one thing. The gathering and or development of third-party medical evidence has long been excluded from the definitions of preparation, presentation, prosecution. The GUARD Act does not change that dynamic, nor would I propose to.

I also want to address another argument that some have raised, and that is that the GUARD Act will somehow limit the choices that veterans have to help with their claim. Some companies have even hired expensive lobbyists and lawyers to argue that this bill would violate a veteran's First Amendment rights. Nothing could be further from the truth. This legislation does not ban a veteran from choosing whoever they want when seeking help with their VA claim. If veterans want options, they can talk to any number of professional, well trained veteran service officers. They can seek help from VSOs like the Veterans of Foreign Wars (VFW), the American Legion, and others. If veterans want a paid option, they are free to turn to agents and attorneys for help. The difference is all of these individuals are accredited and subject to the oversight of VA and Office of General Counsel (OGC). It is exactly that oversight that for-profit claims consulting companies are trying to avoid.

What these unaccredited claims consulting companies are doing is illegal and they know it, which is why they have spent tens of thousands of dollars lobbying against this bill. They also know that there is nothing stripping them from becoming accredited today except, as they will admit, they can not make any money. Regarding this legally dubious First Amendment argument, it has long been true in both statute and legal precedent that the government has a special responsibility to develop standards for licensed professions, and that enforcement of those standards of professional conduct is not an abridgement of free speech. For example, Federal and State governments provide attorneys with medical providers with accreditation. It is also true that the government can criminalize unauthorized professional conduct in order to ensure com-

pliance and to protect the public. There is abundant case law to support both of those premises, which can be found easily.

I am left to believe that those peddling this argument are simply either grasping at straws in order to distract from the real issue and soften the bipartisan support that this bill already enjoys. It demonstrates clearly the lengths these companies will go to and the money they will spend in an attempt to try to avoid accountability. The reality is, Mr. Chairman, they exist solely to exploit a loophole in the law and make money off of our veterans, and that is something we just should not support. I hope my colleagues agree and I yield back.

Mr. LUTTRELL. Thank you, Ranking Member Pappas. The chair yields to Congressman Ciscomani, you are now recognized for 3 minutes to speak on H.R. 1378, the Veterans Appeals Backlog Improvement Act.

STATEMENT OF JUAN CISCOMANI

Mr. CISCOMANI. Thank you, Chairman Luttrell, and our fellow members of the subcommittee. I am grateful that my bill, H.R. 1378, the Veterans Appeals Backlog Improvement Act, is being considered today.

This bipartisan effort, which I introduced with Congressman McGarvey, is aimed at reducing wait times for our veterans with claims in front of the Board of Veterans Appeals. In order to expedite claim times and serve our veterans more efficiently, the Veterans Appeals Backlog Improvement Act created an internship program for law students at the Board of Veterans Appeals. Additionally, this bill would create a 9-year pilot Honors Program at the VA for recruiting entry level attorneys to work at the Board of Veterans Appeals.

The backlog and delays in claims have been one of the top issues I have heard from constituents and our men and women who served our country. While progress has been made to adjudicate older, legacy VA appeals from veterans, the backlog is only increasing with newer claims stemming from the Promise to Address Comprehensive Toxics (PACT) Act. Simply put, the Board of Veterans Appeals does not have enough staff to process the volume of the cases.

The backlog of pending appeals has increased in recent years, topping 200,000 undecided cases, with the average veteran facing a wait time of 440 days before a decision. Sadly, there is a heart-breaking story of a veteran in need behind each of these numbers. Last year, there was a report of an army veteran in my home State of Arizona who waited 5 years to simply be heard in front of the Board of Veterans Appeals. He was described as beaten down by a broken system, saying, I hope I just go to sleep and do not wake up. I am tired of my life being this way and the way it is.

Our veterans who were injured in the line of duty, who sacrificed their health and well-being for our country, should feel supported and uplifted by the country they gave so much for, not beaten down. By providing the VA and the Board of Veterans Appeals with tools to better recruit lawyers, we will expedite the process of these claims and eventually cut down on this tremendous backlog. For some of our veterans, that means quicker, easier access to life-

changing care. For others, it simply means a better sense of being taken care of by a country that they sacrificed so much for. I am proud to have partnered with Congressman McGarvey on this commonsense legislation, and I look forward to working with my colleagues to develop solutions for these brave men and women. Mr. Chair, I yield back. Thank you.

Mr. LUTTRELL. Thank you, Congressman Ciscomani. The chair recognizes Congressman Levin. You are now recognized for 3 minutes to speak on H.R. 984—

Mr. LEVIN. Thank you.

Mr. LUTTRELL [continuing]. Commitment to the Veteran Support and Outreach Act.

STATEMENT OF MIKE LEVIN

Mr. LEVIN. Thank you, Chairman Luttrell. Thank you, Ranking Member Pappas. Thanks so much for including H.R. 984, the Commitment to Veteran Support and Outreach Act, also known as the CVSO Act, in today's legislative hearing. I reintroduced this bipartisan bicameral bill last month with Ranking Member Pappas and Representatives McMorris, Rogers, and Finstad to improve veterans' ability to use their benefits by authorizing VA to award competitive grants to expand the work of county veteran service officers, also known as CVSOs.

CVSOs are local county employees who are nationally accredited by VA to prepare, present, and prosecute VA claims. They work with veterans every day and are often the first to inform them about their eligibility for VA programs and services. They also help enroll veterans into the Veterans Health Administration and provide assistance on a range of benefits, including service-connected disability compensation, VA home loans, education benefits, and job placement assistance. CVSOs will be able to use this grant funding to improve outreach to veterans, enhance the development and submittal of claims on behalf of veterans, hire additional staff, and to obtain VA accreditation. In doing so, this program will strengthen economic supports, improve access to care, and enhance connectedness, key strategies that reduce risk and promote protective factors for suicide.

We have a responsibility to ensure that veterans and their families can readily access the benefits and services that they have earned, and the CVSO Act does just that. That is why this bill has earned support from a wide variety of stakeholders. This is a long list, including the Department of Veterans Affairs, the National Association of County Veteran Service Officers, the National Association of Counties, National Association of State Departments of Veterans Affairs, Disabled American Veterans, the American Legion, Veterans of Foreign Wars, United Steel Workers, Wounded Warrior Project, Military Officers Association of America, the Association of Mature American Citizens, America's Warrior Partnership, Green Beret Foundation, Military Veterans Advocacy, Fleet Reserve Association, and I saved the best for last, the San Diego Military Advisory Council, the County of San Diego, and several other counties and State CVSO associations.

The CVSO Act passed the House with overwhelming support in December but ran out of time to be considered in the Senate before

the end of the 117th Congress. In the 118th Congress, we are moving the bill right out of the gate. The Senate Veterans Affairs Committee has already reported the bill favorably, and I want to thank Chairman Luttrell and Ranking Member Pappas again for including it in the subcommittee's first legislative hearing. I look forward to working with you to get this bill to the President's desk as soon as possible. Thank you, and I yield back.

Mr. LUTTRELL. Thank you, Congressman Levin. The chair recognizes Congressman Self for 3 minutes to speak on H.R. 1329.

STATEMENT OF KEITH SELF

Mr. SELF. Thank you, Chairman Luttrell. H.R. 1329 enacts legislation that will increase the number of permanent judges on the United States Court of Appeals for veterans claims from seven to nine and increase the total number of judges from nine to 11. For decades, the Board of Veterans Appeals has been criticized in providing timely decisions to veterans who appeal their cases. If a veteran disagrees with the Board's decision, they can expect to wait even longer for their case to be decided by the court. To make matters worse, we anticipate the caseload increasing because of the implementation of the PACT Act.

Since the court's expansion from five to seven permanent judges in 2011, appeals that have been filed to the court have more than doubled, growing from 3,900-plus in Fiscal Year 2011 to 8,900 in Fiscal Year 2020. Increasing the number of judges will provide the court with an opportunity to prevent a backlog and provide veterans with decisions in a timely manner. This legislation is endorsed by the court itself and Congress even recognized the need by appropriating last year and now we are authorizing.

Because of their sacrifice and their service, America's veterans deserve to rest assured that when returning home from fighting battles overseas, they will not be stuck fighting battles with bureaucrats in Washington, D.C. You may be aware that Congressional Budget Office (CBO) has scored a spending increase for this. I assure you we will find the offset for it to try to corral the out-of-control spending. For our number two panel, I will be asking questions about the tremendous reversal, remanded, redacted, and dismissed rate from the Board itself and the role that the Board plays in this tremendous backlog. Thank you. I yield back, Mr. Chairman.

Mr. LUTTRELL. Thank you, Congressman Self. The chair now recognizes Congressman Bergman. You are now recognized for 3 minutes.

STATEMENT OF JACK BERGMAN

Mr. BERGMAN. Thank you, Mr. Chairman. Gerald Jerry Elliott was a U.S. Army veteran and a resident of Kingsford in the Upper Peninsula of Michigan in the middle of my district. A lifelong upper, Jerry was a member of American Legion Post 363 and an active volunteer with the UP Honor Flight and at the Iron Mountain VA Hospital. After receiving a cancer diagnosis in 2019, he was admitted to the Iron Mountain VA for care. As the disease progressed and he was placed in hospice care, he decided to go home to live out his final days in some level of positivity with his family.

Following his death, Jerry's family discovered that even though he received hospice care through the VA, the fact that he received these benefits at home meant his family did not qualify for burial benefits after his death. Under current law, VA hospice care provided at home does not qualify as a death under VA care and is therefore not covered under the nonservice-connected burial and plot benefit. As a result, if a veteran with a terminal illness wants the full burial benefit, they would be forced to die in a hospital or nursing home through VA instead of transferring to home hospice care to be with their loved ones.

This injustice is unacceptable. No veteran or their family should have to worry about losing VA benefits for their family when choosing to spend their last days in the comfort of their loved ones in their own home. H.R. 234 will address this by extending VA burial allowance eligibility to veterans whose deaths occur at home while receiving VA hospice care if they were previously receiving VA hospital or nursing home care.

I thank the subcommittee for the opportunity to testify on behalf of Gerald and his family, as well as the thousands of other veterans and their family members being denied benefits due to this legislative oversight. I am looking forward to working with the committee to advance Gerald's Law and ensure that this injustice is permanently corrected. Thank you and I yield back.

Mr. LUTTRELL. Thank you, Congressman Bergman. As is our practice, we will forego a round of questioning from the members. Any questions may be submitted for the record. You are now excused. Although I do understand many of you are staying to ask questions during the next panel, I now invite our second panel. Joining us today from the Department of Veterans Affairs is Miss Cheryl Rawls, Executive Director of Outreach, Transition and Economic Development with the Veterans Benefits Administration. Mr. Kevin Friel. Did I pronounce that correctly, sir?

Mr. FRIEL. Yes, sir.

Mr. LUTTRELL. Thank you. Deputy Director of Pensions and Fiduciary Services with the Veterans Benefits Administration, and Ms. Christa Shriber, Deputy Chief Counsel for the Benefits Law Group with the Office of General Counsel. Will all witnesses please stand and raise your right hand?

[Witnesses sworn.]

You may be seated. Thank you. Let the record reflect that all witnesses answered in the affirmative. Ms. Rawls, you are now recognized for 5 minutes to present the Department's testimony.

STATEMENT OF CHERYL RAWLS

Ms. RAWLS. Thank you very much. Good morning, Chairman Luttrell, Ranking Member Pappas, and other members of the subcommittee. Thank you for inviting us here today to testify on views of several bills that would affect the VA programs and services. Joining me today, as you have mentioned, is Christa Shriber, Deputy Chief Counsel for Veterans Affairs, Office of General Counsel, and Mr. Kevin Friel, Deputy Director for Pension and Fiduciary Service at the Veterans Benefits Administration.

VA is grateful for your commitment to support our Nation's veterans, their families, caregivers, and survivors. While VA views on

all bills are detailed in my written testimony, I would like to highlight a few areas related to the proposed legislation. VA supports H.R. 234, Gerald's Law, with an identified funding offset if amended. VA supports the section of the bill extending eligibility for VA burial allowance to a new demographic of veterans and the intent for the effective date. VA understands the effective date would be January 5, 2023. However, we would recommend the effective date be 6 months following the passage of the bill. This additional time would allow VA to update necessary forms and systems.

While VA has no objection to H.R. 1530, the Veterans Benefits Improvement Act, we note potential ambiguity. In as it refers to outreach concerning contact information for contractors, it is unclear whether the bill is concerned with informing veterans of the contact information for the exam contractor or with informing veterans that VA may provide veterans contact information to the contractors. Clarification of the intent would be helpful.

VA has concerns with H.R. 854, Gold Star Spouse Equity Act. We support the intended purpose of the bill in expanding benefits for surviving spouses of members of the armed forces who die in the line of duty subject to availability of appropriations. However, the language does not limit the expansion of dependent and indemnity compensation, DIC benefits, under 38 U.S.C. 1311 for surviving spouses who remarry to situations where the veteran died in the line of duty. The language as currently written would be more expansive than the intent of the bill. Additionally, there are two statutes that provide for the granting of DIC benefits, and as currently written, this proposed bill would only address one of those statutes creating disparity in the DIC benefits program. VA respectfully requests clarification on the intent of this bill. Additionally, we defer Section 2 of the bill to the Department of Defense as it would be responsible for implementation.

VA does not support H.R. 1378, Veterans Appeal Backlog Improvement Act because the program as described in the bill are duplicative of existing and well-established entry-level attorney hiring initiatives and temporary law clerk appointment processes. If required, the competitive Honors Program may negatively impact participation in and outcomes of the Board's existing law clerk program.

VA supports H.R. 1529, Veterans Compensation Cost of Living Act of 2023. Annual cost of living adjustments to compensation rates tangibly express this Nation's gratitude and respect for the sacrifices made by service-disabled veterans, their surviving spouses, and children. This bill would authorize VA to make cost of living adjustments in accordance with past legislatively authorized practice and in accordance with the established expectation of veterans and beneficiaries.

VA supports H.R. 984, Commitment to Veteran Support and Outreach Act, providing the availability of appropriations. VA values the partnership it has with the veteran service organizations, including the county veteran service officers and the Tribal service officers who are affiliated with us, and we continue to look for ways and opportunities to further engage with them.

Chairman Luttrell, Ranking Member Pappas, and members of the subcommittee, this concludes my statement, and we will be happy to answer any questions you or the subcommittee may have.

[THE PREPARED STATEMENT OF CHERYL RAWLS APPEARS IN THE APPENDIX]

Mr. LUTTRELL. Thank you, Ms. Rawls. Ms. Shriber, I was disappointed to see that the VA does not support H.R. 1378, the Veterans Appeals Backlog Improvement Act as currently drafted. I commonly hear from veterans as well as staff who are frustrated that the VA is taking years to decide their Board of Appeals. Why does the Board not support establishing a program to provide mentorship opportunities from seasoned attorneys to hire, which may help improve training and quality decisions?

Ms. SHRIBER. Good morning. First I want to say, you know, we appreciate the interest in the number of claims that are with the Board of Veterans Appeals. Currently, we want to say thank you also for resourcing the Board of Veterans Appeals. Last year, there was a large focus on hiring veteran law judges, and this year there is focus on hiring attorneys to fill the drafting of those decisions.

In a recent hiring, there was about 1,700 eligible applicants that are being looked at currently and there is expectation that the amount of attorneys at the Board will increase by 25 percent this year. We think that will go a long way in helping reduce the number of claims that are present.

Mr. LUTTRELL. Yes, ma'am. Again, my question is why is the VA opposed to the bill?

Ms. SHRIBER. The VA is opposed to the bill because we currently have a system in place for hiring entry-level attorneys, and this could go ahead and frustrate that purpose. We want to get people writing decisions as quickly as possible, and it is currently an effective process.

Mr. LUTTRELL. I would disagree that it is an effective process giving the narrative of what is happening in the Appeals Board. My question again is, why is the VA opposed to an enhanced bill that would increase the capabilities of the Board in processing the appeals?

Ms. SHRIBER. VA believes that a better use of the resources that we have now would be to hire attorneys into our attorney positions and train them as attorneys under the veteran law judges.

Mr. LUTTRELL. That did not really answer my question. This is one of those questions that I need clarification on given the gravity of what is happening with the veteran community and the Appeals Board. Instead of me just continuing to dig in on this one, I am going to move into my second question. Just know that I will probably be requesting another meeting with you.

Ms. SHRIBER. That is perfectly good. The Board I am representing, I am with the Office of General Counsel, and I am filling in for the Board right now. The Board did indicate that their leadership is more than willing to meet with Congress.

Mr. LUTTRELL. Who would I normally be speaking with in front of this committee if it is not you? Do you have a name for me?

Ms. SHRIBER. No, I do not have a name for you.

Mr. LUTTRELL. My second question. The Social Security Administration supports allowing representation at the initial claim stage

because SSA believes qualified representations on the front end may reduce the number of appeals. Would the VA support allowing accredited representations to charge a reasonable fee at the initial claim stage, similar to SSA?

Ms. SHRIBER. That is a very interesting question. I can tell you in the past, VA has shaped its view on this issue based on Congress's intent to keep the system non-adversarial and ensuring that the money and the benefits that go to veterans is not unnecessarily reduced by the fees that would go to attorneys and agents. I can not really provide a definitive position from VA at this point on that because that has not been necessarily considered. I am happy to take that question back for an official position.

Mr. LUTTRELL. Please do.

Ms. SHRIBER. Will do.

Mr. LUTTRELL. Ms. Rawls, please expand on the VA's suggestions to improve my bill, H.R. 1530, the Veterans Benefits Improvement Act.

Ms. RAWLS. Thank you very much for the question. We think that the way that it is written, we would need to work through the types of communications that we are going to put out to our veterans and the types of communication that will go out to the contractors so that way they will know what is expected of them. Based on this, we certainly will make ourselves available for any subsequent conversations to this, but we just need that language to be very clear, to cite those expectations, sir.

Mr. LUTTRELL. Okay, thank you. I yield and recognize Ranking Member Pappas.

Mr. PAPPAS. Thanks, Mr. Chairman. Ms. Shriber, if I could ask you a few questions about the GUARD VA Benefits Act. One of the consistent and false rumors regarding the act is that somehow providers of third-party medical evidence might be swept into the net. I understand the concern of some medical evidence providers, but I feel it is unwarranted. Could you clarify for the subcommittee, has the provision of medical documentation to veterans ever been considered to be part of the definitions of preparation, presentation, and prosecution? Is there anything in the GUARD Act that you feel would change that dynamic?

Ms. SHRIBER. We do not consider the submission of medical evidence to be part of preparation, presentation, and prosecution of a benefit claim. Medical evidence is created as part of, almost seen as expert testimony versus a claims preparer, or attorney, agent, or VSO representative is an advocate on the veteran's behalf. They are two separate roles, and they both play an important part in our VA system, but they are separate and distinct.

Mr. PAPPAS. Okay. Nothing that you see in the bill would change that dynamic.

Ms. SHRIBER. Nothing in the bill would change that dynamic.

Mr. PAPPAS. Now, I have heard a criticism that the Accreditation, Discipline, and Fees program does not adequately define preparation, presentation, and prosecution, so that the activities that are prohibited under law are not clear. Can you explain to the subcommittee how you all define preparation, presentation, and prosecution for purposes of the ADF program, and how long have those definitions been in place?

Ms. SHRIBER. We are currently considering adding a definition to our regulations on the practice before VA, which would include the preparation, presentation, and prosecution of a claim. It would include advising on a claim, preparing a claim, and filling out the documents necessary for a claim. It would also include submitting a claim to VA, presenting the claim, and representing on the claim, prosecuting the claim before the agency. We currently do not have an official definition, but we do have something on our website, and I am going to say, and if we do not, we will soon, that will clarify that in a Frequently Asked Questions (FAQ).

Mr. PAPPAS. Okay, well, we will look for that information and maybe we can stay in touch on that. It is the intent of the bill not to change those definitions themselves. I am just wondering, regarding the Accreditation, Discipline, and Fees program, one of the chief benefits of the system is the oversight of an insight into the activities of those who are helping veterans with their disability claims. That sort of transparency is sorely lacking with the for-profit claims consulting industry. I am wondering, how would the GUARD Act enable you all to better protect veterans through ensuring training of service providers in the oversight of fee agreements?

Ms. SHRIBER. What the GUARD Act would allow, it would allow a penalty, a single standard, a national penalty that could be imposed on individuals who charge our veterans and who are not accredited and are not doing so within the VA system. It is important to know that within the accreditation system, there are safeguards in place that allow us to take action if a veteran is harmed or may potentially be harmed. A veteran is allowed to inform us of any misconduct or potential incompetence on a claim, and we can look into that matter.

In addition, if a veteran believes that they have been charged an unreasonable fee, they can motion the Office of General Counsel. We can look at that fee, and we can go ahead and reduce the amount that is being paid to—or is being charged to the veteran, if necessary. Last year, we returned 2.5 million to veterans in unreasonable fees.

Mr. PAPPAS. Thanks for those comments. Just zeroing in a little bit on the training, one complaint that we have heard again and again from the for-profit companies is that ADF is meaningless because the training does not keep up with current law. Can you tell us what your office is doing to proactively update the ADF program to ensure that agents, attorneys, and service officers have the best training possible?

Ms. RAWLS. There are a few things that we are doing. One, we are looking at increasing our continuing legal education requirement. It is currently at 3 hours within the first 12 months, and then 3 hours every other year. We are looking at increasing that number. In addition, all of our accredited individuals who have access to the VA Veterans Benefit online system, where they can access the claims files, also take a different type of training, known as trip training, that also gives information on the VA system.

Mr. PAPPAS. Well, thank you for that background and for VA's support of this legislation. I yield back my time.

Ms. SHRIBER. Thank you.

Mr. LUTTRELL. Thank you, Ranking Member Pappas. Congressman Crane, you are recognized for 5 minutes.

Mr. CRANE. Thank you, Mr. Chairman. Ms. Shriber, can you please give the committee an example of exactly what type of issues, or what type of issues veterans are being exploited in the legislation just described with the GUARD Act?

Ms. SHRIBER. One of the things that the GUARD Act is looking to penalize is individuals who are assisting veterans outside of the VA realm and are not subjecting themselves to the VA safeguards of this system. This means that when a veteran has a complaint or has a disagreement with the individual who may have unlawfully helped them on their VA benefit claim, there is no one for them to report it to. Our recourse there has been to inform the individual that they are doing something contrary to law, and then work with our partners, either Federal enforcement agencies or State agencies, to see if there are State laws or consumer protection laws that they may have violated. There is no direct link between doing what our law says is wrong and a punishment.

Mr. CRANE. Okay, thank you. Ms. Rawls, how will VA ensure that grants authorized in the H.R. 984, Commitment to Veteran Support and Outreach Act are reaching Native American veterans who often are underutilized VA benefits and services?

Ms. RAWLS. Thank you very much for that question. As you know, we currently have over 500, actually close to 580 recognized Tribes, 38 Tribal veteran service officers that are accredited. We continue to work with our county veteran service officers as well as National Association of State Directors of Veterans Affairs (NASDVA) and the National County of Veteran Service Officers Association. One of the items that we will certainly have to do is to one, implement appropriate comms around it. We will need to ensure that we are structuring to get that information out from our lowest levels to include our 56 regional office directors that are located around. We will have to integrate this again with our leadership that is out there working with our other veteran service officers and our State Department of Veterans Affairs. Mostly, you know, because I am in outreach, it would have to be cyclic continuing to ensure that this information is provided on a continuum so people understand and we can reach them. There is also the new Tribal Service Committee that has just recently been stood up and I think they will be a great place for us to also work through getting that information out.

Mr. CRANE. Do you have direct communication with them, ma'am?

Ms. RAWLS. I frequently am asked to come and brief and talk about what VA is doing and so we do get invited to attend those meetings.

Mr. CRANE. Okay.

Ms. RAWLS. Yes, sir.

Mr. CRANE. Thank you.

Ms. RAWLS. Mm-hmm.

Mr. CRANE. Mr. Friel for H.R. 234, Gerald's Law Act would support the survivors of veterans receiving VA hospice care at home by allowing them to remain eligible for burial allowance. How many survivors would this bill potentially impact?

Mr. FRIEL. Thank you for the question, sir. We are currently working with our data people to try to extract that, because although Veterans Health Administration (VHA) has a number, one of the things that we have to make a clarification on is, you know, if they were in receipt of compensation or pension at the time of death, they would have been entitled to the benefit regardless of where they passed away at. We are trying, so we have to distinguish between those individuals and individuals who may not have been entitled at the time.

Mr. CRANE. Okay, so you do not have really even a ballpark at this point?

Mr. FRIEL. The number that we saw from VHA was somewhere at about 60,000 per year.

Mr. CRANE. Sixty thousand.

Mr. FRIEL. Maybe a little higher than that. As I said, we have to disseminate between those who would have gotten, been entitled to the benefit anyway, as opposed to those who were not.

Mr. CRANE. Thank you, sir. I yield back my time.

Mr. LUTTRELL. Thank you, Mr. Crane. Congressman Ramirez, you are recognized for 5 minutes. Congresswoman, I apologize.

Mrs. RAMIREZ. Thank you. I appreciate that.

Mr. LUTTRELL. Sorry.

Mrs. RAMIREZ. That is Okay. Thank you, Chairman. Ms. Rawls, one of the chief marketing claims that for-profit claim consultants say is that somehow veterans will receive resolution on their claim faster by using their services. Looking at our info here, the average turnaround time between a fully developed claim and a non-fully developed claim differs by only about 9 days as of March 25 of this year. Coupled with the fact that the VA's duty to assist helps veterans ensure their application is complete and it contains the correct evidence. It seems to me that veterans are risking an awful lot by using unaccredited, unaccountable, for-profit organizations. Ms. Rawls, can you tell me, does the VA see any material difference in claims submitted with the assistance of a VSO versus those submitted with the assistance of a for profit company? I would say the second part of that, if you could answer as well, is what are the dangers to veterans using these claim consulting companies?

Ms. RAWLS. Thank you very much for that question, ma'am. I will tell you, I do not know that we see any difference because those not for profit companies are just as aware of our processing systems in what we use to adjudicate a claim. I will put this caveat out there. We have not studied that to see if there are differences between an accredited veteran service officer or an accredited for-profit individual. I just want to make that clear.

As to why a veteran would work with an individual for their claims, it is just that this process of claims processing is very, very convoluted. The laws that are out there for everyone to comprehend is sometimes very difficult. I myself, as being a veteran and my father is a veteran, it was very difficult to help him understand a lot of the things that were going on. It dawned on me that he would probably rather hear that from someone else besides me. We continued to work to get him the assistance that he needed to file that

claim. Christa, I do not know if you wanted to add anything to that.

Ms. SHRIBER. Sure, I will just tag on a little bit there and wanted to let you know that there is really no way for us to track these unaccredited companies within our system. When we are talking about tracking accredited individuals, they each have a Power of Attorney (POA) code, and we associate that with the veteran. We can at any given time, we can go ahead and we could pull the entire client list for any of our veteran service organizations, our attorneys, our agents. We would not be able to have that same access to who they have helped. A lot of the times it is helping behind the scenes, and then they are trying to return the responsibility back over to the veteran themselves in order to file the claim and certify that it is all true and correct.

Mrs. RAMIREZ. Let me just ask you, because just hearing you, I go back to being a case worker many, many years ago and thinking of the advocacy work on behalf of the veteran. How many claim consultants do we have now, for-profit claim consultants you would say at this point? Is there a way for you to have a number on that?

Ms. SHRIBER. We do not have a number on that.

Mrs. RAMIREZ. You are saying that as of right now, because of the way that the system is for those that are unaccredited, you have no way of being able to track if they are misleading or providing wrong information to a veteran as they are trying to file their claim because you have no direct connection with them, is that correct?

Ms. SHRIBER. Correct. The only way for us to find out that information would be, for example, through the Federal Trade Commissions (FTC's) data base system, where they can submit complaints. It would be through complaints that come in directly to our office and through the Inspector Generals (IG's) office.

Mrs. RAMIREZ. You have not seen complaints at this moment that have come in directly in the last few months?

Ms. SHRIBER. We have, yes.

Mrs. RAMIREZ. What would you say the rate of complaints is?

Ms. SHRIBER. I do not have a rate for you, but I can tell you—

Mrs. RAMIREZ. Number?

Ms. SHRIBER [continuing]. in our office, well, actually, maybe I do. About 40 percent of the complaints that we received in our office this past year were about unaccredited individuals.

Mrs. RAMIREZ. Yes. I figured the number would be up there. I am wrapping up on time. I just want to say it is really important for us to identify ways to ensure that our veterans are getting the service they need for their claims and they are not getting cheated on by consultants that they feel they have to bring onboard just to be able to process them. I yield back.

Mr. LUTTRELL. Thank you, Congresswoman Ramirez. Congressman Self, you are recognized for 5 minutes.

Mr. SELF. Thank you, Chairman. First of all, as the county judge, county executive of a county of a million people, I want to just emphasize how important the county VSOs are. They are the people on the ground, and I recommend that you keep them as qualified and staffed as you can.

Now, I want to discuss the Board versus the Court of Appeals. The Board is under VA. The Court of Appeals is U.S. judiciary. We have, when I look at the stats on your last report, 60 percent of the single judge cases, and this is for you, Ms. Shriber, were either reversed, vacated, remanded, or dismissed, which indicates to me that there is a problem with the Board that is causing me to have to file the bill to increase the number of judges at the Court of Appeals. Do you believe that there is an issue with the quality of the board members that are leading to this increase in cases that are reversed, vacated, remanded, or dismissed?

Ms. SHRIBER. I am going to have to go ahead and take this question back to the Board. This is not something that we had discussed, but I am happy to get you an answer on that.

Mr. SELF. You cannot explain why so many of these are remanded or Joint Motion For Remand (JMR'd)?

Ms. SHRIBER. No, I cannot.

Mr. SELF. Okay. Do you collect data on the errors that are in the Board's decisions?

Ms. SHRIBER. Again, I can take this question back to the Board, that question as well, and make sure that you get an answer on that.

Mr. SELF. Okay. I would appreciate it, and I would recommend that when we have this discussion that involves the Board, I would ask for a board member or representative of the Board to accompany you to the board. Thank you. Chairman, I yield back.

Mr. LUTTRELL. Thank you, Congressman Self. Congressman McGarvey, you are now recognized for 5 minutes.

Mr. MCGARVEY. Thank you, Mr. Chairman. I appreciate it. Thank you all very much for being here today. Ms. Rawls, I am going to ask you about H.R. 984, which is the Commitment to Veterans Support and Outreach Act introduced by my good colleague, Mr. Levin. As you know, this bill would authorize \$50 million for competitive grants to expand outreach to our veterans, especially our underserved veterans, which I am sure is a goal that we can applaud and share.

In the testimony, you guys stated that the Veterans Benefits Administration already maintains a robust outreach program. Of course, I think more can always be done, particularly in addressing disparities with our Black veterans, with women veterans, with other underserved groups. While proactive outreach is critical, we want to make sure that the funded outreach from the bill is working. Could you tell us a little bit about how the VA would measure success in outreach with these grants, what metrics you guys would use, what oversight you all would use to see that this is actually working?

Ms. RAWLS. Well, thank you very much for that question and wholeheartedly agree with you that we can never do too much outreach. I actually have oversight of about eight special emphasis programs in which we have regional office coordinators that connect with the CVSOs as well as the Tribal veteran service officers. We are continuing to strengthen that relationship to include the states in ensuring that we have connecting activities to meet those populations in their spaces and to meet those needs. One of the things that we will certainly need to do with establishing a grant

program in this instance would be to develop those metrics that you are talking about and, you know, having an opportunity to be able to be a part of that. I would say we would certainly need to look at the track record of the VSO and them being able to get their training done and be accredited and certified and staying in good the graces.

There will also need to be a look to see whether they are assisting individuals. We would have to develop some type of mechanism to be able to get some feedback from the individuals that they have helped, and we would have to stratify that out. I mean, we currently have, you know, a number of surveys that we do to collect engagement information as to whether people are trusting us. We would just have to adapt that. There will be a number of mechanisms that we would certainly need to put in place to include a robust site visit program, sir. Thank you.

Mr. MCGARVEY. Thank you. I appreciate that, because it is not just being proper stewards of taxpayer dollars in this instance, it is making sure those taxpayer dollars actually go to helping our veterans and making sure that they are used, that outreach is happening, that our veterans are getting the services they need. That means that proper implementation, of course, as you all know, is key to making this happen. I look forward to continuing to work with the VA to ensure that any programs funded through this bill actually reach the veterans who most need that care.

Last question, Ms. Rawls, what more can the VA do to improve the confidence of our underserved veteran communities that may struggle to trust the VA?

Ms. RAWLS. Thank you very much for that question. I kind of touched on it. I will tell you, I have always been miffed at my father preferring to get information from somebody else besides me who works at the VA. I think that is just a mindset that we have to come to terms with and to ensure that we are continuing to put information out there that is easily digestible.

The time it takes to just review what is necessary to bring to the table sometimes, you know, is discouraging to our veterans. I frequently have opportunities to go out and talk to, particularly our Black veterans, in just trying to regain that trust because they have been or had a bad experience and just trying to get them to come back to us. I always tell them, in every outreach event, you have the right to disagree with the VA. If you disagree, then come in. You need to come in. You need to use our 1-800 numbers. We have to make sure people know we have created these avenues for them to reach us, sir.

Mr. MCGARVEY. I appreciate that. Obviously, we all share that goal, and however we can help, here how we can build that trust, that transparency, that openness, that listening to our veterans what they need, I think, is really important. Mr. Chairman, I yield back.

