

HEARING TO CONSIDER PENDING LEGISLATION

HEARING

BEFORE THE

COMMITTEE ON VETERANS' AFFAIRS

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HEARING TO CONSIDER PENDING LEGISLATION

WEDNESDAY, APRIL 26, 2023

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 3:14 p.m., in Room SR-418, Russell Senate Office Building, Hon. Jon Tester, Chairman of the Committee, presiding.

Present: Senators Tester, Brown, Blumenthal, Hassan, King, Cassidy, Tillis, and Sullivan.

OPENING STATEMENT OF CHAIRMAN JON TESTER

Chairman TESTER. I want to call this hearing to order. You guys can sit down. I do not think I am swearing in. I may. No, I am not, so you can sit down. Thank you for being here.

This is an opportunity to hear views from the Department of Veterans Affairs and advocates on 14 bills pending before this Committee. Three of these bills are my bills, and it is to increase support for surviving family members of veterans, to expedite veterans' appeals, and to expand SkillBridge programs for more men and women transitioning out of the military.

My Caring for Survivors Act would increase the amount of dependency and indemnity compensation for surviving family members of servicemembers and veterans who died in the line of duty from a service-connected injury or illness. While we can never fully convey our appreciation for their sacrifice, this bill is a meaningful step and it reflects our commitment to servicemembers, veterans, and their families.

My Veterans Border Patrol Training Act is a powerful tool to help transitioning servicemembers maximize their military training and skill sets while also strengthening our national security. It establishes a pipeline for separating servicemembers to work as Border Patrol agents for the Department of Homeland Security after they leave the military. It truly is a win-win for our veterans and it is a win-win for our country.

My Expedited Veterans Appeals Act would permanently increase the number of judges on the U.S. Court of Appeals for veterans' claims. This increase will ensure that the court is better structured to handle its increasing caseload and the anticipated number of new claims that may result from the passage of the PACT Act.

We also have the GUARD Act on the agenda today. This is critical legislation to ensure veterans are not being taken advantage

of by people or organizations that charge veterans for helping them to get VA benefits. Last week we heard about bad actors preying on veterans for financial gain, and the GUARD Act is a common-sense first step, giving the VA the tools it needs to stop illegal benefits fraud by reinstating criminal penalties for individuals who assist veterans with VA claims if they are not accredited by the VA.

Other bills on today's agenda would add student veteran centers to campuses across the country, improve VHA Comparison Tool, and provide easier access for student veterans to attend foreign institutions of higher education.

I want to thank you all for being here today, for talking about these important bills on the agenda, and I look forward to today's discussion.

While I am still waiting for the Ranking Member to come, and he is on his way, I would just like to say there was an interesting situation that happened on the floor. We had a bill with five bills in it, a number of bills, to support home health care, support mental health care in that home health care, have money available for VSOs to help educate their membership about what is going on in the VA, and another one for research on marijuana. It is my understanding that in the Republican Caucus they put up a fuss about that research.

I just want you to know I put that bill forward so that veterans are going to know what they are putting in their body and the effects of that. We know the effects of opioids when it comes to pain killers. It is not good. And if there are other options out there for our veterans, and the scientific community can back that up, why are we not at least giving the veteran the opportunity to use that and know what they are putting in their body?

If this bill fails in cloture, which it may, this is an incredible disservice that has been done to the veterans of this country, not only for that bill but for the other four bills that are a part of it too. But so be the United States Senate at this moment in time. It is a little bit disserving. These bills passed out of Committee unanimously, I think in the month of February, out of this Committee. They are all bipartisan.

They are all bills that, by the way, the veterans' community asked for. And for the folks who represent VSOs in this room, you understand that every time that the VSOs come to talk to the Joint Session of House and Senate Veterans' Affairs Committees, one of the things that I always say is that this Committee and I take our cues from the veterans, from the VSOs.

So such is the way it is. And do you guys get robocalls too? That is the way it is.

[The pending bills referred to by Chairman Tester appear on page 33 of the Appendix.]

Anyway, with that I think—Is he close? We can proceed?—we have a panel of VA witnesses here today. Joseph Garcia, Executive Director of VBA's Education Service will serve as the Department's lead witness. He is accompanied by David Barrans, by Kevin Friel, by Nick Pamperin. David is the Chief Counsel for Benefits Law Group in the Office of General Counsel, Kevin is Deputy Director

of Pension and Fiduciary Service, and Nick Pamperin is the Executive Director of Veteran Readiness and Employment Service.

So with that we will turn it over to you, Mr. Garcia, for your opening statement, and know that your entire statement will be a part of the record.

PANEL I

STATEMENT OF JOSEPH GARCIA ACCOMPANIED BY DAVID BARRANS, KEVIN FRIEL, AND NICK PAMPERIN

Mr. GARCIA. Good afternoon, Chairman Tester. Thank you for the opportunity to discuss pending legislation that would affect VA programs and services. With me today are David Barrans, Chief Counsel, Office of General Counsel; Nick Pamperin, Executive Director of Veteran Readiness and Employment Service; and Kevin Friel, Deputy Director of Pension and Fiduciary Service.