Mr. LUTTRELL. Thank you, Mr. McGarvey. Congressman Bergman, you are now recognized for 5 minutes.

Mr. BERGMAN. Thank you, Mr. Chairman. Ms. Rawls, Ms. Shriber, Mr. Friel, thank you for being here. Feel free, any of you, to chime in on answers that may not be specific to your particular position. As I have listened to the testimony and to the questions

being asked, I am curious, if I was to give you the following three terms, do you see any correlation? Right or freedom to choose. Free market. For profit. Do they even have any correlation in your mind? That is okay, I do not want to wait too long on it. The point is, what I heard, and if you want to respond in writing afterwards, because of the fact is, I think a significant number of us up here on this dais swore an oath to support and defend the Constitution and to do the right thing. All of us are on this committee because of the fact we want to do the right thing for the veterans and enable their right to choose, their freedom to choose. The only way we are going to enable that is to have a free market that in some cases involves companies that work for a profit.

Last time I checked, for a company to work for a profit, to enable it to provide jobs for its employees, to provide services for whatever market they are in, that is a good thing, not a negative thing. I want us to all keep in mind what that term really means.

Ms. Shriber, does the current system allow for accredited agents to charge a fee for assisting with a veteran's initial filing?

Ms. SHRIBER. The current system does not allow for——

Mr. BERGMAN. Okay.

Ms. SHRIBER [continuing]. charging on an initial claim, no.

Mr. BERGMAN. With that said, does the current system, where agents and attorneys charge a percentage of a total amount of past due benefits, create a financial incentive to drag out the process as long as possible?

Ms. SHRIBER. We do not believe it does. Generally, the attorneys and the agents get involved after the initial decision on the claim has been decided, and that is when they enter the process. Typically, before that, veterans often use veteran service organizations, or will look at——

Mr. BERGMAN. I know that our answer could eat up a lot of time, just like the process does right now. Would it be better for everyone involved to include the people who work at the VA, the people who are providing the services, whether it is the VSOs, whatever company, the veterans especially, would it be better for everyone involved if these claims were filed correctly and resolved on the first go around? Would that be a better scenario?

Ms. SHRIBER. I——

Mr. BERGMAN. Yes or no? I mean, would it be better to get it right the first time? Again, I was an airline pilot, and I had to get the landing right the first time, okay. Otherwise, there was not an option there or other things were done. Would it be better for all, yes or no, if it was resolved the first time?

Ms. SHRIBER. Yes.

Mr. BERGMAN. Thank you. Okay.

Ms. SHRIBER. We try to get it right the first time.

Mr. BERGMAN. Okay. The point is, what we get into is a situation where we talk about efficiency versus effectiveness. I do not think anybody in this room, no matter who you are, would disagree with the following statement that we want to have effective outcomes for our veterans, positive outcomes. Sometimes the outcome is not necessarily a positive, it is a rejection. There are sometimes a no for logical reasons. What I see is that the efficiency is sometimes too often valued over the effectiveness. Now we get into a mix of both.

In the end, the veteran goes, what is happening? Why can not I go to a reputable company to get an outcome that I want in an effective timeline? Any thoughts on how we become more effective?

Ms. SHRIBER. I think within the VA system and with the accreditation system, that we are effective in that realm and that there are safeguards built in place.

Mr. BERGMAN. Are we as effective as we could be?

Ms. SHRIBER. There is always room for improvement.

Mr. BERGMAN. Bingo. Well, with that case, there is always room for improvement, and we will talk about that later. Mr. Chairman, I yield back.

Mr. LUTTRELL. Thank you, Mr. Bergman. Congressman Deluzio, you are now recognized for 5 minutes.

Mr. DELUZIO. Mr. Chairman, thank you. Good morning. I think we are still morning. Good morning, everyone. Thanks for being here. I want to talk a bit about the PACT Act and some things that have happened and what you are seeing since the PACT Act was signed into law. We are now in this important phase of implementation for many generations of veterans, including the one I am a part of, post-9/11 veterans. We think we are at this critical moment where we have a chance to have more veterans who are now eligible come into the VA.

I know there has been talk, and we will continue to have talk and work about the outreach efforts to do that. I want to focus on whether—and, Ms. Rawls, this question I will direct it to you, and if others want to chime in, please do. Since the PACT Act was signed into law, whether the VA has seen an uptick in veterans using nonaccredited representatives to file that benefits claim?

Ms. RAWLS. Thank you for that question, sir. I will start out with a few stats. We have seen an increase in receipts of about 28 percent since the PACT Act.

Mr. DELUZIO. That is total? Okay.

Ms. RAWLS. Total receipts, yes, sir. It is been about 28 percent. Our output has increased, but it is only increased a little over 12 percent for the same time, year to date. With that said, I do not have any information on that. We will have to take that one back.

We are continuing to put more employees, we are continuing to hire, and we are continuing to make sure our outreach program is integrated with the VSOs and the communities, as well as putting things out from I guess the tech world would call it, any outlet that you can use on the modern technology, your telephones. You can tell how old I am. We are continuing to do that.

We know we are reaching more people. The information is getting out there. I do not know at this point, and we will have to take that one back, as to whether they are using more accredited VSOs versus no.

Mr. DELUZIO. I will look forward to finding out what you found there. Thank you. You started to talk about it, but I want to ask pretty directly, you know, what the VA has been doing to educate veterans on working with accredited rather than nonaccredited representatives?

Ms. RAWLS. Thank you very much for that question. We have been collaborating with our veteran service organizations from the beginning of the PACT Act, getting the information out there, seek-

ing their guidance, and help in how to structure some of the communications that have been going out. Just recently, we make sure that we are looking in areas that we generally do not look to. We have hosted a number of nontraditional events. I think we were just at the Pentagon last week ensuring that any individuals knew about the PACT Act. We will continue to collaborate with our VSOs. We have events planned probably for the rest of the year and longer, as well as ensuring that our regional offices are working with their local structures. I think the unique thing here is you have this whole layer at the top. We have been really looking to push down the messaging and getting our regional office directors and medical center directors out there holding town halls and talking about the PACT Act, sir.

Mr. DELUZIO. Well, thank you. I look forward to finding out what you find on the accredited versus nonaccredited. Thank you for your time. Mr. Chairman, I yield back.

Mr. LUTTRELL. Thank you, Mr. Deluzio. Mr. Pappas, do you have any follow on questions? Mr. Crane, Mr. Self, follow on questions? I yield to Mr. Crane.

Mr. CRANE. I would like to piggyback off what my colleague, Mr. General Bergman over here was talking about, and any one of you feel free to answer this. You guys know what hoops you must jump through to become accredited? We keep talking about accredited, accredited, accredited. Do you guys know what hoops a consulting firm must jump through to become accredited?

Ms. SHRIBER. Yes. We do not accredit consulting firms. The only organization that can be recognized by VA is we are authorized to recognize organizations that serve veterans, but they must do so free of charge. There is no mechanism to recognize for-profit organizations. As far as individuals go, we recognize representatives of recognized veteran service organizations. For them to be recognized, they must submit an application. In that application, their certifying official at each organization certifies as to their good character and fitness. We review that in the Office of General Counsel, and we accredit the individual.

With regard to attorneys, we also receive an application, and we heavily rely on their State bar license to establish their good character and reputation. Based on that information, we make a determination for accreditation.

Mr. CRANE. Hold on a second, ma'am. Do you realize that a lot of veterans, if given the choice, like Mr. Bergman was referring to, would often choose to go out in town or not use the VA or use a private, you know, a private business or consulting firm for care?

Ms. SHRIBER. We do have a third mechanism for accreditation, and that is accreditation as a claims agent. This is a non-attorney practitioner, which kind of seems to fit with what you are talking about.

Mr. CRANE. Yes.

Ms. SHRIBER. In order to be accredited as a claims agent, it would once again be the application process. Here, we do not have another entity to kind of assist us with that application process. We go ahead and we do our own character and reputation review. We review the business that you are in. We identify potential areas of concern. We do a background check. We check references. Then

based on that collective information, we make a determination as to whether you can sit for an exam to test the fitness. To become accredited as a claims agent, you must achieve a 75 percent on that exam.

Mr. CRANE. Thank you.

Mr. LUTTRELL. On behalf of the subcommittee, I would like to personally thank all the veterans and the veterans' spouses in the room with us today. Ms. Rawls, Mr. Friel, and Ms. Shriber, thank you for joining us. Thank you for your previous service and your continued service. Representing the Veterans Affairs Department has to be the largest weight that anyone can undergo. I know because I am a veteran and I am sure that we are not easy to deal with. That being said, since I consider the veterans of our country to be one of our most precious assets, it is our job on these subcommittees and committees to ask the hard questions. Make no mistake, it is.

We do not intend to create a fence. We just want to make sure that our veterans are taken care of. Thank you so much for joining us today, and you are now excused.

We welcome the third panel to the desk, and everyone else can stretch their legs. Good morning. Everyone, ready? Welcome for coming in today and thank you for being on our third panel.

Today, we have Mr. Shane Liermann, the Deputy National Legislative Director with the Disabled American veterans. Mr. Lawrence Montreuil. Good enough. I get it? Close or?

Mr. LIERMANN. That was right on target, sir.

Mr. LUTTRELL. Thank you very much.

Mr. LIERMANN. First time.

Mr. LUTTRELL. Worked hard on that one. Legislative Director with the American Legion. Ms. Kristina Keenan, Deputy Director for National Legislative Service with the Veterans of Foreign Wars of the United States. Retired Army Lieutenant Colonel Bill Taylor, co-founder and Chief Operating Officer, Veterans Guardian VA Claims Consulting.

Would you please rise? Please raise your right hand.

[Witnesses sworn]

Thank you. You may be seated. Thank you. Let the record reflect that all witnesses answered in the affirmative.

First, we will hear from Mr. Liermann. You are recognized for 5 minutes, sir.

STATEMENT OF SHANE LIERMANN

Mr. LIERMANN. Chairman Luttrell, Ranking Member Pappas, and members of the subcommittee, Disabled American Veterans (DAV) is grateful for the opportunity to appear before you today. Our written testimony covers all of the bills being considered. However, my comments this morning will focus on just a few of these. Mr. Chairman, DAV was founded over 100 years ago by World War I veterans who banded together to assist each other in establishing their claims for earned benefits. Today, DAV is a congressionally chartered and VA accredited veteran service organization that provides free VA claims and appeals representation to veterans and their families. H.R. 1139, the GUARD VA Benefits Act would impose fines on individuals for soliciting, contracting for, charging, or

receiving any unauthorized fee or compensation with respect to the preparation, presentation, or prosecution of any claim for VA benefits. DAV strongly supports the GUARD VA Benefits Act, which would reinstate these criminal penalties for those who charge veterans and their families fees for preparing a claim, all the while intentionally skirting around VA accreditation requirements.

For many of our Nation's disabled veterans, VA disability compensation could be the difference between making ends meet and more severe outcomes, such as homelessness. DAV believes that no veteran should pay these entities to file a claim. Veterans have already paid with their service and sacrifice.

DAV fully supports H.R. 234, the Gerald's Law Act. It would provide a burial allowance for certain veterans who die at home while in the receipt of hospice care furnished by VA, even though they are discharged from receiving care at a VA medical facility or a long-term care center. Burial benefits should be available to veterans who choose to pass comfortably at home under hospice care with dignity, in the comfort of their own homes, surrounded by their family and loved ones.

For decades, DAV has called on Congress and VA to support significant and meaningful reforms aimed at addressing the growing backlog of VA claims and appeals processing. Mr. Chairman, I am a VA accredited DAV benefits advocate, and I have been assisting veterans and their families for 25 years. That includes over 5 years at DAV's National Appeals office at the Board of Veterans Appeals. Based on my experience, a key measure to improve the appeals process is to provide the Board with adequate resources to better support its judges by establishing an internship program and authorizing the hiring of entry-level attorneys. The Veterans Appeals Backlog Improvement Act, which DAV strongly supports, would vastly improve the Board's ability to hire and retain qualified attorneys to help address the backlog of appeals.

Another avenue in improving the timeliness of the appeals process is to permanently increase the number of judges at the Court of Appeals for veterans claims. Currently, the court has authorized seven permanent judges and two additional judges as a part of a temporary expansion provision. The court's 2021 annual report indicates that even with the seven permanent judges and two temporary judges, they had to recall four retired judges due to the strain of the caseload. Based on the court's own statement, seven permanent active judges are not adequate. Therefore, DAV does support H.R. 1329, and we agree that the court should continue to have two temporary judges along with nine permanent judges.

Finally, Mr. Chairman, we thank you and Ranking Member Pappas for the Veterans Compensation COLA Adjustment Act of 2023. Many service-disabled veterans and their families depend on VA compensation benefits as their sole income. This Cost of Living Adjustment (COLA) will benefit them by helping to maintain the value of VA benefits. Without COLAs, many disabled veterans who sacrifice their own health and family life for the good of our Nation may not be able to maintain the quality of life they deserve. DAV firmly supports the Veterans Compensation COLA Adjustment Act. Again, we thank you both for introducing this important piece of legislation.

Mr. Chairman, this concludes my testimony, and I look forward to any questions you and the subcommittee may have.

[THE PREPARED STATEMENT OF SHANE LIERMANN APPEARS IN THE APPENDIX]

Mr. LUTTRELL. Thank you. Mr. Liermann. Mr. Montreuil, you are now recognized for 5 minutes.

STATEMENT OF LAWRENCE MONTREUIL

Mr. MONTREUIL. Chairman Luttrell, Ranking Member Pappas, and distinguished members of the subcommittee, on behalf of the 1.6 million veterans and service members of the American Legion, I thank you for the opportunity to testify today. I will be relatively brief because I understand we are the third panel, but I would be remiss if I did not mention in my opening remarks the vote that will take place in the Senate later today that will repeal both the 1991 and 2002 Iraq Authorization for Use of Military Force (AUMFs). Decisions of war and peace are among the most important decisions deliberated in the halls of Congress. Many of the bills that we are discussing today are a direct result of the decision to go to war 20 years ago.

From caring for Goldstar families who lost their loved ones, to streamlining the claims and appeals process for millions of veterans exposed to burn pits, all are the direct result of decisions of war and peace. We are pleased to see the Senate is likely to repeal these AUMFs and give closure to millions of veterans and reaffirm to them that their war is over and are hopeful the House will move swiftly to do the same.

Although wars end, the moral obligation to uphold our promise to those we sent into harm's way and ensure they receive the care and benefits they rightfully deserve has no expiration date. I would like to thank the members of this subcommittee for their leadership on the litany of issues we will discuss today and ensuring that we fulfill President Lincoln's promise to care for those who served in our Nation's military and for their families, caregivers and survivors.

I would just like to highlight the American Legion's support for the GUARD VA Benefits Act and thank Chairman Pappas for his leadership on that bill and on this issue in particular and reiterate the need to reinstate criminal penalties for unaccredited individuals charging unauthorized fees. Many of these fees are, in our opinion, excessive. You know, they are 400 to 600 percent of a monthly increase, and on average, by admission of these companies of their own, that is sometimes between \$4,000 and \$8,000 for service that is provided free of charge by veteran service organizations.

In 2021, American Legion service officers insured and secured \$14.8 billion in initial claims for veterans, with an average monthly payout of one \$1,400. In 2022, that was \$16 billion. We must ensure that we give VA the tools to protect veterans from being defrauded.

Thank you once again for inviting the American Legion to share our position on the bills before us today, and I look forward to the impending discussion.

[THE PREPARED STATEMENT OF LAWRENCE MONTREUIL APPEARS IN THE APPENDIX]

Mr. LUTTRELL. Thank you, Mr. Montreuil. Ms. Keenan, you are now recognized for 5 minutes.

STATEMENT OF KRISTINA KEENAN

Ms. KEENAN. Chairman Luttrell, Ranking Member Pappas, and members of the subcommittee, on behalf of the men and women of the Veterans of Foreign Wars of the United States and its auxiliary, thank you for the opportunity to provide our remarks on legislation pending before the subcommittee. The VFW's views on all the bills can be found in my written testimony. I will take the opportunity to highlight three.

The VFW supports H.R. 1530, the Veterans Benefits Improvement Act, which would require VA to publish all disability benefits questionnaires or DBQs on a publicly available VA website. The VFW also recommends that language be added to authorize the use of DBQs in private telehealth appointments. The use of telehealth has expanded significantly since the COVID-19 pandemic, both in the private sector and at VA, becoming a regular practice for modern healthcare.

The VFW also supports making improvements to compensation and pension exams by providing more contact information for veterans and their accredited representatives regarding scheduling with VA contractors. It would also require a report on VA's efforts to provide travel reimbursements to veterans living abroad to attend their exams.

The VFW supports H.R. 984, the Commitment to Veterans Support and Outreach Act, though we do have some concerns. The VFW supports efforts to expand outreach to provide benefits to underserved communities, including increasing the number of county and Tribal veteran service officers. However, offering more grant money is simply not enough to solve some of the longstanding trust issues specifically on Tribal lands, with outsiders providing claims assistance. The VFW suggests including veteran service organizations as eligible grant recipients to enable them to hire and train representatives specifically from Tribal communities to serve their Tribal communities, finally reaching this group of underserved veterans.

Last, the VFW supports, continues to strongly support H.R. 1139, the governing Unaccredited Representatives Defrauding VA Benefits Act, or the GUARD Act. This legislation would reinstate penalties for charging veterans and their survivors unauthorized fees related to claims for benefits for VA benefits. Individuals who assist in the preparation, presentation, or prosecution of VA claims must be accredited and adhere to certain standards of conduct, training, and the fee structures provided under the law.

We believe that unaccredited claims consultants must be subject to penalties in the same manner as all accredited representatives in order to protect veterans from predatory practices. Some of these companies claim that they provide veterans with more choice and that veterans may not have access to available free services or may have been dissatisfied with the services they have used. To claim that there are not enough free claims representatives is completely untrue. There are VA accredited, State and county service officers, veteran service organizations like the VFW, and numerous State

programs where there are a large concentration of veterans like the Texas Veterans Commission.

These companies may also argue that the exorbitant fees they charge in some way make them more effective in assisting veterans. This is patently false. Last year alone, the VFW helped more than a half million veterans recoup \$11.2 billion in benefits, and not a single dollar went to the VFW. None of these unaccredited companies even come close.

There are also claims that the GUARD Act violates First Amendment rights. This is another false narrative. There are many examples in case law that dispute this. Consultants have free speech rights to provide advice. However, the government may, and in this instant does, as it should, require professional advice to ensure minimal competency and accountability. As soon as a consultant charges fees, their advice becomes professional conduct and should be regulated.

Accreditation also means oversight by VA's office of General Counsel. Currently, these predatory companies have no accountability, no oversight, and no penalties. If they were genuine in providing veterans with more choice, they would choose accreditation and offer quality services that are transparent and legal. They refuse to become accredited because the law does not accommodate their business models. Meaning, they skirt the law because they are profiting from veterans disability benefits. Companies that prey upon veterans must be held accountable.

Chairman Luttrell, Ranking Member Pappas, thank you for the opportunity to provide my remarks. I look forward to answering any questions you may have.

[THE PREPARED STATEMENT OF KRISTINA KEENAN APPEARS IN THE APPENDIX]

Mr. LUTTRELL. Thank you, Ms. Keenan. Colonel Taylor, you are now recognized for 5 minutes.

STATEMENT OF WILLIAM TAYLOR

Mr. TAYLOR. Chairman Luttrell, Ranking Member Pappas, and members of the committee, thank you for the invitation to be here today. My name is William Taylor and I am the co-founder of Veterans Guardian VA Claim Consulting and a veteran of the U.S. Army. I am a West Point graduate and retired in 2018 after 23 years as a Lieutenant Colonel, including six operational deployments. I am proud to have served my country and am proud to have co-founded one of the largest veteran owned and veteran operated companies helping veterans navigate the VA claim process.

As I was retiring, I struggled with my own claim. Information was difficult to find, as was assistance with limited capacity and hours for the large military community in and around Fort Bragg. Despite being a senior officer, it took significant support, advice, and research for me to successfully navigate the system. Unfortunately, I am the exception and not the norm. That is why we founded Veterans Guardian. The VA disability process is a difficult system to navigate, resulting in many veterans not receiving their earned benefits. I am proud of the work my company does to assist veterans with this process. My staff is over 85 percent veterans, spouses of veterans, and spouses of active duty. We have been rec-

ognized with numerous awards as a veteran owned and operated company, and most recently named the Military Family Brands Company of the Year.

We support more than 60 national and local charities, including support to local chapters of many of the organizations that are here today. Our mission is to ensure veterans receive the benefits they are legally, ethically, and medically eligible for due to their service to the Nation. I am proud of the work we do to offer a transparent, effective, and efficient option. We are a complementary capability to the other services that are available. We inform every veteran that there are free options available and connect them directly to these services if they choose.

We are transparent that we are not accredited, and our clients acknowledge this when they sign our Your Claim, Your Choice affidavit, which was included in my written submission. Our veterans are choosing to utilize our services from a position of knowledge. Seventy percent of our clients come to us after having used the free services available. Veterans are not unaware of the free services and are coming to Veterans Guardian because, in their words, these free services have failed to meet their needs. Contrary to common belief, the current system is not meeting the needs of veterans. Veterans need more options for assistance, not less. Veterans should be able to pursue their claims in the manner that best serves them with the full knowledge of their options.

Veterans make an informed choice to use our services for many reasons: easy access and responsiveness; experience and knowledge; ability to help develop medical and lay evidence; and our competence in developing secondary conditions. I am proud that we have assisted over 50,000 veterans to date with over a 90 percent success rate.

We are transparent about who we are and who we are not. We do not aggressively solicit the veteran. We do not have doctors on our payroll. We do not have automated or international call centers. Our one-time fee structure is wholly aligned with our veteran clients because we only collect a fee if the veteran receives an increase in their rating and compensation. We are veterans helping veterans. My clients tell all of us that my services are needed and one of the bills we are here to discuss today, the GUARD Act, would deny veterans access to my much-needed services. The GUARD Act would force my business to close our doors, lay off my veteran employees, and leave the veteran with no other option than the VSOs. We believe that the GUARD Act potentially raises constitutional issues as it limits the First Amendment rights of the veterans who wish to work with consultants, as well as the rights of the consultants themselves.

By imposing penalties, including imprisonment, the GUARD Act would take away a veteran's right to choose how they pursue their claim. The fact that veterans are choosing to use our services from a position of knowledge is a proof that the other options are not completely meeting their needs. My veteran clients are telling you and me that the current system is failing them. The GUARD Act limits veterans choice and means that many veterans will not receive the benefits to which they are entitled. Our veterans deserve more.

We continue to be strong supporters of accreditation reform. We support congressional oversight. We support reasonable fee caps. We support an enhanced accreditation process to ensure quality private companies can become accredited and provide veterans more options to navigate the system, not less. We support the intentions of the GUARD Act. However, we believe the execution is not meeting the needs of veterans. We encourage Congress to pass holistic reforms, such as legislation that General Bergman is leading, that allows companies like Veterans Guardian to become accredited. Such reforms provide veterans with the widest range of options to help them pursue their claim at any step of the process. This increases VA oversight of accredited agents provides for regular audits of claims agents, establishes more detailed standards of conduct, and provides VA with the enforcement tools necessary to pursue bad actors.

Our goal should be to expand options for veterans, not restrict them. Veterans should have the freedom to make an informed decision on how they want to pursue their claims. In conclusion, I look forward to continuing to work with you and your staff to address the issues that veterans face and to responsibly serve veterans who have dedicated themselves to the service of our Nation. I look forward to your questions.

[THE PREPARED STATEMENT OF WILLIAM TAYLOR APPEARS IN THE APPENDIX]

Mr. LUTTRELL. Thank you, Colonel. I now recognize myself for 5 minutes. Ms. Keenan, is it the VFW stance that no other corporation or company out assisting veterans in their claims are worthwhile?

Ms. KEENAN. Thank you for the question, Chairman. We believe that anyone who is assisting veterans with their claims should be accredited, that they should go through VA's rigorous process of background checks and training so that they are prepared to give veterans the best assistance possible.

Mr. LUTTRELL. It seems like and we probably should not have sat you two next to each other, but it seems like the Colonel is agreeing with that wholeheartedly. I think my question is, and it is a veteran owned company.

Now, in the absence of proper assistance for our veterans, organizations like the Colonel's has stood up. And in the absence of proper assistance through the VA, the VFW steps in. Now, given that we have just come out of a 20-year war, and the amount of individuals leaving the military will most likely scuttle the VA, as far as intake comes, if I had to guess, and as hard as the VA is trying, it seems feasible that organizations such as the Colonel's, such as the VFW, might make it easier for the VA to process all these claims and keep our veterans safe. Would you agree or disagree with that statement?

Ms. KEENAN. As long as a veteran is receiving accredited representation and that their claims are being presented in the most complete capacity initially from the get-go, VA will be able to process those claims in the quickest manner that they can. VA has their own processing time, and no matter of more claims or less claims is going to change that. The VFW and other organizations that have accredited representatives, we receive up to date training

as the laws are changing in order to help veterans file their claims accurately as possible. We believe that is going to help VA process them as quickly as possible.

Mr. LUTTRELL. If companies and organizations receive the accreditations by, with, and through the VA, the VFW would support that?

Ms. KEENAN. If a company is able to be accredited or their individuals are able to be accredited, then they are part of the VA oversight, and the VFW would support that.

Mr. LUTTRELL. Okay, thank you. Mr. Liermann, prior to your current position, you represented veterans before the Board of Veterans Appeals for many years. In your experience, what contributes to the delayed decisions at the Board? How would H.R. 1378, the Veterans Appeal Backlog Improvement Act, help address some of these issues?

Mr. LIERMANN. Thank you, Mr. Chairman. In order to really effectively answer that, there are multiple reasons why an appeal may languish at the Board of Veterans Appeals. I think you could even look all the way back to how it is developed by a VA regional office before it even gets to the Board of Veterans Appeals. Also, during my time there, I saw a large amount of turnover between attorneys. An attorney I may have known and worked with last year has been gone for 2 years. They are losing institutional knowledge. They are going through a lot of different attorneys very quickly to where if we were able to provide a pilot program like this, where we are getting quality attorneys in soon, we are going to retain them at the Board of Veterans Appeals, and eventually get a better outcome and a quicker decision, hopefully.

Again, the reason that some decisions languish have to do with VA regulatory provisions, law changes, and even the court that can delay anything pending at the Board of Veterans Appeals. Well trained, brought in attorneys can help alleviate a lot of that pressure on the judge.

Mr. LUTTRELL. I do not know if anybody has ever asked this question before, but would it be advantageous for this committee to hear from the Board of Appeals exactly how to streamline that process?

Mr. LIERMANN. Absolutely. I think to hear from those working at the Board, the judges, and the attorneys, or even the Director about some of the problems they are facing outlined directly would, yes, definitely would be a benefit to determine how to attack it in another direction as well.

Mr. LUTTRELL. Okay. Thank you. Colonel, I believe we need to find a balance between protecting veterans from predatory actors while ensuring veterans have choice over their representation in the VA. Why does Veterans Guardian believe veterans should have the option of paid representation prior to the appeal stage?

Mr. TAYLOR [continuing]. providing veterans with more options and freedom of choice while providing the guardrails and oversight to protect veterans from predatory actors and predatory practices. We believe that more options are better for veterans, not less. We believe that veterans should have the freedom to make that choice from a position of knowledge. That anything that we can do to increase the access to good advice for veterans is a positive.

Mr. LUTTRELL. Thank you, sir. Mr. Pappas.

Mr. PAPPAS. Thank you, Mr. Chairman. Mr. Liermann, maybe I could start with you, because I know that sometimes we hear the argument that the VSO community does not have the capacity to meet the new claims work that has been brought on by the PACT Act and other changes to the law so that we are going to need to lean on for-profit companies to fill in the gap. I am wondering if you can detail what DAV and perhaps some of the other VSOs represented here are doing to bolster capacity and recruit new service officers to meet this demand.

Mr. LIERMANN. Thank you, Ranking Member. DAV has a training program. We have professional members, and to this day, we probably have about 4,000 certified accredited service officers across the country to include our volunteers and county veteran service officers. DAV also helps to accredit them around the Nation as well. If you look at the General Counsel's number of accredited agents or advocates out there, there are thousands upon thousands of them that are currently available.

While we continue to train and provide more opportunities and assist CVSOs, we also know that there are thousands of people available that are accredited that may not be utilized because they believe they that if you pay for something, that means you are going to get a guarantee.

Mr. PAPPAS. Mr. Montreuil, many of the unaccredited private sector actors call themselves claims consultants offer, pre-filing consultation in order to rationalize their nonadherence to the law. That is they are arguing that because they do not actually hit the send button on the veterans application, they are not actually assisting in this preparation. In your opinion, is there any difference between so-called pre-filing consultations and claims preparation?

Mr. MONTREUIL. No, sir, I think they are exactly the same thing. Quite frankly, it is more problematic when we look at some of the practices that claims consulting companies are engaging in because of a lack of access to VA systems because they are nonaccredited. There has been instances of individuals requesting a veteran's e-Benefits password, and access to confidential information that results in their medical information and other forms of information being unsecure because they do not have access to Veterans Benefits Management System (VBMS). I do not think there is any difference between the two things. The claims consultants, the structure incentivizes, you know, practices that are unsafe for veterans.

Mr. PAPPAS. You mentioned 400 to 600 percent of a monthly increase, perhaps that a veteran would be on the hook for to pay to some of these claims agents. What does your organization charge a veteran?

Mr. MONTREUIL. We charge \$0.

Mr. PAPPAS. That is consistent across the VSOs, correct?

Mr. MONTREUIL. Yes.

Mr. PAPPAS. Ms. Keenan, you talked a little bit about this just the process of your service officers, what they undertake to become accredited. You stressed the need for everyone to be under the umbrella of accreditation to provide for some standards and oversights, and I could not agree with you more. There is some vetting of the character of these service officers. Accreditation is not just

some arbitrary designation where a volunteer is showing up at your door or you are hearing from an organization one day who wants to assist a veteran. Can you elaborate on this process a bit and whether or not this is a hurdle for more people to pursue to be able to assist our veterans?

Ms. KEENAN. Thank you for the question. I mean, we see accreditation as the critical aspect of protecting veterans when it comes to filing their claims. The VFW accredits nearly 2,000 veteran service officers and so we have gone through that accreditation process. We find it necessary, it may seem burdensome, but it is accomplishable in a few months. We are happy to work with VA on understanding if they need more resources in order to process accreditation requests more quickly. The process is there to be rigorous and to really vet those who are going to be assisting veterans with their claims to provide the best information that they can possible.

Mr. PAPPAS. Well, thanks for that response. I thank you all for your testimony here today. I think there are a number of critical issues that have come out of this conversation with respect to the GUARD VA Benefits Act and a number of other bills. We thank you for that commitment. Look forward to working with you all. I yield back.

Mr. LUTTRELL. Thank you, Ranking Member Pappas. Congressman Crane, you are recognized for 5 minutes.

Mr. CRANE. Thank you, Mr. Chairman. I appreciate it. Thank you guys for coming today. My first question is for Colonel Taylor down there. Sir, how much do you guys typically charge, like, what percentage per initial claim do you guys typically charge?

Mr. TAYLOR. Thank you for that question, Congressman. We believe, and we maintain a very simple upfront pricing model and fee structure. First of all, I would like to highlight that we work strictly on a contingent basis. If the veteran does not get an increase in both their rating and their compensation, there is no fee.

Mr. CRANE. All right.

Mr. TAYLOR. We do not collect anything up front.

Mr. CRANE. What is the percentage, sir?

Mr. TAYLOR. Our fee is 5 months of the increase. If a veteran were to come to us at a certain amount, the difference between where they are after having our assistance, their fee is five times that difference. We offer three payment plans. They can pay that in a lump sum with a 10 percent discount. They can pay it out over 5 months, 10 months. There is no interest or fees for payment plans. It is completely voluntary. We have no access to their bank accounts.

Mr. CRANE. Thank you, sir. You know, as a veteran myself, and also a small business owner, I, quite frankly, get frustrated with the VA and bureaucracy often. I often look for private companies to work with just because they do not have to deal with a lot of the bureaucratic red tape. I know a lot of other veterans feel the same way. Now, some do not. Some do not have the money to do that. You know, some have all the time in the world.

I can tell you that there are issues with people dealing with the bureaucracy. It is frustrating at times. It takes a long time. My next question to you, Ms. Keenan, is why do you have such an issue with a veteran like myself who wants to go out there and uti-

lize a consultant, even if I am willing to pay the extra money? I know you talk about accreditation and you do not want veterans to get harmed, and I understand that. That is inherent in the free market system. Why do you have a problem with a veteran like me who is willing to go pay a consultant to help me navigate the system and, you know, speed me through it so I can just get the outcome that I want?

Ms. KEENAN. Thank you for that question. There are paid options for veterans currently within the accreditation system. A veteran can pay an attorney or an agent that is accredited for their services. Those services are capped as to how much they can charge, but there are paid options available currently to veterans.

Our main concern is how do you rein in the really predatory actors?

Mr. CRANE. Right.

Ms. KEENAN. If there are no penalties, there is really no way for VA to even track them or penalize them.

Mr. CRANE. No, I appreciate that. Thank you. Colonel, have you been able to get accredited?

Mr. TAYLOR. Under the current accreditation rules—there currently is no pathway for a company to become accredited. The restrictions on what we can charge a fee for would not allow me to continue with my business model. When I look at a veteran, I want to look at them holistically, and I want to look at things that they should have claimed that they have not. I want to look at secondary conditions, and I want to look at things that they have claimed that we feel they are either underrated for or have been denied for. We believe that we should look at a veteran holistically and take care of all of that at the same time.

If I become accredited, I can only assist with the third pillar for a fee, which is—

Mr. CRANE. Real quick, Colonel, do you tell the veterans that you are working with that there are other options and if they wanted—if they are willing to wait and deal with the VA, they can get this done for free?

Mr. TAYLOR. That is absolutely true. One of the things that we believe in wholeheartedly is no veteran should use our services without understanding their options, and particularly the fact that there are free services available. Every one of my clients signs a single one-page affidavit called the Your Claim, Your Choice that has five simple, bullet statements on it that acknowledge that there are free services available and where to find them. That they can be successful using those free services, that they can be successful on their own, and that they are choosing to use me right now as an unaccredited agent, and that they understand my free structure. My dream is that we can change that, and I can become an accredited agent and operate within the system with the guardrails and with the protections to protect veterans from predatory actors and practices.

Mr. CRANE. Thank you. You know, it is one of these things I am always going to err on the side of free will, the free market system. I do appreciate what you guys are trying to do as far as protect, you know, veterans, but at the same time, I hope you acknowledge why the free market system is so cherished in this country. It is

so integral to who we are. Yes, sometimes there are bad outcomes in the free market system, but a lot of Americans and citizens are tired of so much bureaucracy slowing everything down, not providing options for them. That is what this town does a lot of. Quite honestly, it develops so many levels of bureaucracy that it gets hard to get anything done. To the Colonel's point earlier, if the bureaucracy was doing such a great job, he would not be in business. I yield back my time, thank you.

Mr. LUTTRELL. Thank you, Mr. Crane. Congressman McGarvey, you are recognized for 5 minutes, sir.

Mr. MCGARVEY. Thank you, Mr. Chairman. Thank you all very much for your testimony. I am proud to be a co-lead of a bill with my colleague, Mr. Ciscomani, the Veterans Appeals Backlog Improvement Act. This bill would create a new pipeline program for entry-level attorneys in addition to mandating a report on telehearings at the Board of Veterans Appeals (BVA).

We have seen staggering unacceptable backlogs during the appeals process in veterans trying to access their earned benefits. This bill is one step closer to helping mitigate those issues. Mr. Liermann, if you do not mind, just tell us a little bit about what this bill would mean for your members.

Mr. LIERMANN. Well, I think most of it, and thank you for the question, is that it is going to add more resources to the judges. More resources and more attorneys. Within the last year or so, they have added additional veterans law judges at the board. I think the piece we often forget about is that does include their support mechanisms, which a lot of times that will include at least 10 additional employees to include new attorneys.

When we are increasing that, we are increasing their support. I believe recently we were informed by the Board that right now there are around only five people that are currently available to the veterans law judge to where previously and most effectively would be 10 to include new attorneys. We think what this will do is give a viable option for new attorneys, support process to the judges, and quicker decisions.

Mr. MCGARVEY. Thank you. I appreciate that. The backlog is unacceptable. We can do something about it. Again, this is to clear the backlog of veterans who are trying to access the benefits they have earned. I appreciate that. Mr. Chairman, I yield back.

Mr. LUTTRELL. Thank you, Mr. McGarvey. Mr. Bergman, you are now recognized for 5 minutes, sir.

Mr. BERGMAN. Thank you. Let us get right to the meat of it. Lieutenant Colonel Taylor, what metrics or model is used to justify your company's fee for your service?

Mr. TAYLOR. Congressman, that is a great question. As a private company operating in a free market, my clients are justifying my fees. We have a simple, straightforward, contingent fee model that is only charged if a veteran has a successful outcome. That fee model is clearly communicated to the veteran before they make a choice to use my services. The veteran can make the choice on whether or not my fee is justified. Some of the statistics, 50 percent of my clients are coming as referrals from former clients who saw value in the services and the fee that we are charging. We have a less than 2 percent failure to pay rate. Every payment that I re-

ceive is voluntary from the veteran. My clients simply are justifying our fee model. This allows us as a business, to hire and train expert staff to maintain The Health Insurance Portability and Accountability Act of 1996 (HIPAA) compliant secure IT servers because we are hearing with extremely sensitive information from these veterans, and maintain a dedicated client support team providing first class service to our veterans.

Mr. BERGMAN. Okay, thank you. Would you support implementing safeguards that would allow businesses like yours that help veterans obtain positive results to continue to operate while preventing and punishing, I mean, really holding bad actors accountable in this space?

Mr. TAYLOR. Absolutely, Congressman. We have maintained from the beginning that we are in full support of accreditation reform. We are in full support of any model that allows us into the tent and we invite the oversight. We would actually like to see accreditation strengthened even further beyond what it is right now. We would like to see increased audits of all of the accredited agents and how they are performing and the level of service that they are providing, increased oversight of their training programs. Really having those guardrails out there, because I am not going to sit here today and pretend that there are not bad actors. I am not going to sit here today and pretend that there are not bad practices. Let us put the guardrails in place to protect veterans from those bad actors and from those practices that we do not like and ensure that well intentioned honorable companies, VSOs, agents, and attorneys are providing the widest range of options to help veterans navigate this difficult process.

Mr. BERGMAN. Thank you. Along those lines, and I know everybody in this room is here for the right reasons. Along those lines, last night I introduced H.R. 1822, the Preserving Lawful Utilization of Services or Plus for Veterans Act of 2023, along with my colleague and fellow veteran representative Nancy Mace from South Carolina. This bill seeks to strike a balance by restoring penalties for nonaccredited agents and attorneys that assist veterans with their claims, improving the accreditation system to allow businesses like Veterans Guardian and others to continue to do their good work, and adding safeguards to prevent and punish bad actors that seek to take advantage of veterans and ultimately their families as well.

I would just like, you know, in listening to the entire hearing today and I see that our folks from the last panel are still in the audience because this ties into the future, because what we are dealing with are current practices and policies. We are trying to implement new ones that enable us to move forward positively. I guarantee you there are some, probably a young person either here in the room or listening to this, who is probably going to say, I wonder if I could create an app for that? How would the VA, and this is just thinking about the future, how would the VA accredit such an app? With that, I yield back.

Mr. LUTTRELL. Thank you, Mr. Bergman. Ranking Member Pappas, any closing remarks?

Mr. PAPPAS. Sure. Thank you very much, Mr. Chairman. Thank you to our last panel, and I want to thank all the members for a

productive conversation on the bills before us today. Our witnesses provided insight and we look forward to staying in touch as we move forward.

Having heard once again today about the issue around unaccredited disability claims consultants who continue to target our veterans for financial gain, I could not be even more adamant that our bill, H.R. 1139 the GUARD VA benefits act is necessary. It is a meaningful step toward stopping these bad actors by reinstating criminal penalties for their actions. We heard today from VA that about 40 percent of complaints come from, are about non-accredited actors, and there is little to nothing that is being done about it.

We need some teeth in the law. I look forward to working with my colleagues on a solution that will help address this situation and ensure that our veterans can get their claims processed in a timely fashion and get an outcome that is positive and beneficial to them.

I want to commend the continued support of VA and our VSOs in assisting the veterans community and their commitment to ensuring that veterans receive the care and benefits that they have earned without profit motive being a driving force behind those actions. Veterans and their families should have peace of mind when filing a claim for VA benefits. For those who have served our country, I commit to you that there is nothing more—there is still more that can and should and will be done to hold those individuals and businesses accountable.

I want to thank our panelists again for their remarks and commend my colleagues for their thoughtful contributions to this conversation. I yield back, Mr. Chairman.

Mr. LUTTRELL. Thank you, Ranking Member Pappas. I look forward to working through the issues with my department and my colleagues on this subcommittee. As I have said before, the complete written statements of today's witnesses will be entered into the hearing record. I ask for unanimous consent that the statements for the record submitted from the following members and/or organizations be entered into the hearing record. Representative Michael Waltz from Florida. The Court of Appeals for Veterans claims Gold Star Wives, National Organizations of Veterans Advocates and Tragedy Assistance Program for Survivors.

Hearing no objections. So, ordered.

I ask unanimous consent that all members have 5 legislative days to revise and extend their remarks and exclude extraneous material.

No objections.

I thank the members and the witnesses for their attendance and participation today. Ladies and gentlemen, thank you so much for taking your time. VA representation, God bless each and every one of you. We look forward to my colleagues on the right and the left with this, we look forward to figuring this out so our veterans are safe. God bless. Adjourned.

[Whereupon, at 12:22 p.m., the subcommittee was adjourned.]

A P P E N D I X

PREPARED STATEMENT OF WITNESSES

Prepared Statement of Cheryl Rawls

Chairman Luttrell, Ranking Member Pappas and other Members of the Subcommittee, thank you for inviting us here today to present our views on several bills that would affect VA programs and services. Joining me today is Kevin Friel, Deputy Director, Pension & Fiduciary Service and Christa Shriber, Deputy Chief Counsel for the Benefits Law Group.

H.R. 234 Gerald's Law Act

Section 2(a) of this bill would amend 38 U.S.C. § 2303(a)(2)(A), as amended by section 2202 of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116–315), to provide burial allowance to certain Veterans who die at home or other setting while in receipt of hospice care furnished by VA pursuant to 38 U.S.C. § 1717(a), as long as such care was directly preceded by the Veteran receiving hospital care or nursing home care furnished by the Secretary as referenced in 38 U.S.C. § 2303(a)(2)(A)(ii). Section 2(b) of the bill would assign an effective date for the amendments made by subsection (a) as if included in the enactment of Public Law 116–315.

VA would support this bill with an identified funding offset, if amended. VA supports section 2(a) of the bill extending eligibility for VA burial allowance to a new demographic of Veterans. VA also supports the intent for the effective date as outlined in section 2(b). VA understands the effective date to subsection (a) would be January 5, 2023. However, VA recommends that the effective date for the amendments made by the bill be 6 months following the passage of the bill. This would allow VA to update the necessary forms and to ensure systems are able to appropriately capture this newly eligible demographic.

Significant mandatory and discretionary costs are anticipated to be associated with this bill. VA requires additional time to prepare a detailed cost estimate.

H.R. 854 Gold Star Spouse Equity Act

This bill would amend titles 10 and 38, United States Code, to expand certain benefits for surviving spouses of members of the Armed Forces who die in line of duty, and for other purposes.

Section 2 of this bill would amend 10 U.S.C. § 1450(b)(2) to continue eligibility for the survivor benefit annuity plan of a surviving spouse who is described in subparagraph (A) or (B) of 10 U.S.C. § 1448(d)(1), even if he or she remarries before reaching age 55 and before the date of the enactment of this bill. VA defers to the Department of Defense (DoD) regarding section 2 of the bill.

Section 3 of this bill would result in removing remarriage as a bar to furnishing benefits under 38 U.S.C. § 1311 for surviving spouses. It would further provide for the resumption of dependency and indemnity compensation (DIC) under section 1311 for those who remarried before reaching age 57 and before the date of the enactment of the bill.

VA supports, if amended, and seeks clarification regarding section 3 of the bill. VA notes that the amendments as written would be more expansive than the stated purpose of the bill suggests.

VA supports the intended purpose of the bill to expand benefits for surviving spouses of members of the Armed Forces who die in line of duty, subject to the availability of appropriations. However, the language of section 3 does not limit the expansion of DIC benefits under 38 U.S.C. § 1311 for surviving spouses who remarry to situations where the Veteran died in the line of duty. As a result, the language as currently written would be more expansive than the intent of the bill as stated by Congress. VA respectfully requests clarification on the intent of this bill.

Furthermore, VA cites concerns that the proposed amendments as written under section 3 would result in the complete removal of remarriage considerations for DIC benefits under 38 U.S.C. § 1311. If the bill is not amended to limit its application specifically to a surviving spouse of a Veteran who died in the line of duty, then

this bill would result in disparate treatment for survivor benefits granted under different sections of title 38, United States Code. The bill would only address DIC benefits granted under 38 U.S.C. § 1311; this would result in DIC benefits granted under 38 U.S.C. § 1318 remaining subject to the age 55 remarriage limitation. VA further notes that beneficiaries of survivors pension, who tend to be in a more vulnerable demographic than DIC beneficiaries, would remain ineligible due to remarriage at any age.

Finally, VA believes that section 3(b) is unclear regarding whether a surviving spouse would be required to file an application for resumption of DIC or if VA would be required to identify and conduct outreach for individuals who were in receipt of DIC under 38 U.S.C. § 1311 but were terminated due to their age at the time of a remarriage. Relatedly, while we believe the requirement to “resume” payments is intended to apply only to individuals who were in receipt of DIC prior to their remarriage, that limitation is not among the criteria stated in section 3(b)(1) and (2) and its absence could lead to confusion or unnecessary litigation.

VA welcomes the opportunity to provide technical assistance to clarify the expansion of DIC benefits that would be granted under 38 U.S.C. § 1311.

Significant mandatory and discretionary costs are anticipated to be associated with this bill. Additional time would be needed to prepare a detailed cost estimate. Also, VA is seeking clarification on the bill’s intent which could greatly affect those estimates.

H.R. 984 Commitment to Veteran Support and Outreach Act

This bill would amend 38 U.S.C. chapter 63 to authorize VA to award grants to States and Indian Tribes to carry out programs that improve outreach and assistance to Veterans and their families, inform them about any benefits and programs for which they may be eligible, and facilitate opportunities for such Veterans to receive services in connection with their VA benefits claims.

VA supports this bill, subject to the availability of appropriations. The Veterans Benefits Administration (VBA) already maintains a robust outreach program, reaching millions of Veterans and working with partners, such as County Veterans Service Officers (CVSOs) and Tribal Veterans Service Officers (TVSOs), each year through various forms of customer-focused outreach programs, communications, and activities. In addition, VBA hosts bi-annual National Association of County Veterans Service Officers Partnership meetings as part of VBA’s effort to further expand collaborative outreach efforts with internal and external partners. State Departments of Veterans Affairs are also currently integrated within the VA regional office outreach framework. VBA values the partnerships it has with Veterans service organizations, to include the CVSOs and TVSOs who are affiliated with them and continues to look for opportunities to further engage with the organizations.

There would be no mandatory costs associated with this bill, but additional time would be needed to estimate discretionary costs.

H.R. 1139 Governing Unaccredited Representatives Defrauding VA Benefits Act (or the GUARD VA Benefits Act)

This bill would amend 38 U.S.C. § 5905 to reinstate a penalty for soliciting, contracting for, charging, or receiving, or attempting to solicit, contract for, charge, or receive, any fee or compensation with respect to the preparation, presentation, or prosecution of claims for VA benefits except as provided in 38 U.S.C. §§ 5904 and 1984.

VA supports this bill. H.R. 1139 would essentially reinstate language imposing criminal penalties that was removed from section 5905 in 2006. This bill would address the absence of criminal penalties in the current statutes governing the conduct of individuals who provide assistance with claims for VA benefits. Under current law, VA’s enforcement mechanisms are constrained to suspending or canceling the accreditation of an accredited individual or, for an unaccredited individual or organization, sending a warning letter requesting that they cease their illegal activities and then referring those matters to Federal or State enforcement entities for possible prosecution under other laws, such as consumer protection, elder protection, or deceptive advertising laws. This bill would create a single, national standard to serve as a general deterrent against bad actors and would allow for more meaningful enforcement against unaccredited individuals who are currently not subject to any Federal punishment for violations of VA law with respect to the preparation, presentation, or prosecution of claims before VA.

VA notes that the bill is structured so that imprisonment, which may be a penalty or part of the penalty for wrongfully withholding benefits in current section 5905, would not be a possibility for charging unauthorized fees. Omitting the possibility

of imprisonment as a penalty for charging unauthorized fees may reduce the deterrent effect of the amended statute.

There are no costs associated with H.R. 1139.

H.R. 1529 Veterans' Compensation Cost-of-Living Act of 2023

This bill would provide rates for VA disability compensation, additional compensation for dependents, clothing allowance for certain disabled Veterans, and DIC for surviving spouses and children will be increased effective December 1, 2023, by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. § 401 et seq.) are increased effective December 1, 2023. In short, VA would adjust its compensation and payment rates in conformity with any necessary cost-of-living adjustment to Social Security benefits determined by the Social Security Administration. The bill would also allow VA to administratively adjust payments in the same manner to any person in receipt of or entitled to receive benefits on December 31, 1958, if the conditions warranting such payment under those laws continue. Finally, VA would be required to publish in the Federal Register the cost-of-living adjustment amounts no later than the date the Social Security Administration does. The earliest date the bill can have effect on payments to Veterans and VA beneficiaries would be January 1, 2024.

VA strongly supports this bill. Annual cost-of-living adjustments to compensation rates tangibly express the Nation's gratitude and respect for the sacrifices made by service-disabled Veterans, their surviving spouses and children. This bill would authorize VA to make cost-of-living adjustments in accordance with past legislatively authorized practice and in accordance with the established expectations of Veterans and beneficiaries.

VA estimates the cost of this bill to be \$4.4 billion in FY 2024, \$27.3 billion over 5 years, and \$59.7 billion over 10 years. However, the cost of these increases is already included in VA's baseline budget because VA assumes Congress will enact a cost-of-living adjustment each year. Therefore, enactment of this bill would not result in additional costs, beyond what is included in VA's baseline budget.

There are no additional FTE or administrative cost requirements associated with this legislation.

H.R. 1530 Veterans Benefits Improvement Act

This bill is aimed at improving Veterans benefits in the following ways:

Section 2 of the bill would address improvements to the publication of Disability Benefits Questionnaires.

Section 3 of the bill would require VA to submit a report, within one year after the date of enactment, on the efforts of the Secretary to provide reimbursement for a Veteran's travel to a VA facility or a facility of a VA-contracted provider, regardless of whether the facility is inside or outside the United States, when such travel is incident to a scheduled compensation and pension examination.

Section 4 of the bill would establish a requirement that communications by contractors to claimants regarding the scheduling of a covered medical disability examination be contemporaneously transmitted to the person or organization appointed by a power of attorney for purposes of preparing, presenting, and prosecuting claims.

Section 5 of the bill would require VA to establish an outreach program to provide information on contact information for contractors providing covered medical disability examinations and to communicate the requirement for Veterans to provide personally identifiable information when contacted by such contractors in order to verify their identity.

Section 6 of the bill would require VA to submit a report, within one year after the date of enactment, on improving support by VA of governmental Veterans service officers, to include an assessment of the feasibility, advisability, and current technical limitations of providing them enhanced access to certain VA systems to better serve Veterans they may not have authorization to represent and an assessment as to whether VA would benefit from the establishment of an office to serve as an intergovernmental liaison between VA governmental Veterans service officers.

VA has no objection to this bill. We note, however, a potential ambiguity in section 5 as it refers to outreach concerning "[c]ontact information for contractors." It is unclear whether the bill is concerned with informing Veterans of the contractor's contact information (such as the contractors' telephone numbers) or, alternatively, with informing Veterans that VA may provide Veterans' contact information to the contractors. Clarification of the intent would be helpful.

With regard to the aspect of the report in section 6 for improving support by VA of governmental Veterans service officers addressing “the feasibility, advisability, and current technical limitations of providing [them] enhanced access to certain Department systems to better serve veterans [they] may not have authorization to represent,” note that VA is prohibited by law from providing governmental Veterans service officers with access to the files of Veterans that they do not represent. For the other report elements set for in subsection (b)(2) and (b)(3), VA maintains close coordination with all Veterans service organizations whose organizations include “governmental veterans service officers,” and has positions and programs in place to foster continued collaboration with these stakeholders. To reduce the possibility of duplication of efforts, additional clarifying information as to any perceived or identified deficiencies, or the expected outcome of any additional office or working group, may be helpful to ensure the desired analysis and results are achieved.

There are no mandatory or discretionary costs associated with this proposed legislation. Any additional requirements could be funded under existing budget authority.

H.R. 1378 Veterans’ Appeals Backlog Improvement Act

Sections 2 and 3 of this bill would require VA to: (1) establish an internship program for high-achieving students who attend accredited law schools to gain experience at the Board of Veterans’ Appeals (Board); (2) establish a nine-year competitive honors pilot program to recruit eligible law school students, recent law school graduates, and entry-level attorneys for employment with VA; (3) enable student loan repayment benefits under 5 U.S.C. § 5379 for eligible honors program students who agree to specific employment terms; (4) assign mentors and provide a rotational assignment within VA’s Office of General Counsel for honors program participants; and (5) require the Board to submit specific reports. Additionally, the bill would establish priority consideration for honors program applicants who have successfully completed the new internship program.

The Board remains focused on issuing timely appeal decisions to Veterans. To meet the increasing number of appeals being filed at the Board, VA is using various hiring authorities to hire a diverse and inclusive workforce composed of the best and brightest talent from a qualified applicant pool. Whether through direct hire, Schedule A, or other hiring authorities, the Board has been able to recruit and retain a highly competent workforce made up of Veterans Law Judges, attorneys, and professional staff. The Board currently is working toward recruiting eligible law student applicants from accredited law schools to serve as law clerks at the Board while they await bar admission results as this program proved very successful in years prior to the pandemic. Recent attorney hiring efforts have yielded more than 1,700 eligible applicants for vacant positions. These applicants include a combination of entry-level and seasoned attorneys with various legal backgrounds and experience levels. Given the high caliber of many applicants already screened and interviewed during this very successful recruitment, the Board estimates it could increase the current number of Board attorneys by as much as 25 percent this year.

VA does not support this bill. While VA supports efforts to recruit highly skilled attorneys, the programs as described in the bill would be duplicative of existing and well-established entry-level attorney hiring and temporary law clerk appointments processes. If required, the competitive honors program may negatively impact participation in and outcomes of the Board’s existing law clerk program. It may also have the unintended effect of decreasing decisional output, as seasoned Board attorneys who would otherwise be drafting decisions would need to train and mentor interns and thus increase Veteran wait times for appeal decisions. Thus, VA does not recommend enactment of section 2 or section 3 in the bill. If section 3 is nonetheless included, VA recommends additional clarification for several provisions for the competitive honors program in order to achieve congressional intent of the program. VA welcomes the opportunity to provide technical assistance regarding clarification of bill language.

Section 4 of the bill would require VA to submit a report to the Senate Committee on Veterans’ Affairs and the House Committee on Veterans’ Affairs on improving access to Board hearings held by picture and voice transmission. This report would require VA to provide recommendations on the feasibility and advisability of reimbursing Veterans for expenses incurred for travel to the location where the Board hearing is held and also would request other recommendations, including those from stakeholder feedback, for using alternative methods that could improve Veteran access to Board hearings. The requirements in this section would be duplicative of existing tools and requirements already included in Congressionally Mandated Reports. The Board successfully implemented the VA Tele-Hearing Modernization Act of 2020, which currently functions as a successful tool to improve access to hearings.

At this time, the overwhelming majority of hearings (approximately 79 percent) have transitioned to virtual tele-hearings (held by picture and voice transmission), where Veterans are no longer required to travel to a specific hearing location. VA recommends against enactment of section 4 of the bill because it would be duplicative of existing Congressional reports, and a highly successful tool for improving hearing access already exists.

H.R. 1329 CAVC Bill

This bill would increase the maximum number of judges that may be appointed to the U.S. Court of Appeals for Veterans Claims from seven judges to nine judges. VA has no comment on this legislation.

H.R. 1226 Wounded Warrior Access Act

This bill would require VA to establish and maintain a website or online tool, within one year of the date of enactment, through which a claimant or claimant's agent or representative could electronically request any VA records in the custody of VA. The bill also would require VA to confirm receipt of such requests within 10 days and provide the requested records within 120 days. The bill would further require that anytime a claimant logs into a VA website or online tool, such website or online tool would issue to the claimant: (1) a warning of potential predatory practices that violate 38 U.S.C. chapter 59; (2) a link to an online VA tool through which the claimant may report an individual who violates 38 U.S.C. chapter 59; (3) a link to an online VA tool through which the claimant may search for an agent, attorney, or entity that is recognized by VA for the preparation, presentation, or prosecution of VA claims; and (4) a link to a VA website or online tool that provides final disciplinary decisions for VA-recognized agents, attorneys, and entities. No additional funds would be appropriated to carry out the requirements of this bill.

VA cites serious concerns. VA appreciates the Wounded Warrior Access Act's efforts to provide electronic access to certain records. This would reduce Freedom of Information Act (FOIA) requests, Privacy Act requests, and potentially appeals. However, VA has concerns regarding the protection of sensitive information on certain documents found in the Veteran's file and how those documents would be redacted. Certain records in a Veteran's file may contain sensitive or protected information for other Veterans. Additionally, certain statements or information provided on behalf of Veterans must remain protected.

VA also has concerns about the scope of work that would be required to implement such a digital service. For example, VA anticipates that anyone performing a digital records request would need to have an identity-proofed login credential, and agents or representatives of claimants would need a mechanism to upload or otherwise provide proof of their authorization. Moreover, Privacy, Records Management and FOIA offices would need a system to collect, track, review, and respond to such requests, and usability research would be needed to ensure a proper workflow for claimants, agents, and agency staff.

VA supports the warning and link provisions, which are consistent with VA's own efforts to warn Veterans and claimants about predatory practices and connect them with accredited individuals. VA agrees that it is important to warn Veterans and claimants that there are unaccredited individuals and entities engaging in predatory practices by targeting Veterans and claimants through advertising that they are qualified to assist in the preparation of Veterans benefits claims and that are illegally charging for such services. VA also agrees it is important to increase the public's awareness of VA's national "Accredited Representatives Search Index," which provides names and contact information for VA-recognized Veterans service organizations and their representatives, as well as attorneys and agents.

VA recommends revising the language of the bill to refer to acting in violation of "subsection (a) [of section 5901] or sections 5902 through 5905 of this title" instead of referring to "this chapter." Section 5906 of 38 U.S.C. (Availability of legal assistance at Department facilities) should be excluded because it pertains to a VA program and VA conduct.

Additional time would be needed to provide a detailed estimate of mandatory and discretionary costs associated with this bill. However, VA's Office of Information and Technology (OIT) roughly estimates a project of this magnitude to cost at least \$1,000,000. If this legislation is passed and this project is not funded, then VA OIT would need to de-prioritize other Veteran-facing initiatives.

Conclusion

This concludes my statement. We would be happy to answer any questions you or other members of the Subcommittee may have.

Prepared Statement of Shane Liermann

Chairman Luttrell, Ranking Member Pappas and Members of the Subcommittee: Thank you for inviting DAV (Disabled American Veterans) to testify at today's legislative hearing of the Subcommittee on Disability Assistance and Memorial Affairs.

DAV is a congressionally chartered non-profit veterans service organization (VSO) comprised of more than one million wartime service-disabled veterans that is dedicated to a single purpose: empowering veterans to lead high-quality lives with respect and dignity. To fulfill our service mission, DAV directly employs a corps of benefits advisors, national service officers (NSOs), all of whom are themselves wartime service-connected disabled veterans, at every Department of Veterans Affairs (VA) regional office (VARO) as well as other VA facilities throughout the Nation, including the Board of Veterans' Appeals (Board).

We are pleased to offer our views on the bills impacting service-disabled veterans, their families and the programs administered by VA that are under consideration by the Subcommittee.

H.R. 234, the Gerald's Law Act

This legislation would provide a burial allowance for certain veterans who die at home while in receipt of hospice care furnished by VA. Currently, the nonservice-connected burial and plot benefit from the VA covers burial and funeral expenses up to \$800 for the surviving family of a veteran, but only if they are hospitalized at the VA at their time of death.

Gerald's Law would expand the eligibility, applying the burial allowance to terminally ill veterans that are discharged from receiving care at a VA medical facility or long-term care center to pass comfortably at home under hospice care.

In accord with DAV Resolution No. 095, DAV fully supports H.R. 234. No veteran should feel forced to give up this benefit if they wish to pass with dignity in the comfort of their own home, surrounded by their family and loved ones.

H.R. 854, the Captain James C. Edge Gold Star Spouse Equity Act

The Captain James C. Edge Gold Star Spouse Equity Act would allow a surviving spouse of a service member who lost their life while on active duty, to retain their Survivor Benefit Plan (SBP) payments if they remarry prior to the age of 55.

DAV supports the intention of section two of the bill; however, we recommend that it include the surviving spouses of seriously disabled veterans and those who have died due to their service-connected conditions. We believe this would provide parity for surviving spouses of veterans who pass while on active duty and those who succumb due to their service-connected disabilities.

Additionally, H.R. 854 would amend title 38, United States Code, Section 103, Special provisions relating to marriages by noting that, "[t]he remarriage of a surviving spouse shall not bar the furnishing of benefits under section 1311 of this title to the surviving spouse of a veteran."

DAV strongly supports eliminating the remarriage age for surviving spouses who are in receipt or eligible for Dependency and Indemnity Compensation (DIC). In conjunction with DAV Resolution No. 162, we support lowering/removing the remarriage age for DIC as surviving spouses should not lose entitlement to the benefits they have earned, regardless of remarriage.

H.R. 984, the Commitment to Veteran Support and Outreach Act

The Commitment to Veterans Support and Outreach Act would allow VA to provide grants to states to carry out programs to improve outreach and assistance to veterans and their families and ensure they are fully informed about veterans' benefits programs.

Applicants would be required to submit to the VA an outline with the details for the use for the grant and provide a plan for how the grant funds will be distributed among its counties and meet the unique needs of American Indian or Alaska Native veterans, elderly veterans, women veterans, and veterans from other underserved communities.

Additionally, VA would be required to prioritize the awarding of grants in the following manner: areas with a critical shortage of county or tribal service officers and areas with high rates of veteran suicide and referrals to the Veterans Crisis Line.

DAV supports outreach, services, and enhanced resources for all service-disabled veterans, to include American Indian and Alaska Native veterans, elderly veterans, women veterans, and veterans from other underserved communities. In accord with

DAV Resolution No. 059, we support H.R. 984, the Commitment to Veteran Support and Outreach Act.

H.R. 1139, the GUARD VA Benefits Act

The GUARD VA Benefits Act would impose fines on individuals for soliciting, contracting for, charging, or receiving any unauthorized fee or compensation with respect to the preparation, presentation, or prosecution of any claim for VA benefits. Previously, statutes did impose fines on these individuals; however, the fines were repealed. H.R. 1139 would reinstate those criminal penalties.

In recent years, several entities have emerged that claim to provide veteran resources to file disability claims for a fee. However, these entities are not accredited, as it is argued they do not provide representation and therefore, do not need to be accredited nor do any of the above-referenced requirements of VA accreditation apply to them. They charge veterans and their families fees for their resources and these fee agreements are not submitted to or reviewed by the VA Office of the General Counsel (OGC).

As these groups operate outside of accreditation, they do not fall under the OGC's oversight. Additionally, these entities are not mandatorily required to have their individuals take VA training, follow VA's required code of conduct, nor undergo background checks. We are concerned that the OGC's purpose to protect veterans and their families is being intentionally circumnavigated, thus placing veterans and their families at risk.

For many of our Nation's disabled veterans, VA disability compensation can be the difference between making ends meet and more severe outcomes such as homelessness. That's why it is so vitally important that veterans are properly represented by accredited individuals and institutions when applying for VA benefits.

In recent months some groups/or individuals have stated that the GUARD VA Benefits Act violates a veteran's constitutional rights. We respectfully disagree that the legislation violates First Amendment rights of free speech or association. This legislation aligns with U.S. Supreme Court precedent recognizing the responsibility of government to regulate certain professional behavior. Reinstatement of penalties against those who charge a fee for unauthorized professional advice in violation of VA standards of competency and accountability is constitutional. *See generally National Institute of Family and Life Advocates v. Becerra*, ___ U.S. ___, 138 S. Ct. 2361 (2018); *Ohralik v. Ohio State Bar Association*, 436 U.S. 447 (1978); *Del Castillo v. Secretary of Florida Dept. of Health*, 26 F.4th 1214 (11th Cir. 2022), *cert. denied*, *Del Castillo v. Ladapa*, 143 S. Ct. 486 (2022).

In accordance with DAV Resolution No. 095, DAV strongly supports H.R. 1139, the GUARD VA Benefits Act, which will help ensure disabled veterans receive VA-accredited representation while deterring predatory practices that seek to bilk our nation's heroes of their earned benefits.

H.R. 1329, to provide for an increase in the maximum number of judges who may be appointed to the United States Court of Appeals for Veterans Claims

The United States Court of Appeals for Veterans Claims (Court) has exclusive jurisdiction over decisions of the Board of Veterans' Appeals. The Court reviews Board decisions appealed by claimants who believe the Board erred in its decision. As a court of record, the Court is part of the United States judiciary and not part of the VA.

The Court is authorized seven permanent, active judges, and two additional judges as part of a temporary expansion provision. Judges generally are appointed for 15-year terms, and each judge has the option upon retirement to agree to be available for further service as a recall-eligible Senior Judge. During any period of recall service, a Senior Judge has all of the judicial authority and powers of a judge in active service.

In fiscal year (FY) 2019 the Court completed 13,607 dispositions and in FY 2020 the Court completed 15,729 dispositions. In FY 2021, four retired judges were recalled to service as Senior Judges and this coupled with the seven permanent judges and two temporary judges, the Court completed 17,002 dispositions.

As noted in the Court's FY 2021 Annual Report, "[b]y statute, the Court is permanently authorized seven active judges. Based on workload increase, Congress has temporarily authorized two additional judges, bringing the number of active judges currently in service to nine. Seven permanent active judges are not adequate, and the Court's sustained workload justifies making the nine-judge authorization permanent. Further, based on the Board of Veterans' Appeals' prediction that the number of final Board decisions issued will continue to grow in the near future, the Court

has requested 2 additional temporary judgeships in addition to the 9, authorizing a total of 11 active judges when needed.”

The Court’s 2021 report indicates that even with the seven permanent judges and two temporary judges, they had to recall four retired judges due to the strain of the caseload. Based on DAV Resolution No. 178 and the Court’s own statement, “Seven permanent active judges are not adequate...,” we support H.R. 1329. We agree with the Court’s statement and are pleased that the number of permanent Judges would increase to 9 with two temporary Judges.

H.R. 1378, the Veterans’ Appeals Backlog Improvement Act

The Veterans’ Appeals Backlog Improvement Act would establish an internship program within the Board of Veterans’ Appeals (Board), with the goal of providing adequate resources to better support Veterans’ Law Judges (VLJs).

As an original collaborator with VA and other stakeholders, DAV supported the Appeals Modernization Act (AMA), which became effective in February 2019. It has dramatically changed how veterans appeal decisions on claims for benefits from VA. At the Board, appeals are separated between legacy appeals, those pending prior to AMA, and AMA appeals.

The impact of the COVID–19 pandemic mixed with the backlog, slowed efforts to expeditiously move decisions through the appeals process. In January 2022, over 200,000 appeals were pending at the Board with over 84,000 awaiting hearings. In FY 2022, the Board scheduled over 56,000 hearings, but held only a little over 30,000 hearings. At the beginning of FY 2023, over 206,000 appeals were pending with 74,000 awaiting hearings, 6,600 legacy appeals, and 67,000 AMA appeals. The Board needs to be fully staffed and provided adequate resources to increase timeliness and reduce appeals backlog.

For decades, DAV has called on Congress and VA to support significant and meaningful reforms aimed at addressing the growing backlog of VA claims and appeal processing. A key measure in modernizing these processes is providing the Board with adequate resources to better support its judges. By establishing an internship program and authorizing the hiring of entry-level attorneys, the Veterans’ Appeals Backlog Improvement Act would vastly improve the Board’s ability to hire and retain qualified attorneys to help address the backlog of appeals.

DAV strongly supports H.R. 1378, the Veterans’ Appeals Backlog Improvement Act, in accord with DAV Resolution No. 178, which calls for adequate resources to resolve the backlog of appeals and hearings at the Board.

H.R. 1529, the Veterans’ Compensation Cost-of-Living Adjustment Act of 2023

The Veterans’ Compensation Cost-of-Living Adjustment (COLA) Act would increase compensation rates for VA benefits, including clothing allowance, and dependency and indemnity benefits paid to survivors and families of service members who died in the line of duty or suffer from a service-related injury or disease.

Many service-disabled veterans and their families depend on VA compensation benefits just to make ends meet. This COLA will benefit wounded, injured and ill veterans, their families and survivors by helping to maintain the value of VA benefits. Without annual COLAs, many disabled veterans, who sacrificed their own health and family life for the good of our Nation, may not be able to maintain the quality of life they deserve.

DAV firmly supports H.R. 1529 in accordance with DAV Resolution No. 102, which calls for a realistic cost-of-living allowance for our Nation’s disabled veterans, their dependents and survivors.

H.R. 1530, the Veterans Benefits Improvement Act

In 2020, the Veterans Benefits Administration (VBA) decided to stop providing all disability benefit questionnaires (DBQs) online for veterans to access and have completed by non-VA and non-contract exam physicians. Subsequently, legislation was enacted to require VA to provide said forms. The Veterans Benefits Improvement Act would allow the Secretary to exclude DBQs from publication that could not reasonably be completed to a clinically acceptable standard by someone that is not an employee or contractor of the VA.

Currently, VA provides travel pay reimbursement for veterans who attend approved health care appointments including VA compensation and pension examinations. However, this does not apply to veterans who live abroad and must travel to VA examinations. The Veterans Benefits Improvement Act would require VA to submit a report to the House and Senate Committees on Veterans’ Affairs on the efforts

of the VA to provide reimbursement for a veteran's travel to a VA facility or a contracted provider, regardless of the location, when the travel is for a scheduled compensation and pension examination.

Additionally, H.R. 1530 would mandate the VA to include a requirement that every communication from a contractor to a claimant regarding the scheduling of a covered medical disability examination be provided to the VA accredited representative of the claimant in accord with title 38 sections 5902, 5903, and 5904.

Finally, the Veterans Benefits Improvement Act would require the VA to submit to the Senate and House Veterans' Affairs Committees a report on improving the support by the VA and governmental veterans service officers. This includes an employee of a State, county, municipal or tribal government, who is recognized by the VA as a representative of a VSO to serve as a veterans' service officer.

Based on DAV Resolution No. 095, we support H.R. 1530, the Veterans Benefits Improvement Act, as it will address longstanding concerns of DAV such as veterans having access to DBQs for private providers, improvements to the travel pay reimbursement system, and that VA accredited representatives receive notice of a veteran's contract-VA compensation and pension examination.

This concludes my testimony on behalf of DAV. I am happy to answer any questions you or members of the Subcommittee may have.

Prepared Statement of Lawrence Montreuil



**TESTIMONY
OF
LAWRENCE MONTREUIL
NATIONAL LEGISLATIVE DIVISION DIRECTOR
THE AMERICAN LEGION
BEFORE THE
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES

ON

"PENDING AND DRAFT LEGISLATION"**

MARCH 29, 2023

EXECUTIVE SUMMARY

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**STATEMENT OF
LAWRENCE MONTREUIL, DIRECTOR
NATIONAL LEGISLATIVE DIVISION
THE AMERICAN LEGION
BEFORE THE
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS
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UNITED STATES HOUSE OF REPRESENTATIVES
ON
PENDING AND DRAFT LEGISLATION**

MARCH 29, 2023

Chairman Luttrell, Ranking Member Pappas, and distinguished members of the committee, on behalf of National Commander Vincent J. “Jim” Troiola and the 1.6 million dues-paying members of The American Legion, we thank you for inviting The American Legion to testify today.

The American Legion is directed by active Legionnaires who dedicate their time and resources to the continued service of veterans and their families. As a resolution-based organization, our positions are guided by more than 104 years of advocacy and resolutions that originate at the grassroots level of our organization. Every time The American Legion testifies, we offer a direct voice from the veteran community to Congress.

H.R. 234 – Gerald's Law Act

To amend title 38, United States Code, to provide a burial allowance for certain veterans who die at home while in receipt of hospice care furnished by the Department of Veterans Affairs.

If a veteran dies of a non-service-related cause, their survivors are entitled to a VA burial benefit, which provides \$300 toward burial and funeral expenses and a \$796 plot-interment allowance.¹ This benefit eases the financial burden of grieving families and ensures the veteran receives a proper burial. One of the requirements to receive this benefit is for the death to occur in either a VA hospital or nursing home, thereby excluding the increasing number of veterans who choose to pass away at home.²

As technology advances, aging at home is becoming a more appealing option for veterans, especially those living in rural areas whose families must travel long distances. The American Legion supports a veteran's choice of where to age so long as they receive quality care and are supported by an approved and accredited agency. Furthermore, veterans who choose to die at home

¹ "Burial Benefits." U.S. Department of Veterans Affairs. October 1, 2019.
<https://www.benefits.va.gov/compensation/claims-special-burial.asp>. This and subsequent URLs cited have been accessed March 15, 2023.

² [38 U.S. Code § 2303](#)

shouldn't have to sacrifice their burial benefits. This legislation would expand VA burial benefits by allowing the survivors of veterans who died at home or other settings to receive a VA burial benefit. The American Legion Resolution No. 20: *Home and Community-Based Services and Veteran Choice to Age in Place* supports legislation to allow veterans to choose where to age in place.³

The American Legion supports H.R. 234 as currently written.

H.R. 854 – Captain James C. Edge Gold Star Spouse Equity Act

To amend titles 10 and 38, United States Code, to expand certain benefits for surviving spouses of members of the Armed Forces who die in line of duty, and for other purposes.

America's obligation to Gold Star families is embodied by the Department of Veteran Affairs' mission statement, "To fulfill President Lincoln's promise to care for those who have served in our nation's military and for their families, caregivers, and survivors." To honor this sacred obligation, Gold Star spouses who have lost their loved ones in the line of duty currently receive specialized benefits in the areas of compensation, health insurance, and education.

Current statutes hold that this benefit is terminated should a Gold Star spouse remarry before the age of 55, or in some cases, remarriage at any point:

- The Survivor Benefit Plan (SBP) is a Department of Defense program servicemembers and their families pay into to provide financial support to military spouses and family should the servicemember die while on duty or after retirement. If a spouse remarries before the age of 55, their annuity payments are stopped.⁴
- Dependency and Indemnity Compensation (DIC) is a tax-free benefit designed to support the surviving spouses and families of servicemembers who died as a result of military service or service-connected disability. If the spouse remarries before the age of 55, their compensation is terminated.⁵
- The Marine Gunnery Sergeant John David Fry Scholarship is an education benefit that allows surviving spouses to access the Post-9/11 GI Bill and attend school while receiving a basic allowance for housing. Surviving spouse eligibility expires either on the 15th anniversary of the servicemembers death or if they remarry..⁶

³ The American Legion Resolution No. 20 (2021): Home and Community-Based Services and Veteran Choice to Age in Place. <https://archive.legion.org/node/3579>.

⁴ "Understanding SBP, DIC and SSIA Webpage." Defense Finance and Accounting Service. Dec 31, 2022.

<https://www.dfas.mil/RetiredMilitary/survivors/Understanding-SBP-DIC-SSIA>

⁵ "About VA DIC for spouses, dependents, and parents." U.S. Department of Veterans Affairs. October 12, 2022.

<https://www.va.gov/disability/dependency-indemnity-compensation/>

⁶ "Fry Scholarships." U.S. Department of Veterans Affairs. February 14, 2023.

<https://www.va.gov/education/survivor-dependent-benefits/fry-scholarship/>

- TRICARE Survivor Benefits provide health insurance at retiree pay rates for surviving spouses and their children. Should a spouse remarry, they will be disenrolled from the program and have their access to their children's accounts restricted.⁷

Forcing widows to forego remarriage to maintain survivor benefits is indefensible. The American Legion believes that it is essential to support Gold Star spouses throughout their lifetime, not just while they are unmarried. H.R. 854, the “*Captain James C. Edge Gold Star Spouse Equity Act*,” would begin to correct this by providing continued eligibility for SBP and DIC for surviving spouses of servicemembers who died in the line of duty.

The American Legion appreciates Congressman Waltz’s focus on equity for Gold Star spouses, but requests the consideration of five amendments to this legislation to address the totality of remarriage incongruities:

- 1) *Eliminate “...of members of the Armed Forces who die in the line of duty” from bill preamble.* Intended or otherwise, this preamble creates a distinct and uncalled-for division between retirees and those killed in the line of duty. The spouses of all servicemembers who have paid into SDP have the right to annuities after remarriage.
- 2) *Amend Paragraph (3) of section 101 of title 38, United States Code, to remove “a person of the opposite sex” in defining the term “surviving spouse.”*
- 3) *Amend Section 1062 of title 10, United States Code, to provide access to military exchanges and commissaries.*
- 4) *Strike section 311(f)(2)(B) of title 38, United States Code, to remove expiration on entitlement to Marine Gunnery Sergeant John David Fry Scholarships for surviving spouses*
- 5) *Amend Section 1072(2) of title 10, United States Code, to provide TRICARE eligibility to remarried spouses in the TRICARE program.*

These benefits are granted to help families honor the sacrifice made by their beloved by building a brighter future and to do so, love must live on. Through Resolution No. 36: *Prevent Gold Star Spouses Loss of Benefits*, The American Legion believes Gold Star spouses should not lose benefits when remarrying.⁸

The American Legion supports H.R. 854 with amendments.

H.R. 984 – Commitment to Veteran Support and Outreach Act

To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to award grants to States to improve outreach to veterans, and for other purposes.

⁷ “Former Spouses.” TRICARE. November 17, 2017. <https://www.tricare.mil/Plans/Eligibility/FormerSpouses>

⁸ The American Legion Resolution No. 36 (2021): Prevent Gold Star Spouses Loss of Benefits. <https://archive.legion.org/node/630>

Native Americans serve in the U.S. Armed Services at a higher rate than any other group.⁹ Yet after they leave the service, they often face disparities in accessing their earned healthcare benefits, especially when it comes to specialty care.¹⁰ This is especially concerning considering that Native American veterans experience higher rates of posttraumatic stress disorder (PTSD), depression, and diabetes than their non-Native American veteran counterparts.¹¹

This legislation would establish a grant program to improve outreach to veterans and their families by hiring more county and Tribal veterans service officers who can help veterans receive their benefits. It would also allow the grants to be utilized to provide education and training to state, county, and tribal government employees in areas with critical shortages or high rates of veteran suicides.

The American Legion, as part of its “Be The One” campaign, is committed to decreasing the veteran suicide rate by expanding outreach to at-risk veterans and connecting them with life-saving mental health resources and support programs. The American Legion Resolution No. 201: *Service Officers Participation in the Transition Goals, Plans and Success Program* supports legislation to reduce veteran suicide by improving the awareness and filing of veterans’ earned benefits.¹²

The American Legion supports H.R. 984 as currently written.

H.R. 1139 – GUARD VA Benefits Act

To amend title 38, United States Code, to reinstate penalties for persons charging veterans unauthorized fees relating to claims for benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

Unaccredited claims companies have increasingly targeted veterans through aggressive marketing campaigns while skirting Department of Veterans Affairs (VA) regulations.¹³ They have been known to charge veterans at rates upwards of 500 to 600 percent of the future increase in monthly benefits they receive – a violation of 38 USC 5301(a)(3)(A), which prohibits the payment of fees based on future benefits compensation – and in return offer what they refer to as “consulting services,” while still requiring their clients file the actual claim with VA in an attempt to avoid liability.

⁹ “Veterans.” National Congress of American Indians. Accessed March 17, 2023. <https://www.ncai.org/policy-issues/education-health-human-services/veterans#:~:text=Natives%20Veterans%20are%20highly%20regarded,rate%20than%20any%20other%20group>.

¹⁰ Hale, Madison. “Disparities and Needs in Native American Veteran Populations Within Healthcare Services.” *TRIO McNair Scholars Research Journal XXI*, (2020): 29-36. Accessed March 17, 2023. <https://minds.wisconsin.edu/bitstream/handle/1793/81236/Hale%2C%20Madison.pdf?sequence=5&isAllowed=y>.

¹¹ Korshak, Lauren. “American Indian/Alaska Native Veterans Fact Sheet.” Office of Health Equity. Accessed March 17, 2023. https://www.va.gov/HEALTH/EQUITY/docs/American_Indian_Heritage_Month_Fact_Sheet.pdf.

¹² The American Legion Resolution No. 201 (2014): Service Officers Participation in the Transition Goals, Plans and Success Program. <https://archive.legion.org/node/269>

¹³ Department of Veterans Affairs, VA Claims and Appeals Modernization, Final Rule, 84 FR 138, 150 (Jan. 18, 2019). <https://www.govinfo.gov/content/pkg/FR-2019-01-18/pdf/2018-28350.pdf>

In April of 2022, The American Legion testified before this subcommittee in a hearing titled, “*At What Cost? - Ensuring Quality Representation in the Veteran Benefit Claims Process.*” The testimony highlighted the following key points regarding the crucial work done by VA-accredited Department Service Officers:

“The American Legion provides veterans with assistance in filing disability claims free of charge and with no membership requirement. Veterans will not be charged at any point while filing their claims and will be guided through the process by VA-accredited representatives who oftentimes have many years of experience. With a national network of more than 2,000 accredited representatives, The American Legion helped veterans secure more than \$14.8 billion in compensation from initial claims in Fiscal Year 2021, with an average monthly payment of \$1,428 per beneficiary.”

The testimony also highlighted the concerning practices of some unaccredited claims consulting companies:

“Claimants victimized by these predatory companies include a veteran who was compelled to file a lawsuit, alleging debt collection harassment after receiving at least 20 phone calls from the company; a widow who was talked into investing her benefits compensation before receiving it; clients being charged for medical opinions that had no supporting medical evidence; and the surviving spouse of a veteran who was charged a fee, but received no services.”

These companies are not accredited by VA; do not adhere to VA regulations; their activities cannot be monitored by VA’s Office of General Counsel; use aggressive marketing tactics; misleading statements; complicated contracts to profit from veterans receiving VA benefits; and cannot legally represent veterans nor can they be penalized for their actions.

The *GUARD VA Benefits Act* will impose fines on individuals for soliciting, contracting for, charging, or receiving any unauthorized fee or compensation with respect to the preparation, presentation, or prosecution of any claim for VA benefits. It is imperative that congress act swiftly to ensure that veterans and their families are not taken advantage of when attempting to access their earned benefits.

Through Resolution No. 38: *Predatory Claims Companies*, the American Legion urges Congress to oppose any legislation that seeks to elevate the standing of predatory claims companies by legitimizing practices that target veterans and their dependents – and to identify and prosecute such predatory claims companies to the fullest extent of the law.¹⁴

The American Legion supports H.R. 1139 as currently written.

H.R. 1329

¹⁴ <https://archive.legion.org/node/14491>

To amend title 38, United States Code, to provide for an increase in the maximum number of judges who may be appointed to the United States Court of Appeals for Veterans Claims.

The United States Court of Appeals for Veterans Claims (Veterans Court) is a federal court of record with exclusive jurisdiction to hear appeals of decisions from the Board of Veterans' Appeals (Board) independent of the Department of Veterans Affairs (VA).¹⁵ The Veterans Court is intended to serve as an impartial forum for the review of administrative decisions by the Board that are adverse to the appellant's claim of entitlement to benefits, and eliminates the bar to judicial review by allowing lawyers to represent veterans and their survivors in appeals of Board decisions.¹⁶

By federal statute, the Veterans Court is intended to be composed of "at least three and no more than seven judges" serving terms of 15 years.¹⁷ However, by 2002, the Veterans Court's rising case backlog resulted in Congress passing a three-year temporary expansion of the Court to nine Judges. By 2009, it was clear that the challenges of the appeals backlog would not disappear, and another temporary increase to nine judges was issued, effective through January 1, 2026.

Less than three years from the expiration of this temporary expansion, we must acknowledge that a permanent nine-Judge Veterans Court is required to meet the needs of our veterans. In 2008, the last year with a 7-judge cap, the average time from filing to disposition at the Court of Veterans rose to over 466 days.¹⁸ The latest report from FY 2021 shows this average time level at 248 days,¹⁹ and we must not set conditions that exacerbate this wait time a day further.

H.R. 1329 would permanently increase the maximum Judges to nine, and with it discard the notion that seven judges alone can meet the demand of Board appeals.

Through Resolution Resolution No. 12: *Appointment of Judges with Veterans Law Expertise to the U. S. Court of Appeals for the Federal Circuit*, The American Legion supports considering judges with experience in veterans' law for appointment to the U.S. Court of Appeals for the Federal Circuit.²⁰

The American Legion supports H.R. 1329 as currently written.

H.R. 1378 – Veterans' Appeals Backlog Improvement Act

To amend title 38, United States Code, to establish an internship program within the Board of Veterans' Appeals, and for other purposes.

¹⁵ "U.S. Court of Appeals for Veterans Claims: A Brief Introduction." Congressional Research Service. April 22, 2021. <https://crsreports.congress.gov/product/pdf/IF/IF11365>.

¹⁶ "Court History." United States Court of Appeals for Veterans Claims. <http://www.uscourts.cavc.gov/history.php>.

¹⁷ "38 U.S. Code § 7253 - Composition." <https://www.law.cornell.edu/uscode/text/38/7253>.

¹⁸ "Annual Reports 1999-2008." U.S. Court of Appeals for Veterans Claims.

http://www.uscourts.cavc.gov/documents/Annual_Report_-_20081.pdf.

¹⁹ "Fiscal Year 2021 Annual Report." U.S. Court of Appeals for Veterans Claims.

<http://www.uscourts.cavc.gov/documents/FY2021AnnualReport.pdf>.

²⁰ The American Legion Resolution No. 12 (2022): Appointment of Judges with Veterans Law Expertise to the U. S. Court of Appeals for the Federal Circuit

The Veterans Benefits Administration (VBA) reports more than 777,000 disability compensation and pension claims currently in their inventory and a subset backlog of more than 200,00 pending for more than 125 days since receipt.²¹

The Veterans' Appeals Backlog Improvement Act seeks to reduce the backlog by establishing a nine-year competitive honors internship pilot program within the Department of Veterans Affairs (VA) for high-achieving law school students, recent law school graduates, and entry level attorneys for employment who are in good standing and accredited by the American Bar Association to supplement and gain experience with the Board.

The pilot program would provide student loan repayment benefits under section 5379 of title 5, United States Code, to each participant who agrees to remain in the program of not less than three years, unless involuntarily separated for misconduct or voluntarily separated before the end of the specified period would then be required to repay any benefits they received. Each participant would be assigned a managerial VA employee mentor outside their chain of command and have at least one rotational assignment within the Office of General Counsel to further their professional development.

VA estimates there will be approximately 6-7 million new disability claims filed as a result of eligibility expansion under the PACT Act and anticipates the claims backlog will increase to about 450,000 by October 2023. There is a high degree of likelihood that this influx in claims will result in additional demands at BVA.

This legislation would require the VA Secretary to submit a report on recommendations for improving access to hearings before the Board of Veterans' Appeals held by picture and voice transmission; establishing a permanent competitive honors program; and legislative or administrative action to improve recruitment and retention of VA staff.

Through Resolution No. 9: *Expanded Use of Virtual Hearings by the Board of Veterans Appeals*, the American Legion supports the expanded use of virtual of effective tools that will help to reduce the number of appeals and hearings pending before the Board of Veterans Appeals.²²

The American Legion support H.R.1378 as currently written.

H.R. 1529 – Veterans' Compensation Cost-of-Living Adjustment Act of 2023

To increase, effective as of December 1, 2023, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

²¹ https://www.benefits.va.gov/reports/detailed_claims_data.asp

²² <https://archive.legion.org/node/3590>

When servicemembers are discharged, they often return home with disabilities that developed while serving in the military.²³ These disabilities, ranging from physical injuries to mental illnesses, can pose a challenging obstacle for veterans searching for a job to support themselves and their families. To compensate for their service and loss of earning capacity, veterans can apply for and receive a monthly disability payment from the Department of Veterans Affairs (VA). VA bases the disability payments on a schedule of rating of reduction in earning capacity from specific injuries. Unfortunately, high inflation rates are increasing the cost of living worldwide, making disability payments less effective in financially supporting the veterans who receive them. In 2022, the global economy suffered an exceptionally high inflation of 8.6%, followed by 6.6% in 2023,²⁴ much higher than the optimal rate of two percent.²⁵

The American Legion believes that the effectiveness of veterans' earned benefits should not be at the whim of inflation. Congress should periodically review disability compensation and provide a cost-of-living adjustment (COLA) to ensure they have sufficient economic support. This legislation would increase certain VA benefits, including disability compensation, clothing allowances, and dependency and indemnity compensation. The COLA would be determined by the annual COLA adjustment to Social Security benefits, which is determined by the Social Security Administration and is based on the yearly COLA adjustment on the Consumer Price Index. The American Legion Resolution No. 187: *Department of Veterans Affairs Disability Compensation* supports legislation to provide a periodic cost-of-living adjustment increase and to increase the monthly rates of disability compensation.

The American Legion supports H.R. 1529 as currently written.

H.R. 1530 – Veterans Benefits Improvement Act

To amend title 38, United States Code, to improve the requirement to publish disability benefit questionnaire forms of Department of Veterans Affairs, and for other purposes.

The gateway to Department of Veterans Affairs (VA) healthcare is through disability benefits. The backlog of compensation and pension (C&P) examinations, pending original claims, and pending appeals have placed undue hardship on veterans who suffer from physical and mental conditions while they wait for their claims to be adjudicated. The Veterans Benefits Improvement Act aims to improve the process by requiring the VA Secretary to publish all disability benefit questionnaire forms that are available to VA and contracted personnel for completing C&P exams online, excluding those that could not be reasonably completed to a clinically acceptable standard.

Veterans who live abroad are also entitled to VA benefits and services. The American Legion finds it imperative that the VA, in coordination with the Secretary of State and Social Security

²³ "VA disability compensation." U.S. Department of Veterans Affairs. January 25, 2023. <https://www.va.gov/disability/>.

²⁴ Gourinchas, Pierre-Oliver. "World Economic Outlook Update." International Monetary Fund. January 1, 2023. <file:///C:/Users/dcki/Downloads/text.pdf>.

²⁵ "Why Does the Federal Reserve Aim for Inflation of 2 Percent over the Long Run?" Board of Governors of the Federal Reserve System. August 27, 2020. https://www.federalreserve.gov/faqs/economy_14400.htm.

Commissioner, report to Congress, and publish their efforts in providing reimbursement to those veterans who travel to a scheduled C&P examination regardless if the facility is inside or outside the United States.

The C&P claims process demands consistent communication. The Veterans Benefits Improvement Act adds requirements that every communication from a VA contractor to a veteran regarding the scheduling of a C&P exam be contemporaneously transmitted to the claimant or organization appointed by a power of attorney executed for the preparation, presentation, and prosecution of claims.

Veterans service organizations play a vital role ensuring veterans receive the benefits they have earned and so rightfully deserve. This bill would require the VA, in partnership with veterans' service organizations, publish two reports that would inform outreach programs; technical limitations of providing governmental veterans service officers enhanced access to certain systems; and whether VA would benefit from the creation or designation of an office or working group to serve as an intergovernmental liaison between the VA and governmental veterans service officers.

Through Resolution No. 14: *Quality Assurance for Department of Veterans Affairs (VA) Contracted Compensation and Pension (C&P) Examinations*, the American Legion urges Congress to pass legislation that will ensure the quality and timeliness of C&P exams performed by VA contractors, and ensure that they provide veterans with professional, high-quality service.²⁶

The American Legion supports H.R.1530 as currently written.

CONCLUSION

Chairman Luttrell, Ranking Member Pappas, and distinguished members of the Subcommittee; The American Legion thanks you for your leadership and for allowing us the opportunity to explain the positions of our 1.6 million members on the importance of these pieces of proposed legislation. Questions concerning this testimony can be directed to Mr. Lawrence Montreuil, Legislative Director at 202-735-2207, or lmontreuil@legion.org.

²⁶ <https://archive.legion.org/node/3595>

Prepared Statement of Kristina Keenan

Chairman Luttrell, Ranking Member Pappas, and members of the subcommittee, on behalf of the men and women of the Veterans of Foreign Wars of the United States (VFW) and its Auxiliary, thank you for the opportunity to provide our remarks on legislation pending before this subcommittee.

H.R. 234, Gerald's Law Act

Currently, the Department of Veterans Affairs (VA) plot allowance benefit for veterans who die from non-service-connected injuries or illnesses is primarily available for eligible veterans who die at VA medical facilities. Veterans who choose to spend their final days at home do not receive this benefit. The VFW supports this bill that would allow terminally ill veterans who have been hospitalized at VA but then choose to spend their final days in hospice at home to receive the full VA burial allowance. This commonsense legislation would ensure that veterans under VA care can make the best choice for themselves during their last days without the fear of losing this important benefit.

H.R. 854, Captain James C. Edge Gold Star Spouse Equity Act

The VFW neither supports nor opposes this legislation that would continue Department of Defense Survivor Benefit Plan payments and VA Dependency and Indemnity Compensation for certain surviving spouses even if they choose to remarry. The VFW does not currently have a resolution from our membership regarding this suggested change, therefore, we do not have a position on this proposal. However, we have heard from various surviving spouses that removing remarriage restrictions would enable them to move forward after the death of their service member or veteran, and not experience a financial disadvantage. The pros and cons of this change should be weighed diligently, and we hope to continue to have discussions about the best way forward for Gold Star spouses and all survivors.

H.R. 984, Commitment to Veteran Support and Outreach Act

The VFW supports efforts to expand outreach to provide benefits to underserved communities. VA has been attempting to provide more services in rural areas and on tribal lands. The VFW has been and is willing to assist this effort by providing training to tribal veteran service officers to ensure that those serving Native American veterans are providing competent and reliable representation. The VFW supports this legislation to provide states and Indian tribes grants to enhance outreach activities regarding VA benefits, increase the number of county and tribal veteran service officers, and expand existing VA programs within states and tribal lands.

The VFW is concerned that simply providing grant funding, as written in this proposal, would not overcome the cultural barriers that contribute to the disparity in benefits sought by Native Americans. Mistrust in the United States Government needs to be addressed by ensuring that veterans on tribal lands have accredited representatives from their tribes. The VFW suggests including Veterans Service Organizations as eligible grant recipients to enable them to hire and train more tribal veteran service officers to operate in underserved areas.

In addition, the VFW supports the provision in this legislation to provide VA's Office of General Counsel (OGC) with additional staff to timely process new accreditations. Past efforts with grant programs of this nature have not proven effective, therefore, we do not expect a significant workload increase on OGC from this group of veterans. The VFW supports increasing full-time OGC employees to address the current workload of processing accreditations combined with enforcing accreditation standards and penalties.

H.R. 1139, Governing Unaccredited Representatives Defrauding (GUARD) VA Benefits Act

The VFW strongly supports this legislation that would reinstate penalties for charging veterans and survivors unauthorized fees related to claims for VA benefits. We believe that unaccredited claims consultants should be subject to penalties in the same manner as accredited representatives.

With the passage of the PACT Act, the VFW has observed an increase in online advertisements from predatory claims consultants we call "Claim Sharks" that target veterans' earned VA benefits. These groups promise to increase veterans' VA disability ratings. They argue that the high fees they charge in some way make them more effective in assisting veterans than the free services offered by VA-accredited Veterans Service Organizations. Under VA regulations, fees charged for claims assistance are capped and usually apply only to a percentage of retroactive benefits. However, many of these unaccredited consultants use contracts that in-

clude a commitment by the veteran to pay the Claim Shark all or a significant portion of their increased benefits. If a veteran receives a disability percentage increase years later, these companies often return seeking more money.

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.

H.R. 1329, To amend title 38, United States Code, to provide for an increase in the maximum number of judges who may be appointed to the United States Court of Appeals for Veterans Claims

Veterans are filing VA claims at higher numbers than ever before, in part due to having information regarding benefits and services easily accessible online. VA has also experienced a surge in filed claims following last year's passage of the PACT Act. As such, there will continue to be an increased workload at VA's Board of Veterans Appeals (BVA), and predictably some cases will be taken to the United States Court of Appeals for Veterans Claims. BVA has hired more judges in order to address the increased volume of cases.

The VFW supports this proposal to increase the number of judges from seven to nine in order to ensure timely decisionmaking at the Court of Appeals for Veterans Claims. This would be a positive step for veterans appealing cases before the court and would help streamline operations. An additional point to consider when adding judges is the need to hire additional support staff, law clerks, and administrative support. The VFW suggests adding language to this proposal that includes appropriate support staff for these judges and necessary staff for the overall operations of the court.

H.R. 1378, Veterans' Appeals Backlog Improvement Act

The VFW supports this legislation to incentivize high performing law students to seek internships and employment within the Department of Veterans Affairs. Interns would specifically be assigned to work at BVA to assist with reducing the current appeals backlog. The employment program would offer student loan forgiveness for those who agree to a three-year employment duration. It would also include a mandatory period of four to six months working for VA's OGC. Although the three-year employment requirement would ensure that these new attorneys stay at VA for this duration, we recommend the employment tenure to be commensurate with the cost of student loan forgiveness.

The VFW is also in favor of VA providing veterans the ability to attend hearings virtually from the comfort of their homes or from a location with the necessary technology. During the COVID-19 pandemic lockdowns, VA initiated the use of video teleconferencing in lieu of in-person hearings, which previously required claimants to travel to VA Regional Offices. VFW employees at BVA have witnessed almost twice the number of hearings scheduled largely due to the addition of virtual options. This efficient use of technology is helping BVA more quickly address the appeals backlog. The VFW supports directing VA to report on the feasibility and advisability of improving veterans' access to virtual hearings in their homes, and to consider travel reimbursements for veterans to access the appropriate technology at other locations.

H.R. 1529, Veterans' Compensation Cost-of-Living Adjustment Act of 2023

The VFW supports this legislation that would provide a cost-of-living increase for wartime disability compensation, additional compensation for dependents, clothing allowances, and Dependency and Indemnity Compensation for surviving spouses and children. These benefits would receive the same percentage increase as is granted for Social Security benefits. The VFW would like to see cost-of-living increases for these benefits every year so that veterans, dependents, and survivors are able to maintain financial stability.

H.R. 1530, Veterans Benefits Improvement Act

This legislation would require the Secretary of Veterans Affairs to publish all disability benefits questionnaires (DBQs) on a publicly available VA website. The VFW supports this legislation and has a recommendation to improve it.

DBQs were introduced in 2010 to facilitate the collection of evidence for veterans' disability benefits claims. For more than a decade, DBQs were used internally by VA physicians and private medical providers to supplement evidence in support of

disability claims. VA removed public-facing DBQs from its website, thereby preventing private medical providers and veterans from accessing these forms. VA providers still maintain access to DBQs on an internal agency server.

Since the COVID-19 pandemic, the use of telehealth appointments has expanded significantly both at VA and in the private sector, becoming a regular practice for modern health care. The VFW recommends that language be added to this legislation that expressly authorizes the use of DBQs in private telehealth appointments.

The VFW also supports the portions of this proposal to improve matters for veterans seeking disability examinations outside the borders of the United States, and to update permissions for contract examiners. VA is shifting many of its disability examinations to non-VA providers, and it may eventually move one hundred percent of them to outside examiners. The VFW believes it is imperative to ensure contract examiners are provided the same permissions and are held to the same standards as their VA counterparts.

We have minor concerns about section six of this proposal. We believe the intent of this section is to ultimately provide more information and transparency to veterans who have VA claims. The VFW supports changes to ensure veterans have more information about their claims, and adding the permission for read-only access to accredited representatives would accomplish that mission. We support adding read-only access to individuals in the VA OGC accreditation data base in order to allow any accredited representative to share the status of claims with individuals, even if those individuals are not represented by the accredited representative. However, safeguards need to be established to ensure that sensitive information is not accessible by unauthorized individuals and that privacy is maintained. If these concerns are addressed more clearly, the VFW believes this could be a positive step to help veterans be more knowledgeable about their claims. We look forward to working with the committee to address our concerns.

Chairman Luttrell, this concludes my testimony. Again, the VFW would like to thank you and Ranking Member Pappas for the opportunity to testify on these important issues before this subcommittee. I am prepared to take any questions you or the subcommittee members may have.

Information Required by Rule XI2(g)(4) of the House of Representatives

Pursuant to Rule XI2(g)(4) of the House of Representatives, the VFW has not received any federal grants in Fiscal Year 2023, nor has it received any federal grants in the two previous Fiscal Years.

The VFW has not received payments or contracts from any foreign governments in the current year or preceding two calendar years.

Prepared Statement of William Taylor

TESTIMONY OF WILLIAM C. TAYLOR, LTC (RET) US ARMY

CO-FOUNDER AND CHIEF OPERATING OFFICER,

VETERANS GUARDIAN VA CLAIM CONSULTING, LLC

BEFORE THE U.S. HOUSE OF REPRESENTATIVES

COMMITTEE ON VETERANS' AFFAIRS' SUBCOMMITTEE ON

DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS

MARCH 29, 2023

OPENING STATEMENT

I. Introduction

Good Morning Chairman Luttrell, Ranking Member Pappas, Chairman Bost, Ranking Member Takano, and Members of the Committee. Thank you for the invitation to provide Veterans Guardian's views on several important pieces of legislation.

My name is William Taylor and I am co-founder of Veterans Guardian VA Claim Consulting, and a Veteran of the US Army. I am a proud graduate of the United States Military Academy at West Point and retired in 2018 as a Lieutenant Colonel after a 23-year career that included six deployments to Afghanistan, Iraq, and the Balkans, and positions from the platoon to 4-star level staff positions. I am proud to have founded one of the largest Veteran owned and operated companies assisting my fellow Veterans with their disability claims.

In 2015, as I was considering retiring from the Army, one of the questions that came up was VA disability benefits. I knew little more than that they existed and like so many in the military I had heard horror stories about how cumbersome and complicated the process was, but I felt healthy and assumed I probably did not qualify, which I now know was wrong. Information about claiming VA disability benefits was practically non-existent and difficult to find. Worse still, getting an appointment with a claims representative was even more difficult due to limited operating hours and limited capacity for the large military population in and around Ft. Bragg. Despite being a senior officer, and having knowledgeable friends and colleagues, it took a significant amount of their support, advice, and my own research for me to successfully navigate the system and submit my own claim. Unfortunately, I am the exception and not the norm. That is why we founded Veterans Guardian. If I, as a senior officer, had this much trouble navigating the system, something surely was not right. Unfortunately, the VA disability process is a bureaucratic and difficult to navigate system that presents challenges to most Veterans, often resulting in deserving Veterans not receiving the benefits to which they are entitled. I am proud of the work my company has done to assist Veterans with this process.

Veterans Guardian employs a staff of over 85% Veterans, spouses of Veterans, or spouses of active-duty service members. We have been recognized by the Department of Labor by

receiving the HIRE Vets platinum or gold award four years in a row. We have received the BBB Torch Award for Marketplace Ethics in 2020, 2021, and 2022. We were most recently named the Military Family Brands company of the year in 2023. We are the national presenting sponsor for Irreverent Warriors and support more than 60 national and local charities, including support to local chapters of many of the organizations that have also been invited to engage in this important discussion today.

II. *Veterans Guardian's Mission and Work*

Our mission is to provide the best possible service to our Veteran clients to ensure that they receive all the benefits that they are owed based on injuries that occurred during their time of honorable service to our nation. I am incredibly proud of the work we do every day to offer a transparent, effective, and efficient option to help Veterans navigate a complex and oftentimes failing system. We are a complimentary capability to the other services available to Veterans. My trained and expert staff inform every Veteran that there are free options and services available to them in the form of county and state Veteran Service Officers, the Veteran Service Organizations, and their local Congressional offices, and we connect them directly to these services if they choose. We are transparent that we are not accredited, and our clients acknowledge their understanding of our status as well as the free options available to them when they sign our consulting agreement and the "Your Claim, Your Choice" affidavit. See Exhibit 1. Our Veterans are choosing to utilize our services from a position of knowledge. Our data and analysis of successful claims shows that over 70% of the time, our Veteran clients come to us after having used some of the free services available to them which tells me that Veterans are not unaware of the free services available to them, they are coming to Veterans Guardian because in their words, these free services have failed to meet their standards and needs.

Given the difficulty that many Veterans face when trying to navigate the VA disability process, as well as the sheer volume of Veterans that need assistance, there continues to be a backlog of more than 230,000 disabled Veterans. Contrary to common belief and statements from the VA, the current systems alone do not provide enough representatives or caliber of services to meet the needs of Veterans seeking assistance. Veterans need more options for assistance, not less. To address Veterans' pressing and time sensitive needs, they should be able to pursue their claims in the manner that best serves them, with full knowledge of all available providers (including county and state employees, VSOs, lawyers, claims agents, and companies like Veterans Guardian) who can assist them at any step in the process.

Veterans make a fully informed choice to use our services for a multitude of reasons: easy access and responsiveness, our experience and knowledge developed and refined over tens of thousands of claims, our expertise utilizing a team method with team members becoming experts in all stages of the process, our ability to help develop medical and lay evidence with a network of independent external doctors, and our competence in developing claims for secondary conditions. Based on all of this, I am proud that we have assisted tens of thousands of Veterans with over a 90 percent success rate. See Exhibit 2. And the Veterans themselves have made clear that we are providing an important and necessary service, as we have

thousands of positive reviews and many personal referrals from our clients (in fact, over 50 percent of our new clients each month are referred from previous or current clients). The thousands of positive reviews and direct referrals that we receive are a direct testament to the importance we place on client care. See Exhibit 3. We have also received extensive recognition for our work, including eleven awards from AMVETS NC, National AMVETS, Department of Labor HIREVETS – Gold and Platinum Medallion awards, the Better Business Bureau – Ethics Awards three years in a row, Military Friendly Employer, and Military Spouse Friendly Employer. See Exhibit 4.

We are transparent about our process and fee structure, and about who we are and who we are not. We do not aggressively solicit any Veteran, the Veteran comes to us informed and ready to receive the benefits they have earned. We do not have doctors on our payroll doing medical exams, nor do we have automated or international call centers. Our fee structure is wholly aligned with our Veteran clients through each step in the process. We do not collect any fee unless the Veteran achieves an increase in their VA benefits, and we do not have access to a Veteran's financial or e-benefits accounts. Any fee that a Veteran pays us comes from new benefits we have helped them secure, and no Veteran is financially disadvantaged from where they were before they utilized our services. Our Veterans are paying a one-time fee for assistance while receiving a lifetime of benefits. Included in our written submission for the record is a detailed description of our fee structure. See Exhibit 5.

III. *Legislative Proposals*

As our business model has shown, we are strong supporters of improving the process by which Veterans obtain their disability benefits. Our goal should be to expand good options for our Veterans, not restrict them; to improve oversight and ensure Veterans are receiving competent assistance; and to provide our Veterans the freedom to make an informed decision on how they want to pursue their claims. We have continued to be strong supporters of accreditation reform, including increasing knowledge requirements and scrutiny of applicants for accreditation. Because H.R. 1530, the Veterans Benefits Improvement Act, seeks to improve the support that the VA offers to Veterans service officers, including improving how the VA monitors, coordinates with, or provides support to these service officers, we support this bill. However, we would encourage Congress to go further by passing more holistic reforms, such as the legislation that General Bergman is leading, that would open up the tent to allow companies like Veterans Guardian to become accredited, rather than punishing companies like ours and legislating us out of existence. Such reforms would provide Veterans with the widest range of high quality options to help pursue their claim at any step of the process. This would increase transparency from and VA oversight of accredited agents, provide for regular audits of claims agent performance and capabilities, establish more detailed standards of conduct, and provide the VA with the enforcement tools necessary to pursue bad actors.

We believe that H.R. 1139, Governing Unaccredited Representatives Defrauding (GUARD) VA Benefits Act ("GUARD Act"), which would add penalties for any individual who is not accredited by the Secretary of Veterans Affairs and who "directly or indirectly solicits, contracts for, charges, or receives, . . . any fee or compensation with respect to the preparation, presentation,

or prosecution of any claim for benefits," raises Constitutional issues as it seeks to limit the First Amendment rights of the Veterans who wish to work with VA claim consultants, as well as the rights of the consultants themselves. GUARD Act § 2.3 (emphasis added). Aside from threatening the manner in which individuals exercise their fundamental rights to speak, associate, and petition the government, this proposed legislation also provides less options for Veterans, not more. It limits their choices and means that, under the current system, many Veterans will not receive the benefits to which they are entitled. Our Veterans deserve more.

IV. Conclusion

I look forward to a constructive discussion regarding these bills and how all of us can continue to work together to address the issues that Veterans face and to responsibly serve Veterans who have dedicated themselves to the service of our nation. I look forward to remaining engaged and working with you and your Staffs as we continue to work on these and other important issues for our Veterans.

Attachments:

- Exhibit 1: Veterans Guardian Proclamation, The Veteran's Right to Choose, Your Claim, Your Choice.
- Exhibit 2: Veterans Guardian VA Claim Consulting, LLC Facts and Statistics Book, April 2022.
- Exhibit 3: Veterans Guardian VA Claim Consulting, LLC Reviews.
- Exhibit 4: Veterans Guardian VA Claim Consulting, LLC One-Pager, April 2022.
- Exhibit 5: Veterans Guardian VA Claim Consulting, LLC Fee Structure Explained.

EXHIBIT 1



VETERANS GUARDIAN PROCLAMATION
THE VETERAN'S RIGHT TO CHOOSE
Your Claim, Your Choice

Veterans Guardian VA Claim Consulting * 75 Trotter Hills Circle * Pinehurst, North Carolina 28374

I, _____, acknowledge that there are free services available to veterans to support the filing of claims for Veterans Administration (VA) benefits and for the services that Veterans Guardian will provide.

_____ I understand that I have the option to utilize the free services provided by entities such as the VA, National Service Organizations (e.g. VFW, DAV), Local Service Organizations, State Sponsored Veteran Service Officers, Local US Congressional office staff (where applicable), and/or the paid services of VA accredited agents or lawyers.

_____ I understand that utilization of Veterans Guardian consulting services is not required to submit a claim for VA benefits and I may achieve a positive VA benefit claim outcome with any of the free services or organizations.

_____ I understand that the Veterans Administration provides a search tool to find representatives who may assist with filing VA claims free of charge. I also understand that by choosing Veterans Guardian, I will receive enhanced assistance and a high level of service from dedicated and specialized professionals serving an organization with proven results.

_____ I understand that Veterans Guardian is not an accredited agent or entity recognized by the Department of Veteran Affairs and is not affiliated with the Department of Veterans Affairs in any way.

_____ I understand that this is a contingent based fee model whereby payment is only required upon successful completion of a claim and that the fee is not to exceed five times any monetary pay increase.

_____ I understand that if successful, I will be given the option to pay the final calculated fee in a lump sum, or over a 5 or 10 month period. I also acknowledge that custom payment plans are available in exceptional circumstances.

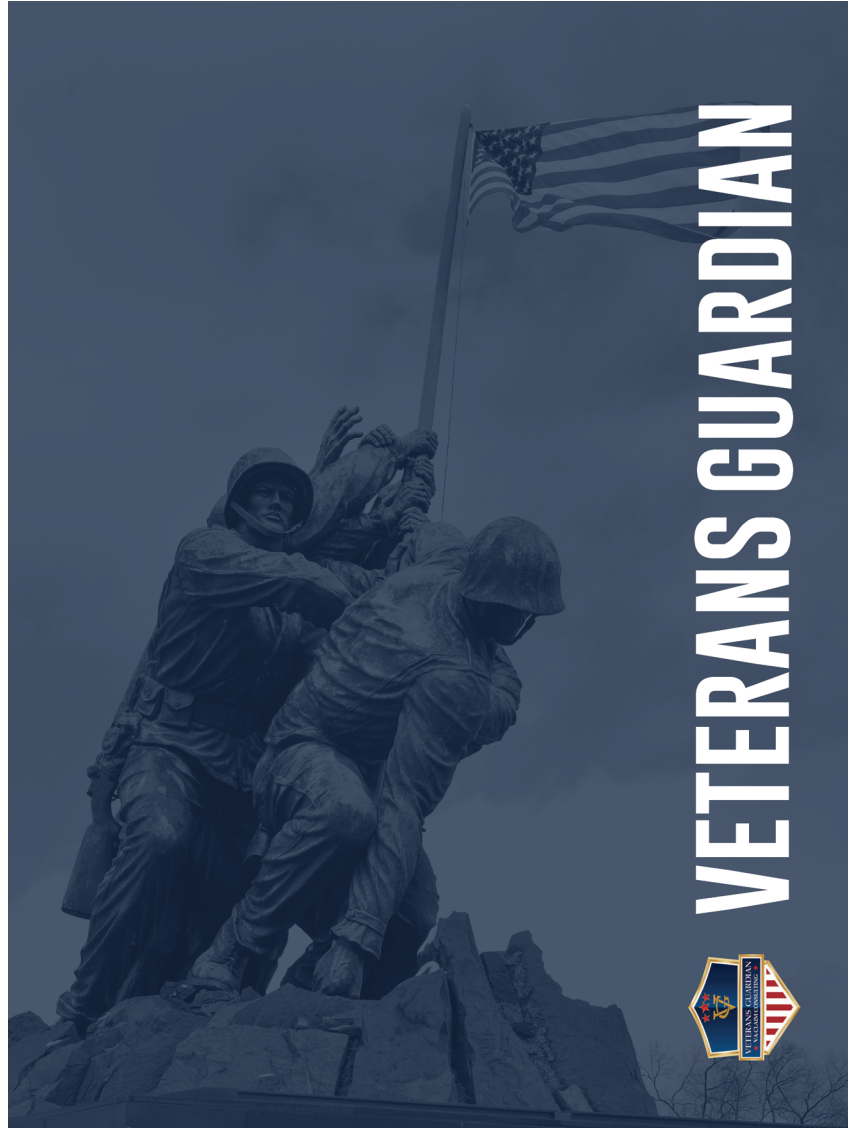
By signing this acknowledgement, I am certifying that I am aware of free services available and that I have exhausted all the free services or I have determined that the free services do not meet my personal needs. I am also certifying that I am choosing to use Veterans Guardian VA Claim Consulting, a contingent fee based pre-filing agency, to provide consulting services and that I will submit the claim to the VA on my own behalf.

Thank you for your service in support of a grateful Nation and thank you for your trust in Veterans Guardian.



Veteran Owned - Veteran Operated...The way it should be.

EXHIBIT 2



EXECUTIVE SUMMARY

Veterans Guardian is an evidence-based medical claims consulting firm helping veterans win previously denied and new claims to get the benefits they truly deserve. Our team of fellow veterans understands how difficult filing at the VA can be.



OUR MISSION

Our mission is to help veterans achieve the maximum VA rating they have earned through their honorable service to the nation.

OUR VISION

Champion a passionate team focused on serving the nation's Veterans and our community.

VETERANS SERVING VETERANS

That is why we are here to help.

PROCLAMATION

RIGHT TO CHOOSE

Veterans Guardian employees make earnest and ethical efforts to inform potential Veteran clients about their options. Veterans who choose to use Veterans Guardian understand that they have the option to utilize the free services provided by entities such as the VA, National Service Organizations (e.g. VFW, DAV), Local Service Organizations, State Sponsored Veteran Service Officers, and/or the paid services of VA accredited agents or lawyers.

It is explained that the utilization of Veterans Guardian consulting services is not required to submit a claim for VA benefits and that veterans may achieve a positive VA benefit claim outcome with any of the free services or organizations.

Furthermore, veterans are informed that the Veterans Administration provides a search tool to find representatives who may assist with filing VA claims free of charge.

Free services in your area can be found at www.va.gov

Veterans Guardian makes no claim on representation to be an accredited agent or entity recognized by the Department of Veteran Affairs and is not affiliated with the Department of Veterans Affairs in any way.

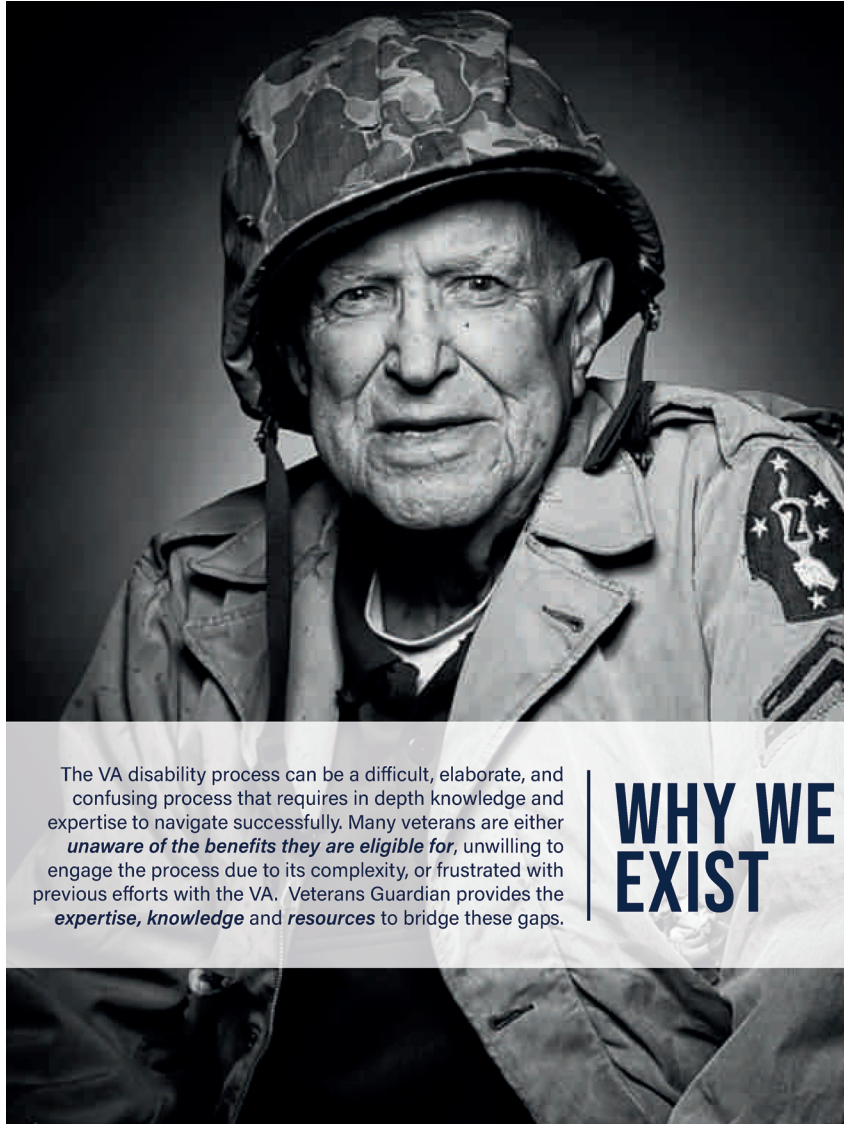
Veterans who choose to utilize Veterans Guardian understand that by choosing Veterans Guardian, they will receive enhanced assistance and a high level of service from dedicated and specialized professionals serving an organization with proven results.



WHY COME TO VETERANS GUARDIAN?

Veterans Guardian is ***veteran-owned*** and ***operated***. We understand how difficult and stressful the VA claims process can be because we've been through it ourselves.

We have assembled an elite team of veterans, veteran spouses, and veteran family members that can relate to our clients and their experiences. Our team members are former VA employees, medical professionals, and military leaders with the ***experience***, ***knowledge*** and ***dedication*** to guide our clients through this difficult process.

A black and white portrait of an elderly man, likely a veteran, wearing a camouflage helmet and a military jacket. He has a serious expression and is looking directly at the camera. The background is dark and out of focus.

The VA disability process can be a difficult, elaborate, and confusing process that requires in depth knowledge and expertise to navigate successfully. Many veterans are either *unaware of the benefits they are eligible for*, unwilling to engage the process due to its complexity, or frustrated with previous efforts with the VA. Veterans Guardian provides the *expertise, knowledge* and *resources* to bridge these gaps.

WHY WE EXIST

VETERANS GUARDIAN AT A GLANCE

+4600

MONTHLY APPOINTMENTS WITH
POTENTIAL VETERAN CLIENTS

+1600

FULLY DEVELOPED CLAIM
PACKETS CREATED PER MONTH

+6300

CLAIMS PENDING DECISION

+23,000

CLAIMS APPROVED SINCE
COMPANY INCEPTION



90%
OF THE VETERANS WE SUPPORT
SEE AN INCREASE IN THEIR
DISABILITY BENEFITS



AVERAGE INCREASE OF \$1000
PER MONTH IN DISABILITY
BENEFITS



2-4 MONTH AVERAGE VA
DECISION TIME



+2800 POSITIVE CLIENT
REVIEWS

EMPLOYEE DEMOGRAPHICS



\$3,840,499.55

ANNUAL PAYROLL FOR FULLTIME
EMPLOYEES FOR 2020



622.22%

GROWTH RATE FROM 2019 - 2021



75% OF STAFF ARE VETERANS, VETERAN
SPOUSES OR ACTIVE DUTY SPOUSES



116

VETERANS WE HAVE HIRED
SINCE THE COMPANY'S INCEPTION



275

JOB'S CREATED NATIONWIDE



5 RESERVISTS AND NATIONAL
GUARD MEMBERS (ESGR)

EMPLOYER SUPPORT OF THE GUARD AND RESERVE
(ESGR) IS A DEPARTMENT OF DEFENSE ORGANIZATION
ESTABLISHED TO PROMOTE COOPERATION AND
UNDERSTANDING BETWEEN SERVICE MEMBERS AND
THEIR CIVILIAN EMPLOYERS.



The BBB Torch Awards for Marketplace Ethics honor companies and charities which demonstrate a high level of character and ensure the organizations' practices meet the highest standards of ethics. **Veterans Guardian was a 2020 and 2021 Torch Award Winner and a 2022 Finalist.**



The United States Department of Labor has awarded Veterans Guardian the HIREVets Gold Medallion Award, the only federal-level veterans' employment award that recognizes a company or organization's commitment to veteran hiring, retention, and professional development. Veterans Guardian was a **2019 HIREVETS Gold Medallion Winner and 2020 HIREVETS Platinum Medallion Winner.**



The AMVETS Veteran Friendly Employer of the Year Award program recognizes employers from the private sector and government (local, state, and federal) who have made great strides by employing veterans. Veterans Guardian was awarded the **2019 AMVETS NC Employer of the Year, the 2019 National AMVETS Employer of the Year, and the 2020 AMVETS NC Employer of the Year.**



The Military Friendly® Company survey investigates and identifies the organizations whose commitment to serving the military and veteran community is comprehensive in scope and meaningful in terms of actual outcomes and impact. **Veterans Guardian won the award for 2021 Military Friendly Company - Top 10 designation.**



The Military Spouse Friendly designation is awarded to companies who make significant strides in hiring and retaining military spouses. **Veterans Guardian won the award for 2021 Military Spouse Friendly Company.**



AmVets Employer of year
2019-2020

STRAIGHT AWARDS

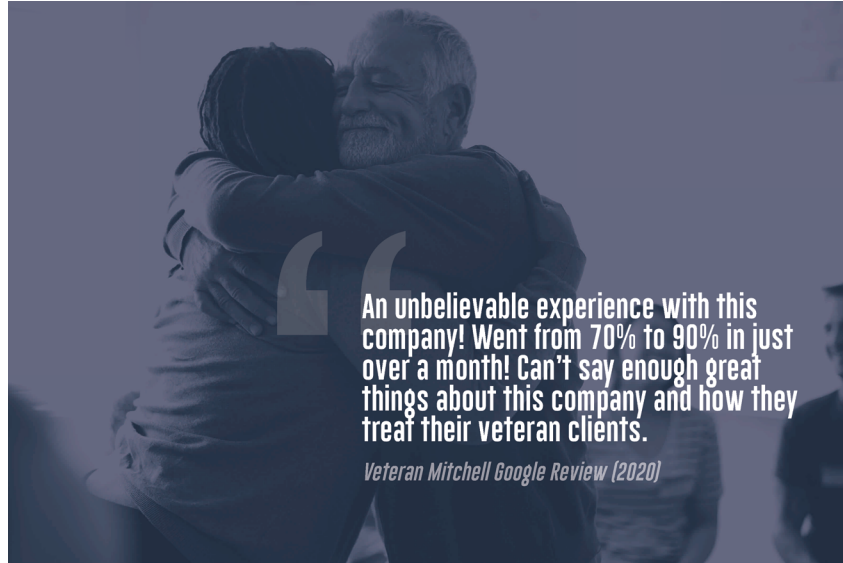






Veterans Guardian believes that giving back not only strengthens the company but also the ties within the community. We are partnered with 50 local charities, and 30 are military-affiliated. Through sustainable donations and volunteer hours, we provide support and assistance to the local community. Our biggest single donation to date is \$35,000 in support of a veteran home build by Habitat for Humanity NC Sandhills Chapter.





Joe Grubbs recommends Veterans Guardian VA Claim Consulting.

"A Facebook ad changed my life. Sitting about doing nothing when I watched it. I looked up the company on Facebook and nothing but great reviews. I looked them up on Google with nothing but great reviews. So I decided to fill out the contact form and get started. From that first call Jan. 4th to my final decision of April 25th I went from 70% to 100% T&P. These company has the right resources to help anyone.. I'm so glad an Ad found me and changed my life. If you are on the fence about then just do it you won't regret it!"

Nolan White



This place is amazing. After my VSO gave up on me and denial from VA after denial with evidence, veterans guardian made it happen. Just know it's a free consultation if you call them. They won't work with you unless they can get you an increase. They won't move forward without that decision. If you can get the increase, then it's a matter of a few appointments and a few months for decision with VA. I wish my VSO worked as great as these people. Also, the person who helped me was a veteran herself. They are on our side.



Veterans Guardian immediately put my case on track. I went from 80% to 100% in a very short period of time. I highly recommend this organization to have your percentage increased. They can and will help. Thanks again for all of your help in my case.

Veteran Green Facebook Review (2020)



“ I have been working with the VA for over 20 years to get an increase for my disabilities; with Veterans Guardian, I received a 50% increase in less than two months. You can't go wrong with Veterans Guardian and their knowledgeable, very professional staff. I look forward to working with them in the future. ”

Veteran Frank Google Review (2021)





My experience with Veteran's Guardian has been nothing but positive and seamless from beginning to end. They were very transparent about the entire process.

Veteran Walton BBB Review (2021)

I have to say, God bless Veterans Guardian, Scott (CEO), and the entire staff at Veterans Guardian for what they are doing to help veterans. I'm speechless right now, Scott (VG) asked me to give him a chance and I never looked back, they are the real deal. I started out with a 10% rating for Tiniunits, now thanks to Veterans Guardian I'm at 60% for my PTSD. If there is any doubt in your mind, just ask yourself one question, what do you have to lose, they do it all.

Veteran Gerhart Birdeye Review (2021)

MEET OUR FOUNDERS

LTC(R) SCOTT GREENBLATT

LTC(R) Scott Greenblatt was born in Seaford, New York. He enlisted in the US Army as a Private in 1991 and was commissioned as a Second Lieutenant in the Artillery in 1996.

He holds a Bachelor's Degree in Criminal Justice from the University of South Florida and a Master's Degree in International Policy from the National Defense University, DC. His military education includes: the U.S. Army Airborne, Artillery Officer Basic Course; the Artillery Captain's Career Course, Civil Affairs Qualifications Course and the US Army Command General and Staff College. LTC(R) Scott Greenblatt founded Veterans Guardian VA Claim Consulting after serving 25 years on active duty with the United States Army.





LTC(R) WILLIAM C. TAYLOR

LTC(R) William C. Taylor graduated from the United States Military Academy and was commissioned as an Armor officer in the Regular Army in 1995. LTC Taylor has served for over 23 years in a wide range of command and staff positions and has 6 operational deployments with two each in Kosovo, Iraq and Afghanistan.

His previous tactical assignments include Tank Platoon Leader, Scout Platoon Leader, Headquarters Company Commander, Armor Company Commander, Combat Advisor, and Squadron Executive Officer. His previous Staff assignments include planning assignments at Battalion, Brigade, Division, FORSCOM, Joint Staff, and Army Staff.

"I've spent the last 13 years navigating the very complicated waters of the VA disability process, trying to get an increase for my shoulder condition. I spoke with Veterans Guardian and, in 3 months, I went from 20 percent to 80 percent in my rating. I can't thank them enough. I would recommend them to anyone"

~Randall Leggins, Google Review

"Veterans Guardian did everything they said they would do. They got my rating increased from 60% to 80%. The process from the moment I first contacted them to my rating increase only took about two months. Highly recommend"

~Google Review

"Veterans Guardian was the best choice I could make. In less than 60 days, 45 of which was awaiting the C&P exam appointment, I got my claim decided and my rating upgraded. I only had to click a few buttons and spend a few minutes on the phone, they did the rest."

~Facebook Review

IN THE NEWS

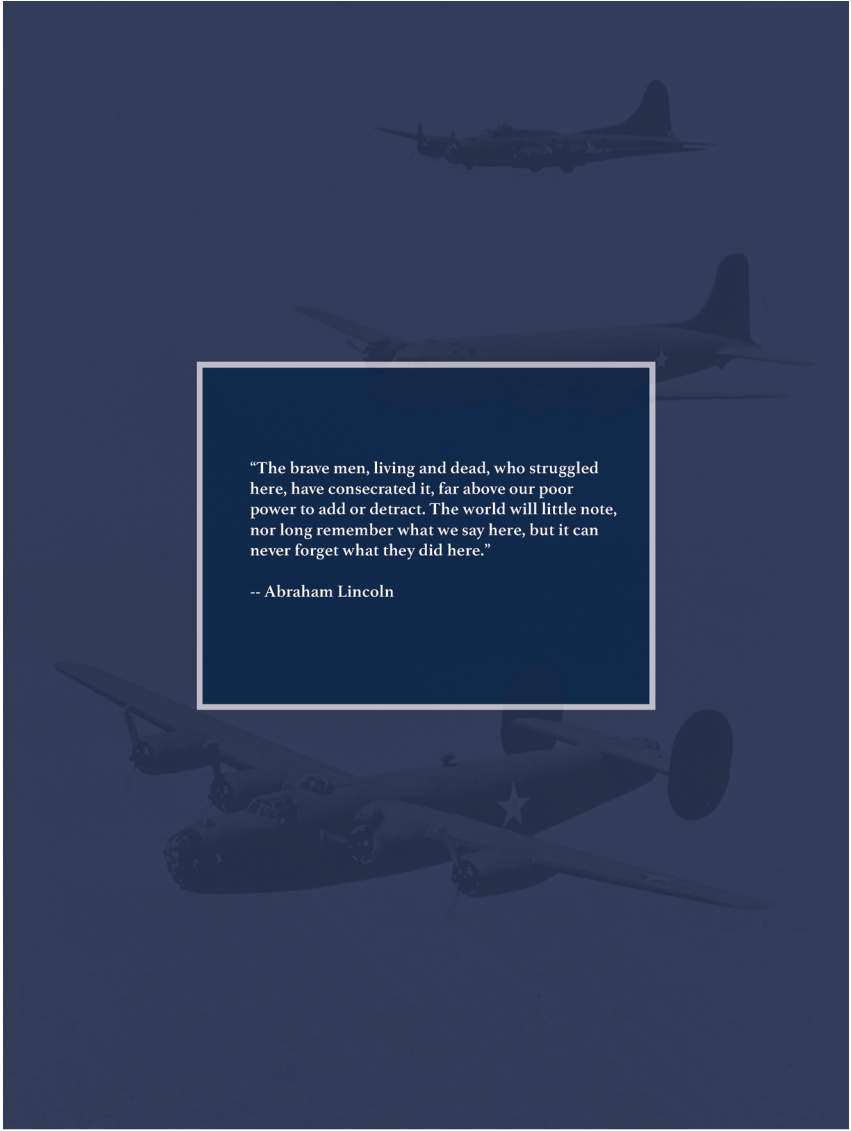
"Veterans Guardian VA Claim Consulting is a five-star sponsor of Irreverent Warriors. With the donation of \$20,000, the donation will support Irreverent Warriors in their mission to prevent veteran suicide and improve mental health."

"Veterans Guardian is the lead sponsor of the Sandhills Habitat for Humanity 2021 Veteran home build. The \$35,000 donation will not only kick start the building process but encourage the surrounding veteran community to band together and aid a comrade."

"Veterans Guardian has been recognized by the Better Business Bureau serving Eastern North Carolina in the annual 2020 BBB Torch Award for Marketplace Ethics."



Veterans Guardian assists clients worldwide, no matter where they are located.



"The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note, nor long remember what we say here, but it can never forget what they did here."

-- Abraham Lincoln

EXHIBIT 3



★★★★★
Steven Salos

Jun 26, 2020

Veteran Care Veterans Guardian

I have been attempting to up my VA disability status for over 10 years. I tried it alone on the first try with a big fat negative results. I then tried to use a local veteran support group and again a big fat negative. On the third attempt again alone I went into the VA for physical and mental health examination. A BIG FAT NEGATIVE! 3 attempts, 10 years, 0 results!

A good friend recommended Veterans Guardian. When a good friend gives a recommendation you take it. I contacted Veterans Guardian in March of 2020. It was like opening the "Who Wants to help Steve All You Can Eat Buffet!" I had more folks offering assistance to me, supporting me, guiding me then all three previous times put together. Chip Sanford, James Varela & Super Special Mandy "PAIGE" Blumer! You great folks were my pillar of strength and foundation of support!


Great no, Outstanding communications with me every step of the way. An Enormous Support and Love of Veterans!


Thank you all so very much!! You have changed my life for the remainder of my life!

I am not going to put out the results but I will say Veterans Guardian more than doubled my Service Related VA Disability in about 3 months!

I will always and forever be graciously thankful to everyone at Veterans Guardian!! « less









Bob N

Nov 6, 2019



Veteran Care



Veterans Guardian


Veterans Guardians are Angels and Super Stars! They are a phenomenal group of professionals who truly worked hard in getting me the VA rating which I was eligible Army for as a Army Veteran who served proudly and honorably for my country (USA).

I have been trying to get VA to give me the VA rating I am eligible for since 1997 - yes, you are reading this correctly; 1997! For over 20 years, I've tried different offices, veteran groups, and when they all didn't work out; I did the process by myself. Nothing worked for me. Then when I was down and exhausted from being turned down by VA every corner I went in, a Veteran friend came to me one day early May (2019) and told me about Veterans Guardian. When I contacted them that very day, the professional, ***** who is a military spouse, made me feel at ease; I felt 20 years of devastating failures go away... I finally felt really good about what Veterans Guardian will do for me! I was right. They took the burden off my shoulders and put it on theirs (I felt that feeling with every Veterans Guardian professional that helped me!). 5 months after they took my case, my VA rating was increased to a 100%!


Ok, let's talk about the cost of their services. Yes there is a nominal fee for their services; after all they are an business owned and run by Veterans like you and I. I spend over 20+ years researching, talking, etc. All that time I spent was at least 12,300+ hours running into walls created by VA and also my inexperience in submitting claims, appeals, etc. All that time resulted in me being **frustrated** and not much to show - 27,000 hours is a lot of precious hours away from my family, my family pets, and friends. I cannot tell you how much money all those hours are worth, but I can tell you this. Veterans Guardian will do their superb job quickly at a fraction of the cost that I paid over the 20+ years I pursued getting the VA rating I am eligible for and came up empty handed. Any cost associated with their services is well worth their efforts and results!

Don't be like me and waste years and countless hours hitting a dead end when dealing with VA. I highly recommend the professionals at Veterans Guardian to help you through the process of getting the VA rating you deserve. « [less](#)






★★★★★
Anthony Pymale
Jun 20, 2020
Veteran Care
Veterans Guardian

Very pleased with Veteran Guardian. I've been out for a little over 10 years and have spoken with the DAV, American Legion, and a few lawyers about wanting to begin my claim process with the VA. NONE of which were as organized and resourceful as Veteran Guardian. I went from no rating to 70% in four months. Highly motivated staff who want to serve those who have served. They are with you EVERY step of the way. Nicole and her partners are the most professional individuals I have come in contact with. I can not guarantee 100% satisfaction because every case is different HOWEVER, I can guarantee exceptional service! Will recommend their service to all Veterans. I will absolutely continue to work with them with future claims! Thank you Veteran Guardian! [» less](#)




★★★★★
Alfred Lindsey
May 28, 2020
Veterans Guardian

I have fought an uphill battle for years with the VA. Given my Infantry background, retreat or surrender was never an option that I would consider. I began working with Veterans Guardian in late January of 2020 after being encouraged to do so by a lifelong friend who has witnessed the difficult times and the impossible times. I called that friend to thank him yesterday, because after these last few months with the help of the Veterans Guardian team, my battle with the VA has ended. This is a group of people that never stopped working toward the common goal, even through the COVID-19 pandemic and all the issues that came along with that, they remained vigilant and helped me every step of the way. This is a group of people that understand that TEAM is an acronym (Together Everyone Achieves More) and they know how to work with you as an individual. Everyone I dealt with was professional and they each helped me on a personal level as well. Christopher Williamson, Monica Goggin, Curtis DeBruhl, Barry Washington, James Varela, Michelle Davis, and Buddy Mackey. I have had conversations with each of you and everyone of you have made a positive impact on my life and for that I will forever be grateful. I know there are numerous people behind the scenes that have put in effort towards helping me and my fellow veterans as well and I want to extend a thank you to each of them. This fight has been worth the cost. I have some breathing room now, and I have your entire team to thank for it. Thank you. [» less](#)







 Kathleen Candela Aug 27, 2019
 [Veteran Care](#)
[Veterans Guardian](#)

I am soo very thankful that I found Veterans Guardian. I got out of the Army a number of years ago and never filed anything. I finally decided to file some **claims** by myself through the Soldier support center on post and my **claims** were going nowhere and I was getting really frustrated since I was out of the army for so long I didn't have anyone to help. Luckily, an Army buddy of mine had recommended Veterans Guardian. From the initial meeting with them I felt such a relief that I will actually be able to file **claims** the right way with a huge team of professionals on my side. Not only were the people I worked with extremely nice and compassionate to speak with on the phone, these men and women were also all veterans or have spouses that served as well. It was especially nice to be assigned a female veteran to work with. Specifically I worked with Lisa Presley and Mindie Kuhns, these two ladies answered all of my endless questions, answered all my emails and phone calls even gave me their personal numbers. I felt like both ladies went above and beyond to get me the rating I deserved, I was happily surprised to learn about the rating they were able to achieve with me. Thank you soo much! This whole company is awesome, do not hesitate to use them, they will literally hand step you through each part of the VA claim processes which is very tricky and frustrating and you have to have things in order and written up professionally if you expect to have any positive results. I can confidently say I would still have a zero rating without using Veterans Guardian services. « less



 Randall Young Nov 30, 2019
 [Veterans Guardian](#)



Got 30% on leaving active duty. Should have appealed it then. Years later my back and asthma etc. were much worse. Buddies convinced me to apply for an increase and the DAV helped a little with the forms but not much. Got to 60% and wanted to appeal. DAV advised me to go back to the same VA doctors and tell them they had to write me for a higher percentage! WHAT? Extremely frustrating! When I said that sounded unlikely they advised me to just "write it in my own words". Gave up on the appeal form after trying to fill out the medical conditions. Went to Veterans Guardian and they did EVERYTHING (asked me the right questions, filled out the forms and submitted them) for me and got me to 90%. And they are handling my current appeal now. Don't waste your time and get **frustrated**. Go to Veterans Guardian and tell all the vets you know to do the same thing! « less





Arnold Allen Aug 16, 2020

[Veteran Care](#)
[Veterans Guardian](#)

Veterans Guardian has been successful in getting me an initial increase with a roadmap to achieve more. This organization is veterans taking care of veterans, many have shared the same dirt and understand what it means to serve. I would highly recommend Veterans Guardian and their staff of experts and professionals that I have worked with. They are extremely knowledgeable in the VA Claims process, the team has helped to break down the VA Benefits Claims playbook in order to get me the VA compensation increase I deserve. If you are a veteran, and your VA Benefits Claim increase submissions keeps getting stuck in the VA bureaucracy. Don't get frustrated, you just need to reach out the team at Veterans Guardian- they get it done. « less



Robert Scott Jul 24, 2018

[Veterans Guardian](#)

The best decision I ever made. I was trying to deal with the Va on my own and getting no where. So My younger brother who is a Air force vet has been dealing with the VA for over 8 **years** and getting no where. He found this organization and after drilling Scott all about the Veterans Guardian, decided to give them a chance to help him. Well in three months he got my brothers disability raised to 100 percent and also help his wife get her disability raised. So my brother called me and talked me into talking to Scott. Scott took my case and in three months got my disability raised. Not only was I in shock it was unbelievable. Everything Scott said to me on the phone the first day I talked to him he did. I can not say enough good things about Scott and the Veterans Guardians organization. They were very professional, very nice and guided me through the whole process and got me every thing they said they would. If your a Vet and struggling with the VA in regard to your disability I would suggest you contact Scott and he will help you with your claims. It would be like me the best decision you will ever make. I will end here and say Thank you Veterans Guardian (Scott) for all your hep and making my life a little bit better.



Robert Scott « less







 Michael Brown Sep 13, 2018 — Veterans Guardian

The best decision I ever made. I was trying to deal with the Va on my own and getting no where. So, I did some researching and came across this organization called The Veterans Guardians and after speaking Scott all about the Veterans Guardian, I decided to give them a chance to help me. Scott took my case and in three months got my disability raised from 30 to 80 percent. Not only was I in shock it was unbelievable. Everything Scott said to me on the phone the first day I talked to him he did. I can not say enough good things about Scott and the Veterans Guardians organization. They were very professional, very nice and guided me through the whole process and got me every thing they said they would. If your a Vet and struggling with the VA in regard to your disability I would suggest you contact Scott and he will help you with your **claims**. It would be like me the best decision you will ever make. I will end here and say Thank you Veterans Guardian (Scott) for all your hep and making my life a little bit better.



 Del Williams Apr 18, 2019 — Veteran Care Veterans Guardian

Any veteran knows that the Veterans Administration can be a confusing and frustrating organization to deal with. As a result, many veterans choose to forgo their disability **claims** rather than deal with the organization; enter Veterans Guardian. This is the single best experience I have ever had with any organization affiliated in any way with the VA or the military in the last 25 years. Confident and professional, they immediately went to work filing for the benefits that I was "medically and ethically entitled to." In just 58 days, from first contact to final VA decision, they had secured a 100% rating for me. Brianna and Mindie were respectful, confident and caring...a combination that is in short supply today. Often, you'll find great humans in the oddest of places, if you have the opportunity to talk with either of these ladies, you'll know what I mean. I am confident that they are representative of the entire Veterans Guardian team. If you are looking for a veterans consulting firm that cares about veterans and knows their way around the VA and the military, look no further! When Veterans Guardian is retained, it is not for the short-term, but rather for a lifetime; they make you part of their family. I enthusiastically give my strongest recommendation to the Veterans Guardian Team. < less






Mike Ledford
Jun 20, 2019
Veterans Guardian

The help that I have received from this organization thus far has been amazing. I have been trying to get reevaluated by the VA for 3 **years** with nothing but obstacles wrapped in razor wire. Since reaching out to the Veterans Guardian Group, I have never been more optimistic about finally getting what I believe I deserve from the VA. I have dealt with several agencies trying to get some help battling the VA, the result is always the same... a slammed door which gets welded shut. Between Stacy, Ross and Joanne, I honestly believe I have a chance at success. Thank you all for your extraordinary assistance. I can never express how much I appreciate your help. To all of my fellow veterans, I urge you to call these warriors and let them get you what you so rightfully deserve! [« less](#)




Steven D
Feb 28, 2020
Veteran Care
Veterans Guardian




★★★★★

Anthony Scroggins

Aug 31, 2020

Veterans Guardian

Christina "Christy" Acebedo!! I can only start off by telling you that she helped me go from 20%-80%, she was very helpful in assisting me with my claim. I had put in claims on my own before but once I asked the veterans guardian for their assistance, the results speak for themselves. I hope everyone that reads this gives them a try. I can definitely say it was worth it for me and I believe they will and can help many others after me. Thank you immensely Christy!! « less



★★★★★


Al Reynon

Sep 11, 2020

Veteran Care

Veterans Guardian

During my 25 of retirement, I ventured down Veteran's Administration's rabbit hole of frustration twice which only garnered me a 30% disability rating. Coincidentally, at the 2019 Summer National Gun Show a brother veteran explained how a company he was affiliated with was certain to make a significant difference in my VA rating if I gave them a chance. Well, it took me a year, but I finally called Veteran's Guardian and spoke to Brianna, and by 7 July I was "All-in." Wouldn't you know it, just a month later, on 7 Aug, I confirmed on-line on eBenefits that the VA had granted me a significantly higher rating with a corresponding financial increase to boot! Thanks Veteran's Guardian! « less




★★★★★

Bryant McCullough

Sep 18, 2020

Veterans Guardian

Veterans Guardian is a very good company. If you know about doing any business with the VA you know that everything has to be correct or they won't help you. Vets guardian knows their stuff and got me approved for 100%. Thanks Vets Guardian.





★★★★★

Bradley Ahrensfield

Jul 1, 2020



Veteran Care



Veterans Guardian

Veterans Guardian helped me tremendously. The VA process is so difficult to navigate and doing it by yourself is a nightmare. Veterans Guardian helped me throughout the process every step of the way and prevail. With a special thanks to Nicole Douget, I felt like I finally had someone in my corner who really cared.



★★★★★

Cory Geiselman

Apr 19, 2020



Veteran Care



Veterans Guardian

I ran into so many dead ends dealing with the VA myself but Veterans Guardian was there to help! I will recommend Veterans Guardian to every veteran I know. Thank you so much for your help!



★★★★★

desiree birmingham

Jun 2, 2020



Veterans Guardian

I am so thankful for Veterans Guardian VA Claim Consulting. Before they assisted me, I was in a vortex of phone calls, failed online attempts to register for multiple websites. They made it streamlined for me. I felt I had an ally, rather than someone in the VA tree who simply said I had to go online, or go somewhere in person, no real direction. It took less time to receive my VA Rating that I've heard other Veterans who'd gone solely through the VA. Michele Davis, Samantha Kehoe, James Varela, Lyla Owens, and Jean Thompson were amazing with their knowledge and patience. Please forgive me if I left anyone out. « less





★★★★★

Duane H

Sep 28, 2020

Veteran Care

Veterans Guardian

These guys are worth every penny I tried to do it myself for years got denied for the longest, went from 20% rating to 80% in 3 months after filing. Veterans Guardian know their stuff I would recommend them to any veteran that needs help. Thank You guys for your help.



Recommended

Jose Alfonso Ortiz

Apr 24, 2020

Veterans Guardian

Very friendly, I felt genuine concern from every employee I talked too, they where easy going and relatable, quick to get me answers, and explained the whole process. I had been trying for over a year to increase my rating, but would always get **denied** for lack of information, Veterans Guardian helped me complete every detail untill the claim was ready to be submitted. I am proud to say that I am now part of the 100% club, and all thanks to Veterans Guardian, again, thank you guys. « less



★★★★★


Ken Schiro

Sep 29, 2020

Veterans Guardian

Sure you can contact the VA directly, but I have tried and failed as I needed more direction and guidance. VG gave that to me and was invaluable to my successful disability claim process.






★★★★★

Kelly Coleman

Aug 31, 2020

Veterans Guardian

I had a great experience with Veterans Guardian. They are very professional and driven to support Veterans through the, often convoluted bureaucracy that the VA is, which can be frustrating to service members trying to get the compensation due to them for their sacrifice to the Defense of the Nation.




★★★★★

Richard Stickles

Aug 5, 2020

Veterans Guardian

If you have been struggling with the VA and getting the run around or denials of your claim, PLEASE stop what you are doing and contact Veterans Guardian immediately. From start to finish and a successful appeal of my disability rating took about a month. The process is easy and Veterans Guardian has the experts and doctors on staff to get you what you deserve. I wish I would have known about this company years ago. Thank you Veterans Guardian! [« less](#)



★★★★★


Ricardo Balcazar

Aug 20, 2020

Veteran Care

Veterans Guardian

Outstanding service. This agency is for the veteran. I feel like the VA tries to discourage veterans from filing claims by continuously denying service connection even after you have submitted stacks of paperwork with proof. Any way, I'm truly grateful for the help I recieved.





★★★★★

eric hernandez

Aug 24, 2020



Veteran Care



Veterans Guardian

Friendly and well worth the time and money. I highly recommend Veterans Guardian to any veteran that needs help navigating through the endless red tape from the VA. We have all been to the VA and we all have had different experiences good and bad but mostly bad. Veteran Guardian will give you the tools and help you need to make it an easy and painless process. Thank you VG!



★★★★★

Mark Talley

Jul 10, 2020



Veteran Care



Veterans Guardian

After a decade of trying to navigate the veteran administration to get properly rated. Veterans Guardian helped me get my rating from 40% to 80% and it took less than three months. I cannot express my gratitude enough to Veterans Guardian for their help! I would recommend them to any veteran, they will take you the entire way, step by step, and get you what you deserve.



★★★★★

Kenneth Kraus

Aug 28, 2020




Veteran Care



Veterans Guardian

Veterans Guardian is the top-of-the-line Advocate for any Veteran seeking to deal with the V.A. They used every resource, factor and detail in presenting my case to the V.A. Their knowledge and experience dealing with the quagmire of V.A. is priceless. They keep the spirit of the fighting for the American Veteran alive. I wholeheartedly recommend them with total confidence. You will glad you allowed them handle your case. SEMPER FI!






Eric Woody
Aug 1, 2019

Veterans Guardian

What can I say, after 5 years of fighting with and being **denied** by the VA, Veterans Guardian finally brought me closure. I highly recommend this outstanding firm to anyone in need of professional, courteous, expeditious service. Veterans Guardian is as magnificent as the stars in the sky and one of the many bright shining stars there is Candace. She is truly an asset to your company and deserves all the accolades she can receive. Thank you Vetera... [more »](#)







Brent Fain
Aug 3, 2019

Veterans Guardian

I found these folks at a time of need. I had several rejections with the VA on **claims** and I have a sickness that makes me very tired and I did not have the energy to pursue more **claims**. They took my records and concerns and put my **claims** together in a professional manner. I was awarded an increase in my disability rating due to their excellent presentations. A great and a trustworthy group.
Thanks!





Brad Greene
Jan 11, 2019

Veterans Guardian

I was referred to Veterans Guardian by a friend after him hearing of my frustrations with the VA. I have to say I am extremely pleased that I took his advice. Joey and the Veterans Guardian team were able to help me accomplish in 3 months what I couldn't in **10 years**. If you are tired of the run around and constant dead ends in dealing with the VA give the Veterans Guardian a call. They can and will help! Thank you Veterans Guardian, this means a great deal to me and my family! [« less](#)





★★★★★

Christopher Terhune

Sep 18, 2020



Veteran Care

Veterans Guardian

The team at veterans guardian are great !! Mr. Rodriguez and his team helped me get my rating from 20% to 100% after being **denied** multiple times through the VA. Thank you so much veterans guardian!



★★★★★

Bobby Jones

Feb 18, 2020



Veterans Guardian

I began my quest for VA disability and of course you can only go so far and then you start getting rejection letters. After going to my local VA rep and them spinning their wheels. I spoke to a friend who recommended Veterans Guardian although the others were of no cost I am very pleased with all you all have done for me. Thanks, and yes the word will be passed on about your services.



★★★★★

Daryl Parker


Feb 1, 2020



Veteran Care

Veterans Guardian

Great company. Many dedicated employees. I was helped by Cory and Mickey. Both were very professional and treated me with class. My only **hope** was that I wished I had know of Veterans Guardian years ago. I had so many disappointing encounters with Veterans Administration. It's good to know there are veterans out there willing to help out other veterans.



★★★★★

Edward Nowak


Jan 15, 2020



Veterans Guardian

They did a fantastic job. I was **denied** by the VA twice while trying to work through the system on my own. Once they took my case in 6 months my claim was approved by the VA.






Recommended
Evelyn Fernandez

Aug 15, 2018

Veterans Guardian

I tried myself for years to get disability. I eventually got 30% only because I went through surgery, then I had surgery a second time which increased it to 50%. Still tried to increase it but kept getting **denied**. I don't know what made me walk into a gunshow one day and bump into Veterans Guardians in there, but thank God I did. In 2 short months I went from 50% to 90%. I am going to stick with them to get my last 10%. Thanks to Vets Guardian




★★★★★
georgehuerta

Apr 16, 2020

Veterans Guardian

I was a bit skeptical at first as I thought I had exhausted all avenues to get the VA to listen. Veterans Guardian was with me the whole way and got me the additional % I had been fighting for over several years. The process was seamless and expedient. From start to finish, less than 3 months. Well done! Well done!





★★★★★
Ivan C

Jul 22, 2020

Veteran Care
Veterans Guardian

Outstanding Service. I will highly recommend this company to anyone. After years of battling the system they took care of the situation for me. Extremely professional. They kept me updated during the process and follow through until I was satisfied. This is a top notch organization.






★★★★★

James Williams

Jun 30, 2019

Veterans Guardian

I couldn't thank Vet Guardian and the staff enough. I tried for 2 **years** to get my increase and was defeated everytime. But once I signed up with Veterans Guardian they provided me with the tools to get what I was deserved. Thank you to the entire staff, I hope you guys continue to be the amazing people you are and continue helping us veterans get what we are deserved.




★★★★★

John Rubino

Jan 14, 2020

Veterans Guardian

My good friend and fellow Vet recommended Veterans Guardian (VG) after I shared with him that a claim I submitted was **denied** through the transition process when I retired in 2017. After speaking with the staff and team at VG they quickly walked me through a very thorough process of getting a solid claim in front of the VA. I was blown away at the response from the VA and what I was awarded as a result of a great package put together on my behalf by VG. They are amazing and I am so appreciative of their service and hard work on my behalf. [« less](#)




★★★★★


kurt rhodes

Jul 1, 2019

Veterans Guardian

I have tried for **years** to get a rating, could only manage to get 0%. Used many different agency for that rating. Contacted Veterans Guardian and with in 6 months had a 70% rating. wish i would have found you **years** ago. I'm ready to go for the last 30%. Thank you.







★★★★★

Peter Llaguno

Jul 25, 2019


Veteran Care


Veterans Guardian


Veterans Guardian is absolutely the most professional staff, pricing and reliability for VA Claims. Veterans Guardian assisted by improving my rating I deserve. I spent **years** fighting the VA system and what Veterans Guardian achieved in 4 month I could not get the VA to do in **6 years!** I recommend every veteran to contact Veterans Guardian. They treat you as a Veteran and not just a number. I only wish I would have known Veterans Guardian sooner.



★★★★★

Scott Bullard

Oct 30, 2018


Veteran Care


Veterans Guardian

If you are a veteran and **frustrated** with the VA system, trying to find support or simply have questions regarding the VA claim process, PLEASE give Scott and his team the opportunity to serve you!! I'm incredibly confident that you will look no further. I am a combat vet that has been separated from the military for over 24 years and never bothered to file a claim in what I already knew was a congested VA process because 1.) I didn't know where to start and 2). I didn't want to add insult to injury and give the VA the pleasure of denying me over and over. In other words, I was NEVER in the system!! Scott and his team easily consulted me through the process and in less than two months I was awarded a percentage that made me cry tears of joy, literally. Veterans Guardian is completely transparent in their process to help you file your claims and do not benefit at the slightest until you are awarded. What I love the most is your not just a number, your their #1 client! Again, give them a shot, their success rate speaks for itself!! < less





★★★★★

Terry Gayford

Aug 4, 2020


Veteran Care


Veterans Guardian

The professionals at Veteran Guardian assisted me in increasing my disability rating from 10% to 70%. Year after year of getting turned down even though my pain level increased nothing. I called Veterans Guardian and 5 months later I'm finally getting the compensation I'm entitled to. Thank you Michelle for everything you've done for me.



★★★★★

Trey Harris

Sep 15, 2020


Veterans Guardian

Vet's Guardian did in a month what I was not able to do in 2 years - raise my disability rating. Their process is easy to follow and they were with me every step of the way. I highly recommend Veteran's Guardian!



★★★★★


Paul Morrongiello

Apr 7, 2020


Veterans Guardian

These guys are legitimate and were wonderful in helping me deal with the VA. After trying to get my injuries fixed and the VA doing nothing but offering a foot brace I gave up. Now I have a disability rating increase that will improve my quality of life and benefit my family. 10% became 70% THANKS VETERANS GUARDIAN!





★★★★★

Tyler Olson

Aug 21, 2020

Veterans Guardian

Referred here by another Vet when my VSO Rep ghosted me. Very professional and helped get my disability increase and made the process a lot easier than it could have been.



★★★★★

Bobby Jones

Feb 18, 2020

Veterans Guardian

I began my quest for VA disability and of course you can only go so far and then you start getting rejection letters. After going to my local VA rep and them spinning their wheels. I spoke to a friend who recommended Veterans Guardian although the others were of no cost I am very pleased with all you all have done for me. Thanks, and yes the word will be passed on about your services.



★★★★★



Randall Leggins

Jun 17, 2020

Veterans Guardian

I've spent the last 13 years navigating the very complicated waters of the VA disability process trying to get an upgrade for my shoulder condition. I spoke with Veterans Guardian and in about 3 months I won't from 20 percent to 80 percent in my rating. I can't thank them enough and I would recommend them to anyone.




Zachary Johnson Dec 6, 2018

Veterans Guardian



Thank you Veterans Guardians. I got out in 2009 and have tried once to get an increase but got **denied** so I thought I was stuck. My girlfriends uncle told me about this group so I gave them a call. After 3 months and 2 appointments my rating went from 50%-80%. I worked with Joseph Armstrong and he was straight and upfront the entire time. They made dealing with the VA easy and helped every step of the way!




robert1 Aug 1, 2019

Veterans Guardian

I am absolutely **GREATFUL** for everything this place has done for my family and I. For the last decade all I had received was a 10% rating for tinnitus! Dealing with all other issues I have been storing inside me for years, and when I tried to get help all I got were **denials!** TRUST ME, for all those who have doubts about this firm, **DONT!!!!** I got a 60% increase in just 2 months "WOW"! I have a couple of other issues and will be returning because this is your best hope, Ive tried to do it myself and was let down, and also tried to seek free VA service, what a joke along with 2 other Attorneys and they all sucked.! Thank you Veterans Guardians for your help and making me believe their are still people in this country who truly work and support our military. « less





Terry B Aug 13, 2020

Veterans Guardian

Very satisfied with the results I received. Have been trying for years for an increase, but always was denied. Contacted Veterans Guardian and got results in less than 3 months. Highly recommend this company to anyone looking for what they deserve.







★★★★★


Lady Tasha

Mar 31, 2020


Veteran Care


Veterans Guardian


Veterans Guardian truly is a Guardian for Veterans. I had applied for compensation increase twice over the past ten years and was declined. The professional service I received from my assigned team (Nicole, Michelle and James) was exceptional. Each one take care of my claim and processed it as if it were their own. I recommend this service to any veteran who is trying to get an increase. My compensation for the past 15 years has been 20%. I am more than happy with the final decision of this current claim submitted. This is a win win opportunity! [« less](#)




★★★★★


Don M


Jun 28, 2019


accounting


Veterans Guardian

I was at my wits end on trying to get my disability rating changed after retiring from the Army after 33 years 3 months and 24 days of service. That was my reserve and active duty time. I had tried from 2005 to about 2007 to get disability and finally got 40%. I tried for the next two years to have it increased but to no avail. I just **gave up**. In 2019 I saw on facebook about vetsguardian. talked with my wife and decided to give you a call. I talked wit *** ***** for a while and he told my he would do whatever he could to help me out. Well, *** is a man of his word. He informed me of what all would take place and I agreed to get the ball rolling. This was on or about 6 June 2019. After several calls and emails, I completed my survey and sent back to ***. He said it could be about 3 to 4 months before we heard anything back. On or about 23 June 2019 I received a letter from the VA that said my disability rating was going to be 80%. Both *** and I were amazed things happened that quick. I felt a great relief and was proud of what vetsguardian did for me. I will be letting all my fellow service members who are having the same problems about vetsguardian. I am so thankful for *** and for ***** ***** in accounting, to make this such an easy process. Your group is the greatest and friendliest group of people to work with. Thanks again for the help and may God bless all who work for this group. [« less](#)






★★★★★

Tisha Crawford Miller

Jun 12, 2018

Veterans Guardian

I thought I could handle the VA **Claims** Process on my own, I could not have been more wrong. After so many unsuccessful attempts to get my husband the compensation he deserved, I was discouraged. I was given Scott's information and originally I was not a believer. Wrong again. Getting Scott involved was the best decision we ever made. He was with us every step of the way and did everything he said he would do for us and more. I'm not sure what we would have done without his help. Don't make the mistake I did of wasting time doing it on your own and getting nowhere...Stop what you are doing and call Scott and his team. You will not regret it!!! 5 Stars!!!! Now he is helping my Dad with his claim. I can honestly say I know the outcome will be the same, nothing short of excellence and the amazing feeling of knowing someone is out there fighting for what you are entitled to and deserve!




Recommended


Jo Rod

Aug 22, 2020

Veterans Guardian


I already had a previous VA rating for which I was underrated. I tried filing claims on my own and had a little success, but was **denied** on one I met the criteria for and suffered from, but yet it was **denied** by the VA. I was frustrated but did not know how to go forward and simply accepted it. This was seven years ago. I then had a conversation with a retired Marine and he recommended Veterans Guardian. Within five months (from the phone call to them to my decision letter) they were able to get my claim put together correctly and as a result my rating nearly doubled. Everyone at Veterans Guardian was courteous, professional and handled business. I now recommend Veterans Guardian to every vet I speak with. Thank you Veterans Guardian, you definitely impacted my life.






★★★★★

David K Feb 28, 2019



Veterans Guardian

Finally someone was able to assist with me with disability claim. I was extremely frustrated with the VA and was not capable of navigating all of the paperwork and red tape. Even though I was certain my disability rating was not at all correct, I was about to give up. Veterans Guardian saved me and assisted me with filing my claim and now I am a lot closer to receiving the rating that I earned from my 22 years of active military service. I highly recommend the team at Veterans Guardian if you need help with the red tape. « less





★★★★★

Gary Feb 20, 2019


Veteran Care

This is an awesome company. As a veteran going back and forth fighting with the VA for over ten years with no results. I was about ready to give up. Then I heard about Veterans Guardian. I called and talked to a rep. that explained the whole process to me. Throughout the whole process I dealt with about three of their claims specialist and they were all great. I've also been to their office and met most of the staff. The entire process went smoothly. I started my claim process in November 2018 and I received an increase in my rating by the early part of February. I am also planning to go through another round with these folks. So to all the folks at Veterans Guardian Thank you for all you've done for me. « less






★★★★★

David K Feb 28, 2019

Veterans Guardian

Finally someone was able to assist with me with disability claim. I was extremely **frustrated** with the VA and was not capable of navigating all of the paperwork and red tape. Even though I was certain my disability rating was not at all correct, I was about to give up. Veterans Guardian saved me and assisted me with filing my claim and now I am a lot closer to receiving the rating that I earned from my 22 years of active military service. I highly recommend the team at Veterans Guardian if you need help with the red tape. [« less](#)




★★★★★

KGray Sep 10, 2019

Veteran Care Veterans Guardian

You know when you have injuries as a result of your service. You're not trying to get a handout when you apply for disability. After years of rejection, I **gave up** and confined myself to live with the chronic pain through meds that didn't work and office visits that brought no remedy. Then a fellow Veteran raved about the results he got using Veterans Guardian and urged us to have a look. It only took 6 months and a face-to-face consult to go from 0 to 50%. I am so thankful to my fellow Vet, God, and Veterans Guardian for helping me get the rating so that I can now get the medical attention needed plus compensation. [« less](#)






★★★★★

Jose Aug 22, 2020

Veterans Guardian

I already had a previous VA rating for which I was underrated. I tried filing claims on my own and had a little success, but was denied on one I met the criteria for and suffered from, but yet it was denied by the VA. I was frustrated but did not know how to go forward and simply accepted it. This was seven years ago. I then had a conversation with a retired Marine and he recommended Veterans Guardian. Within five months (from the phone call to them to my decision letter) they were able to get my claim put together correctly and as a result my rating nearly doubled. Everyone at Veterans Guardian was courteous, professional and handled business. I now recommend Veterans Guardian to every vet I speak with. Thank you Veterans Guardian, you definitely impacted my life. « less






★★★★★

JP Aug 3, 2020

Veterans Guardian



I have been fighting the VA for ten years. After the last round, wherein the VA rated me at 90% overall even though I had 170% total in individual service connected issues, I contacted Veterans Guardian. The examiners at the VA aggressively seek a way to refuse to acknowledge facts. Veterans Guardian helps you present the truth in terms the VA cannot argue or refute. I cannot recommend Veterans Guardian strongly enough.





Wen F · Apr 2, 2020

Veterans Guardian


I was a little skeptical of VetsGuardian but it was one of the best choices I ever made. My original claim took over 2 years and the VA gave me the absolute runaround. I worked with ***** and he helped me every step of the way. He took the time to hear me out and advise me on the best way to proceed given the facts of my situation. My rating increased by a significant amount and it's all because of the VetsGuardian team. So Thank You ***** [... more »](#)



Lance K · Apr 7, 2020

Veterans Guardian

If you have ever dealt with the frustration and disappointment of having your VA claims denied or didn't receive the compensation you deserved then I highly recommend Vet Guardian. Their customer service, is highly professional. The process was quick and painless. I contacted Vet Guardian the end of Jan. By mid Feb they had my package completed and ready for me to submit to the VA. The VA received my package on Mar 2, scheduled my C&P on Mar 17th and closed my claim on Mar 31st. I went from 20 percent to 80 percent within a matter of a couple of months. Give them an opportunity to help you secure the rating you deserve! [« less](#)





★★★★★

Bruce Jun 4, 2020

Veterans Guardian

As a retired officer followed by 25 years as a technical writer, I did my own VA claims. I left active duty with a 40% rating and was able to obtain 90% but could not get to the 100% I felt I rightly deserved. Over the course of this time I had several claims **denied** with my most recent last 2 **denied**. I reached out to Veterans Guardian who looked at my total health picture and then determined what I should file a claim for. The Veterans Guardian provided me with the supporting data to complete, the doctor for me to see and the appropriate claim forms to complete. On 27 April my claim was received at the VA. The VA decision letter dated 27 May 2020 awarded me the claim and an overall 100% disability rating. WITHOUT A DOUBT I recommend Veterans Guardian to those who need the help. They were very professional and easy to work with. « less




★★★★★

Tammie S May 13, 2020

Veterans Guardian

I love these people they accomplished something that the DAV Couldn't do in many years, all I wanted was help, they gave it to me.





★★★★★

Richard Jun 30, 2020


Veteran Care


Veterans Guardian

I have tried in the past to make claims for various ailments due to injuries sustained while in the military and was denied. Vets guardian has truly been very helpful with making progress towards helping me with my VA claim. I would recommend them to any veteran who needs help with their VA claim.



★★★★★

Allan S Aug 15, 2020



Veterans Guardian

Excellent Customer Service, most efficiently and effectively got the Job done. Years of fighting the the has finally come to the end with the help of the team at vetsguardian.com. If yur stuck in VA limbo and don't know what to do next give this crew of Professionals a call....




★★★★★

Mike May 10, 2020


Veterans Guardian

Veterans Guardian was extremely helpful during the difficult VA claims process. I tried for fourteen years to do it on my own and always got too frustrated and quit. I would highly recommend them to anyone struggling to get through the process.







★★★★★


Tdorán

Jun 24, 2020


Veteran Care


Veterans Guardian


I would highly recommend that every Veteran who has been battling against the faceless, uncaring bureaucracy of the VA's Comp & Pen system, stop right now and contact Veterans Guardian ASAP!! They are very friendly, knowledgeable and most of all quick in handling your appeal and getting you the benefits that you have earned. I have been fighting with the VA for TWENTY-FOUR LONG YEARS!! I began my new claim with Veterans Guardian around the first part of March, and about 2 weeks ago I got a notification that my rating has finally been raised up to 100%. Now if I could only get the 2 additional back-to-back surgeries that I need to repair my failed spinal fusion from November 2017. The best part of all about my experience was that I learned a whole lot about many specific symptoms which I have been experiencing / suffering from for many years now which are directly related to my back problems, and without the help of Veterans Guardian I might never have realized it. Now, my only regret is that I didn't learn about and contact them several years ago. Thank you very much!!! [« less](#)




★★★★★

Mark S

Aug 6, 2020


Veterans Guardian

After experiencing years of negative episodes associated to my situation and informed by a co-worker of the services provided Veterans Guardian, I decided to give them a call. Next to marrying my wonderful wife who has been putting up with me throughout the years, this has to be the best decision I ever made. From the initial call, though out the process, until I received the final decision, the team remained in contact with me and ensured that all my needs to file my claim was met. I highly recommend their services for anyone that is planning to file a claim. [« less](#)





★★★★★

Floridaman 91

Jan 14, 2021

Veterans Guar...

Just getting the ball rolling and already having a better experience with this group than I have with any **VSO**. A fellow vet referred me and I was a bit skeptical at first but Dreamma Gregory has already given me better advice than any **VSO** or fellow vet has these past two years on how to tackle these claims. I look forward to working more with this group in the future.



★★★★★


Steve McWilliams

Feb 10, 2021

Veterans Guar...

The best decision I ever made was to go with Veterans Guardian! I had been working with a Veteran's Service Officer (**VSO**) for several months, and was getting nowhere. When I saw an advertisement on social media for Veterans Guardian, I was skeptical at first. After talking with Nicole Douget at Veteran's Guardian, she convinced me that they could help, and she laid out a path forward that was clear, concise and accurate. What I didn't realize was that I was getting a TEAM of knowledgeable professionals (Nicole, Lisa, Stacy, Allison and others) to help guide me through a very complicated process. Within a few short days of my initial engagement with them, the Team at Veteran's Guardian put together a thorough and complete package that went to the VA and got me a SIGNIFICANT increase in my compensation - less than 8 weeks, start to finish. I highly recommend Veteran's Guardian - they make the process simple, and get you the compensation you deserve! « less







★★★★★

Jeff Baker

Feb 25, 2021




Veteran Care



Veterans Guar...


When I first called Veterans Guardians in 2020, I had a service connected disability of 30% by utilizing a free **VSO** service through American Legion that exhausted all resources to obtain that rating. Thanks to Veterans Guardian, less than a year later I'm now increased to 80%!!!! All the staff were exemplary and beyond my expectations. Please do yourself a life changing favor and call them ASAP without hesitation.




Recommended

Nolan White

Mar 4, 2021





Veteran Care



Veterans Guar...

I don't know about anyone else, but I have dealt with the **VSO** in all my claims. I have been denied and denied. I was denied by comp and penn even when I had mental health letters of military related and connected issues. My **VSO** told me one day, there is nothing else to do. I randomly met another veteran while at work that told me about veteran guardian. I made the call and months later I got the approved rating the **VSO** told me nothing else will work. Any body that works for the VSO free for the veteran, I feel is NOT for the veteran. At least I didn't have them fighting for me like these guys. I feel that Veterans Guardian is truly for the veteran. « less






★★★★★

eebooday1

Aug 22, 2020

Veterans Guardian

I already had a previous VA rating for which I was underrated. I tried filing claims on my own and had a little success, but was **denied** on one I met the criteria for and suffered from, but yet it was **denied** by the VA. I was frustrated but did not know how to go forward and simply accepted it. This was seven years ago. I then had a conversation with a retired Marine and he recommended Veterans Guardian. Within five months (from the phone call to them to my decision letter) they were able to get my claim put together correctly and as a result my rating nearly doubled. Everyone at Veterans Guardian was courteous, professional and handled business. I now recommend Veterans Guardian to every vet I speak with. Thank you Veterans Guardian, you definitely impacted my life in a positive way. « less




★★★★★

Nicole El-Amin (Nikki)

Apr 13, 2021

Veterans Guardian

I truly appreciate Vet Guardians for the assistance with my claim. I found them on Facebook and was skeptical at first because I have worked with many **VSO's** but haven't gotten anywhere. After 2 months of working with them, I have received my disability increase. I went from a 30% rating to now 70% and will be working with them on my next claim. This has truly been a blessing and God send for my family and I as I have missed so many days from work dealing with my disability. Thank you so much Vets Guardian!!! « less




★★★★★

Russell B

Jun 10, 2021

Veteran Care Veterans Guardian

Veterans Guardian VA Claim Consulting is the best!!! I did what I could with my **VSO** but **VSOs** are so overwhelmed and therefore can only do so much. Veterans Guardian VA Claim Consulting gave me personal, one-on-one attention, coached me, and walked me through every step with the Veteran's Administration (VA). The results were better than I could have dreamed of!!! If you want to take the necessary steps to get what you believe you deserve from the VA and are stuck, give Veterans Guardian VA Claim Consulting a call. You will not be disappointed!!! « less





★★★★★

Rusty Bittle

Jun 10, 2021

Veteran Care

Veterans Guar...

Veterans Guardian VA Claim Consulting is the best!!! I did what I could with my **VSO** but **VSOs** are so overwhelmed and therefore can only do so much. Veterans Guardian VA Claim Consulting gave me personal, one-on-one attention, coached me, and walked me through every step with the Veteran's Administration (VA). The results were better than I could have dreamed of!!! If you want to take the necessary steps to get what you believe you deserve from the VA and are stuck, give Veterans Guardian VA Claim Consulting a call. You will not be disappointed!!!! « less



★★★★★


Rodney Kreps

Jun 27, 2021

Veteran Care

Veterans Guar...

The entire process was stress free, except obtaining information from the VA. All persons involved were very informative about what to expect and the length of time it may take for the process to be completed. Extremely compassionate people as well as professional. I highly recommend this organization over your **VSO**.




★★★★★


Kelly B

Sep 10, 2021

Veterans Guar...

I got boosted to 80% from 40% within 2 months after trying **vso** and myself for years. If you're a vet these people are there for you step by step.







Recommended

Howard Finett

Sep 20, 2021



Veteran Care



Veterans Guardian

After 4 year of working on my case alone or with a **VSO** I was rated at 60%, but with the evaluation of VG I was awarded an additional claim that brought me to 90%.....and recently through TDIU I was awarded 100%. Due in great part to their guiding, testing, reviewing, and getting the REQUIRED Nexus (IMO) that made it happen.


The who, what, where, why and when and HOW:

1. WHO IS VG; from people trained in great customer CARE to a process that assures meeting VA Standards for Service Connection and the NEXUS (IMO meeting current medical treatment to Independent Medical Opinion & Exam) and C-File reviews.
2. WHAT; VG provides a series of review sessions with their team so you always have someone who is in the loop and can see each step with another person is not in the office. They have the process to find the best avenue toward maximizing both the rating and the claim (or adjusting the claim). They have the IMO (Medical Opinion) network to meet the VA requirements or laws that meet VA.
3. WHERE: they know the ins and out's

They understand the inner VA works. Their people first and foremost help to evaluate your ratings reducing immediate stress levels (including not being understood) and create a feeling of confidence describing the process and time-lines.

4. HOW; their people are former VA and operate as a unit and separately for the appropriate claims.
5. WHY: They have the process, people, products (in the form of IMO confirmations. And they feel successful and confident.
6. WHEN: Timing is everything. Keeping the Veteran in the loop and having them send in the claim with all documentation step by step.

Thank you guys from the bottom of my heart.





Recommended

Chad Tiefe

Dec 29, 2021

Veterans Guard...

These guys know their stuff. They are faster and more thorough than you local **VSO**. Vets Guardian is for profit, but they only get paid if they get you an increase. **VSO**s are volunteers (which I'm grateful for) but they really have no skin in the game. These guys got me from 40% to 70% in about two months. Well worth it.



Recommended

Preston Phillips

Feb 1, 2021

Veterans Guard...

I have used lawyers, **DAV**, and other organizations to fight for my increase for years, which resulted in decrease rather than increase. BUT ONCE I WENT TO VETERANS GUARDIAN, I GOT AN INCREASE IN LESS THAN 90 DAYS WITH ALMOST NO HASSLE!!!! Thanks Veterans Guardian.



★★★★★


Chris F

Feb 1, 2021

Veterans Guard...

This is a legitimate organization that did for me much more than **DAV** or any other organization. When **DAV** did nothing, they did something. Yes they are for profit. Yes. I owe them money now for the next 6 months. But I wouldn't have even got my rating upped to 70% had it not been for them. They are professional. I have yet to be billed, but if all goes well there, I can tell you this will be worth every penny spent! They DON'T ask for money up front. « less






Recommended

Robert Keith Fauscett

Mar 4, 2021

Veterans Guard

Years. Years it took fighting the VA. **DAV** even went with me to do an interview in Roanoke, VA. Stacks of records, military and medical. Even resulting in a liver transplant due to military malpractice. Fifty percent. I could no longer work and I got fifty percent. A friend told me about Veterans Guardian and I took a chance. I worked with them over a few months (very few) to put together an appeal. They came through. Eight weeks after my packet was submitted I received notification I qualified for 100% disability. They came through when others couldn't. Thank you Veterans Guardian. » less



★★★★★

Joyce Perry

Mar 4, 2021

Veterans Guard

I found veterans guardian by accident on Facebook. I decided I had nothing to lose I had gotten myself to 30 percent and I knew I rated more. I just didn't know where to start or how to prove my case. My local **DAV** office wasn't very helpful. Process started in December 2020 just got my new rating March 1,2021 I'm now at 70 percent. This is a life changer for me. Words cannot express how grateful I am. The staff knows the system and have a proven record to get you what you deserve. I would definitely recommend them. » less



Recommended

Joseph Rollins


Sep 21, 2021

Veteran Care

Veterans Guard

They're fast and easy to work with. I've worked with many **VSO**s and have only been disappointed tremendously every time. After 25 years of fighting Veterans Guardian finally helped me to get what I deserved all these years. Thanks!!!!





Recommended

Dustin Linkins

Jul 29, 2021

Veteran Care

Veterans Guar...

I went with this agency with extreme anxiety and caution, thinking I'd just be another number. I was recommended by a friend to try them out. Without getting into the weeds of it, this organization got me from 50% over all to 80% over all VA rating. Yes you pay them 5 time your increase, but they did everything for me and walked me thru the process. The **DAV** and other organizations that are free don't have Doctors on call that know how to word things.

I will definitely be using them again once the smoke clears and I file for a increase for physical issues, since my mental issue are taken care of now. I had Amy as my initial representative, after that things were good but I had to remember that this is a marathon, not a sprint, I first called Veteran Guardian in April and I had my rating in July. The longest part was waiting on the VA, not this company. I'll be shooting for 100% workable now that I have confidence in this company. « less



★★★★★


Dan D

Aug 15, 2021

Veterans Guar...

Couldn't ask for a better Veterans Organization! I'm a life member of **DAV**. I tried using **DAV** for my Claim for 6 months and no movement with my **DAV** rep. Two months after signing with Veterans Guardians I was rated 100% total and permanent! Highly recommend!!!! Thanks Veterans Guardians!!!







Nathan Z Aug 25, 2021



Veteran Care



Veterans Guardian

This company is the best nation wide for disability claim assistance. I tried the **DAV** Wounded Warriors, etc. and none come close to how VG assisted me. They were able to assist me in increasing my claim.

If you need help with a first time claim or an increase, please go with Veterans Guardian!




Clayton Ching Jul 26, 2021



Veteran Care



Veterans Guardian





scott conrolley Sep 28, 2021



Veterans Guardian






★★★★★

Richard Stump · Jun 7, 2021

Veterans Guar...

EFFICIENT AND FAST. GOT MORE OUT OF THE VA IN 6 MONTHS THAN I HAVE IN 14 YEARS OR THE **AMERICAN LEGION** HAS IN 6 YEARS


Barry G Shultz just left a new review




Recommended

Barry G Shultz

I utilized this service and received a disability increase based on secondary issues. This organization knows their business. I highly recommend them over attempting to file your own claim. And I recommend them over your service organizations. You owe them nothing unless you get an approved rating or an increase. Their payment for services rendered is very reasonable and cheaper than a lawyer. They are a super advocate for veterans.





★★★★★

Marvin McBride


Feb 8, 2022

Veteran Care

Veterans Guar...

Successful upgrade from 70% to 90%. I could not have done it myself and I'm eager for their help with some of my orthopedic injury ratings. My **VSO** just gave me the bare minimum but these guys helped me in ways no one else has. They really understand what we as vets are dealing with how how to help.

I'm retired with over 26 years active duty and I have to admit I was skeptical at first because I've heard warnings from so called scammers but Veteran's Guardian are the real deal. I'm deeply thankful for their assistance! « less



Recommended

Chad Kreier

Feb 6, 2022

Veteran Care

Veterans Guar...

Veterans Guardian is absolutely incredible with assisting Veterans in receiving benefits they are entitled too. I was extremely impressed with the way in which each department walked me through how to apply, file for and receive benefits. They informed me about claims that no **VSO** had even ever shared. Each department was extremely professional and managed expectations. When I was frustrated with one of the VA decisions Veterans Guardian coached me through how to appeal to a senior reviewer in which case I received a favorable response. You pay 0 until this organization gets results for you. I highly recommend to anyone who has served and is dealing with any type of service connected trauma, injury or pain. If it happened to you while serving then you deserve to be compensated for it and Veterans Guardian will walk you through the process A-Z. HIGHLY RECOMMEND!! « less




EXHIBIT 4



VA Claim Consulting

GLOBAL IMPACT



OUR MISSION

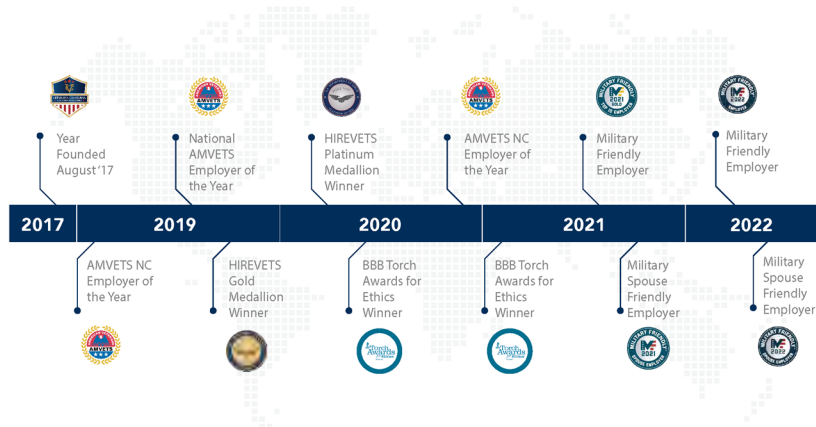
To help veterans achieve the disability rating they are medically and ethically eligible for as a result of their honorable service to the nation.

WHY WE EXIST

The VA disability process can be a difficult, elaborate, and confusing process that requires in depth knowledge and expertise to navigate successfully. Many veterans are either unaware of the benefits they are eligible for, unwilling to engage the process due to its complexity, or frustrated with previous efforts with the VA. Veterans Guardian provides the expertise, knowledge and resources to bridge these gaps.

HOW WE ARE DIFFERENT

Our top priority is to provide the best support, with personalized service and attention to our clients. We have assembled an elite team of veterans, veteran spouses, and veteran family members that can relate to our clients and their experiences. These team members are former VA employees, medical professionals, and military leaders with the experience, knowledge and dedication to guide our clients through this difficult process.



MEET OUR LEADERS



Scott Greenblatt
CEO
LTC(R) US Army



William "Bill" Taylor
COO
LTC(R) US Army

BY THE NUMBERS

**90%**

of the Veterans We Support See An Increase In Their Disability Benefits.

**+23,000**

Claims Approved Since Company Inception

**\$1000**

Average Increase Per Month In VA Disability Benefits

**2-4**

Month Average VA Decision Time

**+6300**

Claims Pending Decision

**1100**

Average Number Of New Clients Per Month

**+2800**

Positive Client Reviews

**+50**

Charities Supported

LOCAL IMPACT

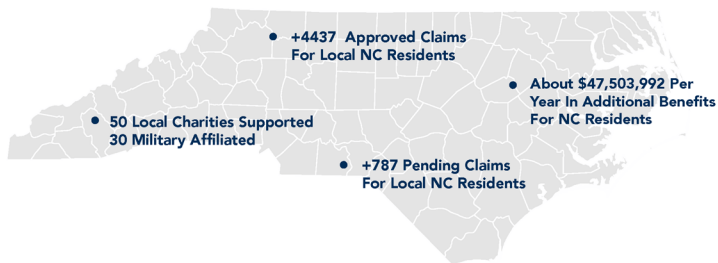


EXHIBIT 5



VETERANS GUARDIAN VA CLAIM CONSULTING, LLC

75 Trotter Hills Cir
Pinehurst, NC 28374

Our fee structure is simple and is based on the Veteran receiving an increase in their monthly compensation. First, we work strictly on a contingent basis and only charge a fee if the Veteran receives an increase in their monthly compensation from a claim we provided consulting services for.

- If the Veteran receives an increase in their VA rating and an increase in their monthly compensation then our fee is 5 months of the increase.

- As an example, if a Veteran comes to us rated 50% and is receiving \$1000 in monthly benefits and we help them get an increase to 70% and their monthly benefits increase to \$1500 then our fee is 5 times the \$500 increase for a total fee of \$2500.

- No fee is charged until the Veteran is receiving their increased monthly benefits. As an example a Veteran may get approved at the end of September but their increase in benefits will not start until November in which case they will not be invoiced until November.

- We offer three payment plans (1) Lump Sum with a 10% discount (2) a 5 month payment plan which equates to their compensation increase for the first 5 months and (3) a 10 month payment plan which equates to half of their compensation increase for the first 10 months. While these are our stated payment plans we are very flexible and routinely set up custom payments plans to meet the Veterans needs.

- This is a one time fee and once paid they enjoy their increased benefits for the rest of their lives

- We do not charge a fee for Back Pay. As an example if a Veterans claim takes 5 months to get approved and they get back pay to the submission date, that is solely the Veterans money with no impact on our fee.

- Additionally we have many cases where a Veteran will get an increase in their overall rating but no increase in their compensation and they are still not charged a fee. As an example we may help a Veteran get from an 85% overall rating (which pays at the 90% level) and get them all the way to 94% (which still pays at the 90% level) and not charge a fee because they did not receive an increase in their compensation.

- Additionally we only charge retired Veterans if they get to 50% because they are not receiving an increase in overall compensation until they qualify for Concurrent Receipt of Retirement and Disability Pay (CRDP). As an example if a retired veteran is originally rated at 10% and gets an increase to 40% there is no fee because the Veteran still does not qualify for CRDP and any increase in VA disability is deducted from their retirement.

- Bottom line is that any fee we charge is paid with money the Veteran was not receiving before and likely would not have received (or taken much longer to receive) without our assistance. As an example a Veteran who receives an increase and chooses the 5 month payment plan will still be receiving the same amount of money they were receiving before they came to us while they are making their payments and then will receive the increased benefits for the rest of their lives.

STATEMENTS FOR THE RECORD

Prepared Statement of Michael Waltz

Thank you Chairman Bost and Ranking Member Takano for providing me this opportunity to speak on H.R. 854, the *Captain James C. Edge Gold Star Spouse Equity Act*, which I introduced with my colleagues, Representatives Seth Moulton, Don Bacon, and Jason Crow.

The legislation is named in memory of Marine Captain James Edge, a classmate of mine at the Virginia Military Institute who was killed on April 14, 2005, from enemy small-arms fire while conducting combat operations in Ramadi, Iraq.

But more importantly, this legislation is for the survivors of our fallen heroes, like James's widow Krissy, and his daughters Helena and Rachel. While nothing we do can ever fill the loss of their loved one, this bill is designed to help ease the transition to the next chapter of their lives.

As the Committee is aware, the Survivor Benefit Plan (SBP) is a death benefit provided by the Department of Defense. A survivor of a servicemember who died on active duty is paid a benefit equal to 55 percent of their retirement pay if they had been retired at 100 percent disability at the time of death. The amount of pay is dependent on the pay grade at the time of the servicemember's death.

The Dependency and Indemnity Compensation (DIC), which is under this Committee's jurisdiction, is a VA benefit paid to eligible survivors of active-duty service members and survivors of veterans whose deaths are determined to be service-related. It is a flat monthly payment, currently at \$1,562.74.

These benefits are payable for life to the spouse unless they remarry. If they remarry, they lose these benefits. These benefits are reinstated should that marriage end by death or divorce. However, if that remarriage occurs at the age of 55 or older, the benefits continue uninterrupted.

Up until 2020, the DIC benefit was cutoff if a surviving spouse remarried prior to turning 57 and I'd like to thank then-Chairman Takano and then-Ranking Member Phil Roe, and this committee for helping ease this burden.

However, the time has come to completely eliminate the remarriage penalty and that's what the bill before the Committee does. H.R. 854 would allow Gold Star spouses to move forward with their lives, allowing them to remarry, free of fear of losing their benefits owed to them for their family's noble sacrifice.

As a Green Beret combat veteran, this is not only personal to me, but a strategic issue for our volunteer military. If the family support structure starts cracking, the entire foundation of our modern military is in trouble.

I humbly ask the Committee to favorably report this legislation. Thank you.

Prepared Statement of U.S. Court of Appeals for Veterans Claims

CHAIRMAN LUTTRELL, RANKING MEMBER PAPPAS, AND DISTINGUISHED MEMBERS OF THE SUBCOMMITTEE:

Thank you for the invitation to submit a statement of the Court's views on legislation pending before the Committee. The Court's comments address H.R. 1329, a bill that would amend 38 U.S.C. § 7253(a) to increase by 2 (from 7 to 9) the number of permanent judges on the United States Court of Appeals for Veterans Claims. The Court wholeheartedly supports this legislation.

The Court currently has 9 active judges – the 7 permanent appointments authorized under subsection 7253(a), and 2 additional judges appointed under the temporary expansion authority of subsection 7253(i). Case trends/predictions and VA staffing growth show that, to continue to provide veterans, their family members, and their survivors with timely judicial review, the Court needs the legislative change proposed in H.R. 1329 – increasing *permanent* authorizations from 7 to 9 active judges while maintaining the authority to *temporarily* expand by an additional 2 judges. As a result, the Court would have the much-needed authority to temporarily expand from 9 to 11 active judges.

In the Consolidated Appropriations Act, 2023,¹ Congress recognized that the growth in claims processing projected by VA would require expansion of the Court to 11 judges, and our FY 2023 appropriation gave us the requested necessary funding for that number of judges. Passage of H.R. 1329 would provide the Court with an authorization that would match our FY 2023 appropriation and would hopefully lead to the expeditious appointment of judicial candidates to fill the 2 new judge-ships.

By way of background, the Court, as an independent judicial body, has exclusive jurisdiction to review appeals from decisions of VA's Board of Veterans' Appeals (Board). Caseload trends over the years have shown that for every 10,000 Board decisions, the Court generally receives between 800 and 1,000 appeals. In FY 2012, when the temporary authorization for 9 judges was fairly new, the Board issued 44,300 final decisions and the Court received 3,649 appeals.² By comparison, in FY 2020, the Board issued 102,663 final decisions and the Court received an all-time high 8,954 appeals.³ Although the number of Board decisions has dipped slightly over the past 2 years, all indicators point to sustained growth in the anticipated number of Board decisions. The Board has received a significant influx of full-time employee positions and resources with a goal of increasing its capacity to decide cases, and the Board Chairman expects to produce more decisions in FY 2023 than in any prior year.⁴ Similarly, the VA General Counsel law group responsible for representing the VA Secretary in every case appealed from the Board to the Court is anticipating a growing workload, and VA has requested additional funding and staffing for that law group to keep up with an anticipated surge in appeals.⁵

These indicators suggest that the Court will receive an unprecedented number of appeals in the near future. That, combined with the expected swell of toxic exposure cases stemming from the PACT Act,⁶ and the complexity in our cases due to class-actions, make it clear that we need the authorization provided by H.R. 1329 now if we are to sustain our ability to provide full and prompt judicial review to veterans, their families, and their survivors.

For the above reasons, the Court strongly supports passage of H.R. 1329. Thank you for the opportunity to provide this statement, and on behalf of the Court, thank you for your past and continued support.

¹ Pub. L. No. 117-328, 136 Stat. 4459, 4971 (Dec. 29, 2022).

² 2012 U.S. DEPT. OF VETERANS AFFS., BD. OF VETERANS APPEALS REP. CHAIRMAN at 22 https://www.bva.va.gov/Chairman_Annual_Rpts.asp (last updated Dec. 15, 2021); 2012 U.S. CT. OF APPEALS FOR VETERANS CLAIMS ANN. REP. at 1, <http://www.uscourts.cavc.gov/documents/FY2012AnnualReport.pdf>.

³ 2020 U.S. DEPT. OF VETERANS AFFS., BD. OF VETERANS APPEALS REP. CHAIRMAN at 40 https://www.bva.va.gov/Chairman_Annual_Rpts.asp; 2020 U.S. CT. OF APPEALS FOR VETERANS CLAIMS ANN. REP. at 1, <http://www.uscourts.cavc.gov/documents/FY2020AnnualReport.pdf>.

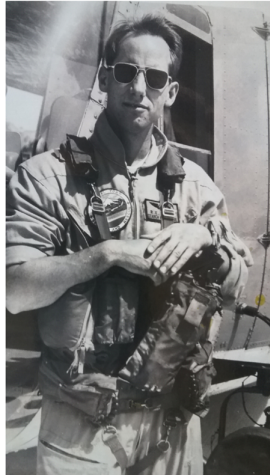
⁴ U.S. DEPT OF VETERANS AFFS., FY 2024 Budget Submission at 268, 272 (2023), <https://www.va.gov/budget/docs/summary/fy2024-va-budget-volume-iii-burial-and-benefits-programs-and-departmental-administration.pdf>.

⁵ *Id.* at 308, 330.

⁶ HONORING OUR PACT ACT OF 2022, Pub. L. No. 117-678, 136 Stat. 1759, 1782; <https://www.va.gov/resources/the-pact-act-and-your-va-benefits/>.

Prepared Statement of Gold Star Wives of America

Gold Star Wives of America



HOUSE VETERANS
AFFAIRS, SUBCOMMITTEE
ON DISABILITY
ASSISTANCE AND
MEMORIAL AFFAIRS
LEGISLATIVE HEARING



MARCH 29, 2023

National President

Tamra Sipes

House Veterans Affairs, Subcommittee on Disability Assistance, and Memorial Affairs
Legislative Hearing

Testimony for the Record Presented by:
Ms. Tamra Sipes
National President
Gold Star Wives of America

March 29, 2023

Distinguished Chairman Luttrell and Ranking Member Pappas and Members of the House Veterans Affairs, Subcommittee on Disability Assistance and Memorial Affairs. I am honored to share Gold Star Wives of America's views regarding the numerous pieces of legislation presented and proposed by members of the 118th Congress. Your committee is critical to the community I am a part of. I work hard to advocate for the American widow and widowers that must continue living their lives after paying the ultimate price for our freedoms.

My name is Tamra Sipes, and I am the widow of Petty Officer 1st Class Robert Sipes and the National President of Gold Star Wives of America. My husband was a Navy Search and Rescue Corpsman. He was my hero, our nation's hero, and killed while attempting to rescue children from a house fire. He was 34 years old, and I was 28. The blaze occurred on October 8, 1995, while we were stationed at Naval Air Station Whidbey Island in Washington State. During his years of service, he was called out on over 55 missions while stationed at El Toro Marine Corps Air Station, including one on Christmas Day.

A truck had gone over a cliff, with the cab landing on a ledge. The driver was unconscious, and there were high winds. The helicopter hovered over the canyon while my husband repelled down to the driver. He could not get the driver out of the cab with his safety gear on, so he unhooked himself to crawl into it, pulling the driver out onto the ledge to secure him into the basket. Due to the high winds, he took a beating from the canyon walls to keep his patient secure as the helicopter hoisted him back up.

His body was black and blue when he got home that night. He said the bruises weren't that bad; we saved a life. He never told me what happened. I read about it in a report almost a year later when he came home from work with medals pinned to his flight suit. He had been presented with the highest award you can receive during a non-wartime period: the Navy and Marine Corps Medal for Heroism. My husband lived to save lives for our country.

Most importantly, he was my loving husband and father of three children, ages 10, 2, and 6 months.
 And then it was just me, and three little ones...
 I joined Gold Star Wives in 1996.

Gold Star Wives of America (GSW) is a national non-profit organization dedicated to supporting surviving spouses of fallen service members. Founded in 1945, GSW is a support and advocacy organization for the surviving spouses of those who sacrificed their lives to serve our country. We work to ensure that the surviving spouses of our fallen heroes receive the benefits they are entitled to and are treated with dignity and respect.

Part of ensuring surviving spouses are treated with dignity and respect is providing benefits and support to help surviving spouses and their families survive financially and emotionally. With this mission at the center of our mind, we remind this committee of our legislative goals before commenting on three pieces of legislation that directly pertain to our community: H.R. 234 the Gerald's Law Act, H.R. 854 the Captain James C. Edge Gold Star Spouse Equity Act, and H.R. 1529, the Veterans' Cost-of-Living Adjustment Act of 2023.

Gold Star Wives Legislative Goals for the 118th Congress

1. Increase VA Dependency and Indemnity Compensation
2. Remove remarriage penalties
3. Update the definition of surviving spouse
4. PACT Act implementation

H.R. 234, the Gerald's Law Act

Gold Star Wives of America is supportive of H.R. 234; this legislation requires the Department of Veterans Affairs (VA) to provide a burial and funeral allowance for a veteran who dies from a non-service-connected disability in a home or other setting at which the veteran was receiving VA hospice care (if such care was directly preceded by VA hospital or nursing home care). As spouses of servicemembers who have passed away, we believe that requiring veterans to die in VA facilities to receive

critical benefits that ultimately fall on the families to pay, is unnecessary. Further, it seems likely that these situations may save the VA both funding and essential hospital space to serve other veterans in their care. Many of our veterans choose to die in the comfort of their homes or in a setting they prefer, and we believe we should not punish them and their families for that decision. We applaud General Bergman and his original co-sponsors for introducing this common-sense measure.

H.R. 854, Captain James C. Edge Gold Star Spouse Equity Act

Gold Star Wives is supportive of H.R. 854 with numerous amendments.

We are grateful for Representative Waltz's efforts to address what has become a harmful injustice that we know both sides of the aisle wish was not current American policy.

That is the fact that our great Nation incentivizes surviving spouses to not remarry, encouraging them to lie about relationships, and often weigh living by the codes of their chosen religion and thereby losing economic resources that were often earned literally by the blood and death of their loved one.

Shortly after my husband died, I remember walking the halls at the Naval Air Station on Whidbey Island, Washington, in a fog, with my children trying to navigate the health records and appointments. I was next in line at a Tricare help window, and the receptionist looked at my ID, which showed I was an un-remarried widow, then looked at my kids and me and said, "don't ever remarry." I looked at her and thought, I'm 28 years old. I have no family. No community and nowhere to go back to. How am I going to get through this... She said, "...if you remarry, you will lose your benefits and never get them back." She was correct at the time, and I needed to ensure my children were provided for. I didn't remarry.

Under current law, if surviving spouses remarry before the arbitrary age of 55, we forfeit lifesaving benefits. If we have children, the amount we receive per child is nowhere near the cost of raising that child.

This legislation would allow spouses under the age of 55 to receive DIC benefits again. However, it fails to again provide critical survivor's benefits under Sections and Chapters: 1781, relating to medical care for survivors and dependents of certain veterans; Chapter 35, relating to educational assistance.; Chapter 37, relating to housing loans.; and Section 1562(a)(2), relating to Medal of Honor special pension.

However, including these changes would only address one-half of the overall issue facing our community. The legislation fails to address the cause of the issue, which is that these benefits are taken from spouses who remarry in the first place.

Our Nation's Veterans rightly do not lose disability compensation, education benefits, or medical care because they marry or divorce. Similarly, our surviving spouse's benefits were paid for by the death of their loved one. Why would we think it is sound, moral, or logical policy ever to take those benefits away? Why do we not apply a similar standard to our veterans if they get married or divorce? Because it is unconscionable.

Marriage is complex and often includes love, the merging of families, and economic factors. However, our existing policy insinuates that marriage should economically compensate for the benefits received by the widow or widower. It implies that the new spouse should be able to make up for the economic earnings lost through the marriage merger. Again, we find this logic flawed and immoral, at odds with most faiths, and also a tax on the men and women that deserve the benefits earned by their deceased spouses.

We believe in the leadership of the 118th Congress to finally right old wrongs. Not with half-measures. But by truly doing the right thing for those who made the ultimate sacrifice. Anything less is simply weighing costs against actually doing the right thing. Do the right thing.

To us, it seems the primary reason Congress has not acted on this blight on our Nation, is the cost it presents to Congress via the Congressional Budget Office. Asking young men and women who have gone through the worst of tragedies and trauma, to risk their family's livelihood due to a budgeting gimmick seems unconscionable. Do the right thing and fix this.

H.R. 1529, Veterans' Cost-of-Living Adjustment Act of 2023

Gold Star Wives is supportive of H.R. 1529 if amended.

We strongly encourage the committee to amend the legislation to create equity between survivor benefits and other federal survivor benefits; as written, this critical legislation will increase the compensation rates for veterans with service-connected disabilities and the rates of dependency and indemnity compensation

for the survivors of certain disabled veterans. However, this increase does not create parity across federal survivor programs.

Survivors only receive 43% of the compensation a veteran rated 100% disabled receives. However, if someone who works for a federal agency dies because of their job, their surviving spouse is eligible for up to 55% of their compensation. This is a significant disparity that must be corrected.

Our surviving spouses have lived on the edge for many years. With the current inflation and cost of living, most of these spouses will be unable to sustain themselves and must find programs to help offset their basic needs. We receive regular calls asking for help, and the situation is only becoming more strained.

An increase in DIC is not only the right thing to do, but it will also result in significant assistance to the men and women suddenly thrust into an incredibly traumatic and economically challenging situation.

GSW is grateful for the work of Representative Jahana Hayes, and Chairman Tester and Senator Boozman for their work on the Caring for Survivor Act of 2023, which would increase DIC compensation to 55% of the rate of a 100% disabled veteran compensation as well as lower the threshold for DIC eligibility for survivors of 100% permanently and totally disabled veterans. This bill would ensure that surviving military spouses can live with dignity and respect, knowing their sacrifice is not viewed as less than, by our country. We ask that the DAMA Committee consider amending this bill to include similar language or to consider stand-alone language at your next legislative hearing.

Conclusion

Thank you for including Gold Star Wife's views on these incredibly important policy proposals that affect our Nation's veterans, service members, and spouses.

The future of our Nation's national security is directly tied to how we treat and honor our veterans and service members, families, and spouses. Suppose the Nation sees our widows and widowers living in poverty with a Congress working to take away benefits because our spouses choose to remarry; what kind of impression will that leave on those thinking of military service? What kind of impression will that leave for those considering marrying someone who serves?

There is a lot of overdue work for this committee. We know they are not easy choices. They are moral questions. We believe this committee will choose to do the right thing.

GSW wholeheartedly thanks the House and Senate Veterans Affairs Committees for your time and attention to these issues of vital importance to the survivor community. We look forward to working with the Committees in any way we can to move these priorities forward.

Tamra Sipes

Tamra Sipes joined Gold Star Wives in 1996. Her husband, Robert Sipes, was a Navy Search and Rescue Corpsman and was killed while attempting to rescue children during a house fire while stationed at Naval Air Station Whidbey Island on October 8, 1995, at the young age of 34. During his years of service, he was nationally recognized as first runner-up EMT of the year by the National Association of EMTs; completed over 55 missions while stationed at El Toro Marine Corps Air Station; presented with the Navy Commendation and the Navy and Marine Corps Medal for Heroism. He was meritoriously promoted to E6 while stationed at Kaneohe Bay Marine Corps Base, BUT most importantly he was the loving husband of Tamra age 28 and father of three children ages 10, 2 and 6 months when he was killed.

Tamra currently works in the event industry. She used her Chapter 35 benefits to obtain an Associates Degree, which she received at the age of 49, after her children were out of school. She has continued her education through certifications from FEMA, Intl Live Events Association (ILEA), World Health Org. and the Event Leadership Institute (ELI), plus multiple other trainings throughout the years to stay up to date on event industry changes.

Volunteerism plays an important role in Tamra's life. In addition to Gold Star Wives of America, she has served on the board of the Island County Economic Development Council, board of Big Brothers Big Sisters of Island County, is a member of Soroptimist Intl. of the Americas serving in multiple roles including the Soroptimist International of the Americas (SIA Federation board, which includes a membership of over 20 countries.

Prepared Statement of National Organization of Veterans' Advocates

Chairman Luttrell, Ranking Member Pappas, and members of the Subcommittee, the National Organization of Veterans' Advocates (NOVA) thanks you for the opportunity to offer our views on pending legislation. Our statement will focus on the following bills: (1) H.R. 1139, GUARD VA Benefits Act; (2) H.R. 1329, to amend title 38, United States Code, to provide for an increase in the maximum number of judges who may be appointed to the United States Court of Appeals for Veterans Claims; (3) H.R. 1378, Veterans' Appeals Backlog Improvement Act; and (4) H.R. 1530, Veterans Benefits Improvement Act.

NOVA is a not-for-profit 501(c)(6) educational membership organization incorporated in the District of Columbia in 1993. NOVA represents more than 800 attorneys, agents, and other qualified members nationwide, who are assisting tens of thousands of our Nation's military veterans, their surviving spouses, and their families seeking to obtain their earned benefits from VA. NOVA works to develop and encourage high standards of service and representation for all persons seeking benefits from the Department of Veterans Affairs (VA).

NOVA members represent veterans before all levels of VA's disability claims process, and handle appeals before the United States Court of Appeals for Veterans Claims (CAVC), United States Court of Appeals for the Federal Circuit, and Supreme Court of the United States. As an organization, NOVA advances important cases and files amicus briefs in others. *See, e.g., Henderson v. Shinseki*, 562 U.S. 428 (2011) (amicus); *NOVA v. Secretary of Veterans Affairs*, 710 F.3d 1328 (Fed. Cir. 2013) (addressing VA's failure to honor its commitment to stop applying an invalid rule); *Procopio v. Wilkie*, 913 F.3d 1371 (Fed. Cir. 2019) (amicus); *NOVA v. Secretary of Veterans Affairs*, 981 F.3d 1360 (Fed. Cir. 2020) (M21-1 rule was interpretive rule of general applicability and agency action subject to judicial review); *Buffington v. McDonough*, No. 21-972 (February 7, 2022) (amicus in support of petition for writ of certiorari).

The most important facet of NOVA's mission is the education of accredited advocates. NOVA currently conducts two conferences per year, each of which provide approximately 15 hours of continuing legal education (CLE) credit for attendees. NOVA sustaining members must participate in at least one conference every 24 months to maintain eligibility to appear in our public-facing advocate directory. Experts from within and outside the membership present and train on the latest developments and best practices in veterans law and policy. In addition to conferences, NOVA offers webinars, online support, and other guidance to its members to enhance their skills.

H.R. 1139, GUARD VA Benefits Act

NOVA supports H.R. 1139. NOVA testified in April 2022 at a joint hearing before this Subcommittee and the Subcommittee on Oversight and Investigations as to the need for this legislation. National Organization of Veterans' Advocates, *Statement Before the House Committee on Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs and Subcommittee on Oversight and Investigations, Joint Oversight Hearing, "At What Cost? – Ensuring Quality Representation in the Veteran Benefit Claims Process"* (April 27, 2022), <https://docs.house.gov/meetings/VR/VR09/20220427/114660/HHRG-117-VR09-Wstate-RauberD-20220427-U1.pdf>. We incorporate this testimony by reference, and we thank Reps. Pappas and Radewagen for reintroducing this important bill.

Over the past several years, there has been a proliferation of predatory companies offering "consulting" services for veterans seeking VA disability benefits. These "claims consultants" are unaccredited by VA and unlawfully charge veterans fees to prepare initial claims – a service that has long been available for free from accredited veterans service organizations throughout the country. In addition to charging veterans thousands of dollars for a service they can get for free, these consultants provide incorrect and harmful advice that often results in the veteran's forfeiture of months' or years' worth of benefits.

For example, while the consulting company prepares and reviews the claim, the veteran submits it on their own or, in some circumstances, the claim is submitted by an employee using the eBenefits log-in information of the veteran. If the veteran's claim is granted, the company charges a fee based on five to six times the amount that the veteran's monthly payment increases. Thus, their fee relies on increasing the veteran's future benefits, and once this increase has been achieved, their work is complete. This practice leaves no incentive for ensuring that the veteran's award has been assigned a proper effective date. Pursuing a proper effective date would require filing a decision review request, e.g., a higher-level review or appeal to the Board of Veterans' Appeals (BVA), which entails work for which they

would not be compensated. While this practice benefits these unaccredited companies, their failure to ensure that the veteran has been awarded the earliest effective date means that the veteran is forfeiting retroactive compensation that could, depending on the circumstances of the case, be substantial.

VA has issued “cease and desist letters” to these unaccredited consulting firms, but VA states it has no ability to stop their unlawful activity. H.R. 1139 reinstates penalties for those who violate the law and protects veterans and their families from predatory practices. We urge this Committee to advance it.

H.R. 1329, to amend title 38, United States Code, to provide for an increase in the maximum number of judges who may be appointed to the United States Court of Appeals for Veterans Claims

NOVA supports H.R. 1329. Many NOVA members represent veterans before the CAVC, and serve or have served on CAVC committees or as part of the CAVC Bar Association leadership. When Congress passed the Veterans Judicial Review Act in 1988, veterans finally gained the long-denied right to judicial review of final BVA decisions. It is important that Congress continue to ensure the court has the necessary resources to timely administer justice for our Nation’s veterans.

Between FY 2017 and FY 2020, BVA nearly doubled the number of issued decisions, from 52,661 to 102,663. Department of Veterans Affairs, Board of Veterans’ Appeals, ANNUAL REPORT 40 (2020), <https://www.bva.va.gov/docs/Chairmans—Annual—Rpts/BVA2020AR.pdf>. In 2020, the CAVC received 8,954 appeals, an all-time high. United States Court of Appeals for Veterans Claims, Annual Report 1 (2020), <http://www.uscourts.cavc.gov/documents/FY2020AnnualReport.pdf>. While BVA production has slipped and the corresponding number of CAVC appeals has slightly dropped since FY 2020, the August 2022 passage of the PACT Act is resulting in increased claims and an expectation of increased appeals to BVA and, in turn, the CAVC. The PACT Act also created funding for more positions within the Veterans Benefits Administration, BVA, and VA’s Office of General Counsel, which is anticipated to result in increased productivity and, ultimately, more appeals to the CAVC.

Congress has already appropriated the funds necessary to expand the CAVC to 11 judges, i.e., expanding by two permanent positions and retaining two temporary ones. Pub. L. No. 117–328, 136 Stat. 4459, 4971 (Dec. 29, 2022). With these funds in place, Congress should move quickly to authorize additional judges and ensure veterans continue to have prompt access to justice as decisions and appeals increase in the years ahead.

H.R. 1378, Veterans’ Appeals Backlog Improvement Act

NOVA supports H.R. 1378, which would establish an internship program within BVA and require a report on improving access to BVA telehearings. In the recently released VA FY 2024 budget, VA stated: “Initial projections after passage of the PACT Act show the Board could receive as many as 78,000 AMA appeals in 2023 and nearly 86,000 in 2024.” U.S. Department of Veterans Affairs, FY 2024 Budget Submission, *Burial and Benefits Programs and Departmental Administration*, Vol. 3, 274 (March 2023), <https://www.va.gov/budget/docs/summary/fy2024-va-budget-volume-iii-burial-and-benefits-programs-and-departmental-administration.pdf>. However, the budget further indicated that BVA only anticipates issuing 26,000 AMA appeal decisions in 2023 and “anticipates 2024 to be the first year in which the number of AMA decisions will be roughly equal to the number of legacy decisions.” *Id.*

According to reports from NOVA members, many veterans are waiting over two years for a decision in the AMA direct review lane, far more than the 365-day goal to which BVA committed in negotiations with its stakeholders and a foundation of the system passed by Congress in 2017. NOVA supports efforts such as these to provide resources for BVA to fulfill its mission of producing timely, accurate decisions for veterans and their families. NOVA also encourages this Committee to conduct oversight on ongoing delays.

Furthermore, BVA continues to run a significant hearing backlog. Veterans are choosing the hearing lane at a 41 percent rate. AMA Appeals Lane Choices FY 2019 – FY 2023, <https://www.bva.va.gov/images/appeals/ama-appeal-lane-choices-large.jpg>. At the end of FY 2022 there were 74,411 hearings pending with 30,089 completed. Legacy and AMA Hearings Held and Pending (FY 2019 – FY 2022), <https://www.bva.va.gov/images/appeals/legacy-and-ama-hearings-held-and-pending-large.jpg>. These statistics, combined with projections for increased appeals, indicate the backlog will continue to grow. NOVA supports efforts to explore how hearings can be better and more efficient, and reduce the long waits veterans endure to be heard.

H.R. 1530, Veterans Benefits Improvement Act

NOVA supports H.R. 1530. In particular, it is critically important that every correspondence regarding the scheduling of a disability examination be communicated to the veteran's accredited representative. NOVA members report confusion and a lack of clear communication about scheduling to veterans that causes them to miss examinations. When a veteran misses an examination, it needs to be properly and timely rescheduled or there is a strong likelihood VA will deny the claim. Representatives can assist their clients with navigating this process but timely notice is necessary.

Likewise, ensuring veterans have accurate contact information for contractors and can identify who is calling them allows veterans to have more control over this important – and often stressful – part of the disability claims and appeals process.

Finally, while NOVA understands that there may be some Disability Benefits Questionnaires (DBQs) that cannot be published, the language of Section 5105(d)(4)(B) is excessively and unnecessarily broad, as it would essentially allow VA to exclude any DBQ created after January 1, 2022, that has not been previously published. NOVA recommends removing subsection (d)(4)(B). Alternatively, Congress should ensure through oversight that this provision is not overly restrictive in limiting publication of DBQs.

Conclusion

NOVA is committed to working with Congress, VA, and fellow accredited stakeholders to advance this important legislation for our Nation's veterans and their families. Thank you again for allowing NOVA to provide our views.

For more information:

NOVA staff would be happy to assist you with any further inquiries you may have regarding our views on this important legislation. For questions regarding this testimony or if you would like to request additional information, please feel free to contact Diane Boyd Rauber by calling NOVA's office at (202) 587-5708 or by emailing Diane directly at drauber@vetadvocates.org.

Prepared Statement of Tragedy Assistance Program for Survivors

The Tragedy Assistance Program for Survivors (TAPS) is the national provider of comfort, care, and resources to all those grieving the death of a military loved one. TAPS was founded in 1994 as a 501(c)(3) nonprofit organization to provide 24/7 care to all military survivors, regardless of a service member's duty status at the time of death, a survivor's relationship to the deceased service member, or the circumstances of a service member's death.

TAPS provides comprehensive support through services and programs that include peer-based emotional support, casework, assistance with education benefits, and community-based grief and trauma resources, all at no cost to military survivors. TAPS offers additional programs including, but not limited to: a 24/7 National Military Survivor Helpline; national, regional, and community programs to facilitate a healthy grief journey for survivors of all ages; and information and resources provided through the TAPS Institute for Hope and Healing. TAPS extends a significant service to military survivors by facilitating meaningful connections to other survivors with shared loss experiences.

In 1994, Bonnie Carroll founded TAPS after the death of her husband, Brigadier General Tom Carroll, who was killed along with seven other soldiers in 1992 when their Army National Guard plane crashed in the mountains of Alaska. Since its founding, TAPS has provided care and support to more than 100,000 bereaved military survivors.

In 2022 alone, 8,849 newly bereaved military survivors came to TAPS for care. This is an average of 24 new survivors coming to TAPS each and every day. Of the survivors seeking our care in 2022, 30 percent were grieving the death of a loved one to illness, including toxic exposures, and 29 percent were grieving the death of a military loved one to suicide.

As the leading nonprofit organization offering military grief support, TAPS builds a community of survivors helping survivors heal. TAPS provides connections to a network of peer-based emotional support and critical casework assistance, empowering survivors to grow with their grief. Engaging with TAPS programs and services has inspired many survivors to care for other more newly bereaved survivors by working and volunteering for TAPS.

Chairman Luttrell, Ranking Member Pappas, and distinguished members of the House Committee on Veterans' Affairs, the Tragedy Assistance Program for Survivors (TAPS) is grateful for the opportunity to provide a statement for the record on issues of importance to the 100,000-plus surviving family members of all ages, representing all services, and with losses from all causes that we have been honored to serve.

The mission of TAPS is to provide comfort, care, and resources for all those grieving the death of a military loved one, regardless of the manner of death, the duty status at the time of death, the survivor's relationship to the deceased, or the survivor's phase in their grief journey. Part of that commitment includes advocating for improvements in programs and services provided by the U.S. Federal Government—the Department of Defense (DOD), Department of Veterans Affairs (VA), Department of Education (DoED), Department of Labor (DOL), and Department of Health and Human Services (HHS)—and State and local governments.

TAPS and the VA have mutually benefited from a long-standing, collaborative working relationship. In 2014, TAPS and the VA entered into a Memorandum of Agreement that formalized their partnership with the goal of providing earlier and expedited access to needed survivor services. In 2023, TAPS and the VA renewed and expanded their formal partnership to better serve our survivor community. TAPS works with military survivors to identify, refer, and apply for resources available within the VA, including education, burial, benefits and entitlements, grief counseling, and survivor assistance.

TAPS also works collaboratively with the VA and DOD Survivors Forum, which serves as a clearinghouse for information on government and private-sector programs and policies affecting surviving families. Through its quarterly meetings, TAPS shares information on, and supports referrals to, its programs and services that support all those grieving the death of a military loved one.

TAPS President and Founder, Bonnie Carroll serves on the Secretary of Defense Roundtable for Military Service Organizations and the Department of Veterans Affairs Federal Advisory Committee on *Veterans' Families, Caregivers, and Survivors*, where she chairs the Subcommittee on Survivors. The committee advises the Secretary of the VA on matters related to veterans' families, caregivers, and survivors across all generations, relationships, and veteran statuses. Ms. Carroll is also a distinguished recipient of the Presidential Medal of Freedom, the Nation's highest civilian honor.

Captain James C. Edge Gold Star Spouse Equity Act (H.R. 854)

(TAPS Does Not Support As Written)

A top legislative priority for TAPS is to secure the right for surviving spouses to remarry at any age and retain their benefits. Many surviving spouses choose not to remarry after the death of their service member because the loss of financial benefits would negatively impact them, especially those with young children. To retain their benefits, many choose to cohabitate instead of legally remarrying. If a surviving spouse waits until age 55 to remarry, they retain benefits.

We appreciate Representatives Waltz, Moulton, Bacon and Crow for introducing the *Captain James C. Edge Gold Star Spouse Equity Act* (H.R. 854), which would expand benefits for certain surviving spouses who choose to remarry, but TAPS does not support the bill as it is currently written.

The bill policy language is neither inclusive nor comprehensive. The use of the term "in the line of duty" excludes surviving spouses of veterans and retirees whose spouses died from a service-connected injury or illness. TAPS feels strongly that we should not create different categories of survivors and that any expansion of benefits should benefit all survivors, not just survivors of certain duty statuses, causes of death, or locations of death.

The current language also addresses only two of the benefits surviving spouses receive, the Surviving Benefit Plan (SBP) and Dependency and Indemnity Compensation (DIC). It does not address education benefits, base access, health care, and commissary and exchange benefits that surviving spouses lose if they remarry before the age of 55.

From the technical side, H.R. 854 refers to surviving spouses of a veteran who remarry before the age of 57. *The Johnny Isakson and David P. Roe Veterans Health Care and Benefits Improvement Act of 2020*, Section 2010, lowered the remarriage age from 57 to 55. The law went into effect on January 5, 2021.

Furthermore, Section 2 of the bill does not address the concerns of the "Child Only Option" Survivor Benefit Plan recipients. The SBP-DIC Offset, better known as the "Widow's Tax", was repealed in December 2019 through the *Fiscal Year 2020 National Defense Authorization Act* (NDAA). The repeal of the authority for the Op-

tional Annuity for Dependent Children, and the ability for surviving spouses to reselect the benefits in their name, went into effect on February 1, 2023. As written, H.R. 854, does not allow remarried surviving spouses to reselect the SBP in their names.

Remarriage legislation that is both inclusive and comprehensive is the *Love Lives On Act of 2023*, which is endorsed by TAPS and 30 other Veteran Service Organizations (VSOs). TAPS encourages the committee to consider the *Love Lives On Act of 2023*, as this bill is strongly supported by the veteran and survivor community.

The Love Lives On Act of 2023:

- Removes the arbitrary age of 55 as a requirement for surviving spouses to retain benefits after remarriage.
- Allows surviving spouses to retain both the Survivor Benefit Plan (SBP) and Dependency and Indemnity Compensation (DIC) upon remarriage at any age, and reselect if they were a child option surviving spouse.
- Allows remarried surviving spouses to maintain access to education benefits under the Fry Scholarship and Dependents Education Assistance (DEA).
- Allows remarried surviving spouses to retain Commissary/Exchange benefits.
- Allows remarried surviving spouses to regain their TRICARE benefits if their remarriage ends due to death, divorce, or annulment.
- Removes the “Hold Themselves Out to Be Married” clause from 38 USC, Section 101, paragraph 3.

Current law significantly penalizes surviving spouses if they choose to remarry before the age of 55. Given that most surviving spouses from the post-9/11 era are widowed in their 20’s or 30’s, we are asking them to wait 20-plus years to move forward in their lives. They often have children that they must raise alone. Many surviving spouses choose not to remarry after the death of their service member because the loss of financial benefits would negatively impact them, especially those with children. Many choose to cohabitate instead of legally remarrying. A long-term goal for TAPS is to secure the right for surviving spouses to remarry at any age and retain a majority of their benefits. TAPS is a strong supporter of the *Love Lives on Act of 2023*.

Military spouses are among the most unemployed and underemployed populations in the United States. Due to frequent military moves, absence of the service member, and expensive child care, military spouses face high barriers to employment and are unable to fully invest in their own careers and retirement. For many families, military retirement pay is the household’s retirement pay. These employment barriers continue when a military spouse becomes a surviving spouse. Many surviving spouses put their lives on hold to raise bereaved children. They are reliant on their survivor benefits to offset the loss of pay for their late spouse and their own lost income as a result of military life.

If a surviving spouse’s subsequent marriage ends in death, divorce, or annulment, while most benefits can be restored, TRICARE cannot. If a surviving spouse was previously eligible for insurance through CHAMPVA, that benefit can be restored. TAPS is not asking for surviving spouses to maintain TRICARE upon remarriage, only that we provide parity with other federal programs and allow it to be restored if the subsequent marriage ends.

These are punitive restrictions that are imposed on the military surviving family, but not others who put their lives on the line to protect and defend. For example, in 30 states, including Texas¹, Virginia², and Louisiana³, first responders’ survivors are allowed to legally remarry in the U.S. and maintain all or partial pensions and benefits.

In certain circumstances, divorcees are granted more respect than surviving spouses. If a service member was married for at least 20 years and served 20 years, that spouse is entitled to a portion of that retirement benefit regardless of whether they remarry or not. Surviving spouses should not be penalized for remarrying when we grant the right to retain benefits to certain divorced spouses.

Choosing to remarry should not impact a surviving spouse’s ability to pay bills. They should not have to choose between another chance at love and financial security. They are still the surviving spouse of a fallen service member or veteran, who earned these benefits through their service and sacrifice, regardless of their marital status. Being widowed should not penalize them from finding love in the future.

¹ https://www.firehero.org/resources/family_resources/benefits/local/tx/

² https://www.firehero.org/resources/family_resources/benefits/local/va/

³ <https://irp-cdn.multiscreensite.com/ac5c0731/files/uploaded/Louisiana.pdf>

The following personal testimonials from surviving spouses help highlight these important issues.

Tonya Syers, Surviving Spouse of W4 Lowell Syers II, U.S. Army

"My husband, Lowell, enlisted in high school via the delayed entry program. We met at Fort Campbell, Kentucky, and married six months later. After multiple moves, he eventually decided to join the National Guard, and we moved to California. He retired after 20.5 years. In May 2019, we watched my son graduate from UGA and be commissioned into the USAR. My husband gave him his first official salute. It was a very exciting moment, but the next day Lowell asked me to take him to the emergency room. Instead of celebrating Jake's graduation, we found out Lowell had stage 4 glioblastoma from the burn pits. By the end of July, it took his life.

Eventually, I met a gentleman named James "Jay" Matheson. He also retired from the Reserves. We got engaged. I was shocked to learn that remarrying before the age of 55 would cause me to lose my military benefits. Jay's ex-wife was granted half of his Navy retirement. She is free to remarry without any financial loss. Why does the government allow divorcees to keep military pensions but punish military widows? I am not in any way telling the government to rescind ex-wives' court-appointed portions of military pensions. I am only saying that it is morally wrong not to offer military widows the same option to remarry without financial penalty.

The most pro-family and pro-military decision Congress could make is to change this law! Lowell served over 20 years and never collected one cent in retirement. He died, like most, too early due to military service. We would gladly trade our benefits to have our spouse back. Unfortunately, we do not have that option."

Marcie Robertson, Surviving Spouse of SFC Forrest Robertson, U.S. Army

"I lost my husband in November 2013 when he was killed in action in Afghanistan. At the time, I was 34 years old, and our daughters were 14, 10, and 6 years old. One day I had a partner and the next day I was the only one to make decisions, discipline, and raise three daughters.

My husband deployed four times during our marriage, so we both understood his job meant there was a real possibility that he might not come home each time he deployed. Early on, we had a discussion about what would happen if he were to lose his life. He told me where he wanted to be buried and what to do with the insurance money. He also told me that when I felt ready, he wanted me to move forward with someone new. It was very important to him that I not spend the rest of my life alone. I remember him telling me I would be too young to never marry again. He said this, not realizing that his wish for me would mean the end of the benefits he provided for me. He went to war for his country knowing that if he sacrificed his life, his family would be taken care of. He did not know that meant his widow would have to stay unmarried until she was practically a senior citizen to maintain her benefits.

I have met a wonderful man who has become a partner to me and a "bonus dad" to my daughters. He was also a soldier and spent over 20 years serving his country. He is exactly what my husband would want for the four of us. I dream of the day when I can marry him. I am a Christian and believe that God provided this amazing man to be my husband. I was pulled aside several times by my church leader and told if I didn't marry him or kick him out of my house, I would lose my vote in church decisions and my opportunity to volunteer in the church. This ultimately pushed me away from my church and severed important friendships in my support system. I am being forced to make a choice to put aside my religious beliefs to maintain my income.

Even after all this, he is willing to wait until we are in our late 50's to marry me. I should never have been put in a position to have to ask that of him. Especially, when a soldier can get divorced, and if the couple was married for a certain length of time and that soldier's retirement is named as marital property in the divorce decree, the spouse will receive as much as half of the soldier's retirement. That same spouse can remarry and receive their share of the retirement. It is unbelievable that this is not the same for me.

It appalls me that my country would ask me to give up my financial independence to get married. We are talking about a small portion of the population of the United States that have sacrificed so much. If you are willing to vote "yes" on a bill to send people to war, you should also hold responsibility for the catastrophic effects of war and serving. It should be a reminder of the cost of war. Continuing to pay these benefits after remarriage is a small price to pay to take care of the families of our fallen.

If you are concerned about the cost of supporting survivors, stop asking men and women to give their lives.”

VETERANS COMPENSATION AND COST OF LIVING ADJUSTMENT ACT OF 2023 (H.R. 1529)

(TAPS Strongly Supports)

More than 450,000 survivors receive Dependency and Indemnity Compensation (DIC) from the VA. DIC is a tax-free monetary benefit paid to eligible surviving spouses, children, or parents of service members whose death was in the line of duty or resulted from a service-related injury or illness. TAPS is committed to strengthening DIC and providing equity with other federal benefits.

The current monthly DIC rate for eligible surviving spouses is \$1,562.74, which has only increased due to Cost-of-Living-Adjustments (COLA). TAPS thanks Chairman Luttrell and Ranking Member Pappas for introducing the *Veterans Compensation and Cost of Living Adjustment Act of 2023* (H.R. 1529) to help improve DIC. TAPS also encourages the committee to pass the *Caring for Survivors Act of 2023* (H.R. 1083) to increase DIC from 43 percent to 55 percent of the compensation rate paid to a 100 percent disabled veteran, to provide parity with all other Federal survivor programs.

TAPS and the survivor community have supported increasing DIC for many years. The following statements from veteran survivors demonstrate that stringent limitations on DIC payments to survivors have financial and widespread impacts on housing, transportation, utilities, clothing, food, medical care, recreation, and employment for surviving families.

Sadie Clardy, Surviving Spouse of TSgt Michael Clardy, U.S. Air Force

“Five years ago, my husband died suddenly, leaving me to raise four children—ages 11 and under—on my own. My earning potential is severely limited, due to the years I dedicated to supporting my husband’s career, and also the logistics of maintaining a job as a single mother of four. These last few years, especially, have been financially draining with supply chain issues, inflation, and, more personally, the loss of a vehicle due to an uninsured driver.

It is time to increase DIC, to come to parity with federal death benefits. It is time to give families of the fallen some breathing room. A DIC increase for our family would mean paying back savings, music lessons, school supplies, and cooking omelets for my children with carefree abandon. Moreover, putting us more on the level with other survivor groups is the right thing to do.”

Harry McNally, Surviving Spouse of SGT Shanna Golden, U.S. Army

“Increasing the amount of DIC to levels identical to other federal survivor benefits should have been done decades ago. As it stands, the implication is that the death of a veteran or service member is worth less than the death of other federal employees.”

Barclay Murphy, Surviving Spouse of MAJ Edward Murphy, U.S. Army

“When my son turned 18 and went to college, a significant amount of income was lost while expenses remained constant—if not higher—due to inflation. I had planned for the income loss; I even sold my house and downsized. I raised two kids solo for almost 18 years. As an empty nester, I thought I’d have enough money for just me, but it has been tough even after the Widow’s Tax repeal and cutting out so much.”

Melissa Evinger, Surviving Spouse of Sgt Barry Evinger, U.S. Marine Corps

“As a widow and mother of three children, the weight I carry on my shoulders is substantial and often paralyzing as I strategize how to take care of my children. As a Texas public school teacher, my income will never be substantial. I do receive DIC, however, this does not come close to what my husband received in disability compensation. Because of this, I have to supplement my income by working as a tutor before and after school. This all amounts to time I have to be away from my children just to ensure we can afford a basic lifestyle.

My husband, children, and I have paid a huge price for our country. As the Nation asked my husband to help defend its interests, I now ask for your help in return. I respectfully ask you to consider the possibility of increasing the amount of DIC for the widows and children of the fallen.”

GERALD’S LAW (H.R. 234)

(TAPS Strongly Supports)

The average cost of a funeral in the United States in 2022 is upwards of \$7,000. The current VA rates for reimbursement for a veteran are miniscule in comparison. The burial allowance for a non-service-connected death is \$300, and \$2,000 for a death connected to military service. VA will pay up to \$796 toward burial and funeral expenses for deaths on or after October 1, 2019—if hospitalized by VA at time of death, or \$300 toward burial and funeral expenses—if not hospitalized by VA at time of death.

TAPS supports **Gerald's Law** (H.R. 234) to raise the burial allowance for veterans who die in hospice care at home instead of a VA facility. Veterans should not have to choose where they would prefer to pass due to red tape and cost; and their families should not be forced to say goodbye to a dying loved one in a hospital as opposed to comfortably at home.

CONCLUSION

TAPS thanks the leadership of the House Committee on Veterans' Affairs, their distinguished members, and professional staff for holding this hearing. TAPS is honored to share our views on behalf of the thousands of surviving families we serve.