Mr. Chairman, with 14 bills on the agenda I will highlight several in my oral statement. We have provided detailed comments in the full testimony to include areas of support and concern.

The Fry Scholarship Enhancement Act would expand the eligibility for the Marine Gunnery Sergeant John David Fry Scholarship to a child or spouse of an individual who died from a service-connected disability during the 120-day period beginning on the first day of release from military duty. VA supports, subject to appropriation, but recommends revising the bill language to apply either to deaths that occur on or after the date of enactment or to deaths that occur on or after September 11, 2001.

VA would also support, if amended, the Better Examiner Standards and Transparency for Veterans Act. This legislation would ensure that only licensed health care professionals furnish contract medical examinations for VA disability benefits. VA would also support, if amended, the Caring for Survivors Act, that would improve and expand eligibility for dependency and indemnity compensation to service survivors.

VA supports the Love Lives On Act, but cites certain concerns. VA recommends deleting the proposed language that states the resumption of dependency and indemnity compensation payments for the surviving spouse of a veteran would be restricted to remarriages that occurred prior to the surviving spouse reaching age 55. That requirement would create disparate treatment for certain surviving spouses.

The Student Veterans Transparency and Protection Act would improve how VA discloses risks associated with using education assistance at particular institutions. This bill would also expand restoration of entitlement to include protection when an individual is unable to complete a course or program due to a federal or state civil enforcement action against an educational institution.

Subject to the availability of appropriations, VA supports the section that would codify the GI Bill Comparison Tool. VA has no objection to Section 2(d)(1)(A), as contracted benefit advisors are trained to provide a demonstration of the GI Bill Comparison Tool during the VA Benefits and Services course.

VA does cite concern with the section that would require contracted employees to provide educational counseling services. VA benefit advisors do not provide educational counseling beyond the curriculum that directs transitioning servicemembers, veterans, and family to VA resources.

VA does not support the proposed bill to establish a new Veterans Economic Opportunity and Transition Administration. VA appreciates the Committee's focus on improving services and resources. However, we do not support the bill as adding a fourth administration and executive leadership would limit efficiencies by creating redundant structures. Further, the existing one-on-one relationship with the Veterans Health Administration, which is critical to the PACT Act implementation, would become more complicated with an additional administration.

Finally, VA supports the Veteran Improvement Commercial Driver License Act. This bill would modify the rules for approval of commercial driver education programs, thus providing more training opportunities for veterans and boost employment in this occupational area.

VA also fully supports the Governing Unaccredited Representatives Defrauding VA Benefits Act. This bill would address the absence of criminal penalties in the current statutes governing the conduct of individuals who provide assistance with benefit claims.

Mr. Chairman, this concludes my statement. I would be happy to answer any questions you or other members of the Committee may have.

[The prepared statement of Mr. Garcia appears on page 37 of the Appendix.]

Chairman TESTER. Well, thank you, Mr. Garcia, for your statement. We have a great Democratic member of this Committee, Senator Sherrod Brown, who also serves as Chairman of the Banking Committee, that I know that if I call him to ask his questions first he will do the same for me on the Banking Committee.

So Senator Brown, you are up.

SENATOR SHERROD BROWN

Senator BROWN. But you have never called to ask that. Thank you, Chair Tester, and I appreciate the work that—we have a package of issues on the Senate floor and I appreciate the work Jon is doing on that, so I know he is just there for that.

Thanks for holding this hearing first. Before turning to the witnesses I just want to make a statement about something that I think the VA has made a right decision, to thank you for taking the right steps in stopping the electronic health record rollout at additional sites until patient safety concerns are addressed. I spent a good bit of time either in Columbus there or talking to people there, and Secretary McDonough was helpful. I thank the staff at Chalmers Wylie VA Center in Columbus for their hard work as they continue to meet veterans needs while including those concerns. So thank you for stepping up the way you did there. Thank you.

I have a question for Mr. Barrans, if I could, regarding veteran complaints about unaccredited representatives. I cannot stay for

the second panel so I wanted to highlight a few lines from Mr. Liermann's testimony that I found troubling. The direct quote is, "At the March 29, 2023, hearing of the House Veterans' Affairs Subcommittee, Christa Shriber testified that veterans who have been charged an unreasonable fee can motion to the OGC to have those fees changed. She reported that in 2022, VA returned \$2.5 million in unreasonable fees back to veterans. She stated that 40 percent of all claims they received were specifically about unaccredited representatives."

Can you explain what an "unreasonable"—Mr. Barrans, and again, I apologize for not asking the second panel—can you explain that to me, what an "unreasonable" fee is and why a veteran could motion to have the fee changed?

Mr. BARRANS. Yes, I would be happy to address that. We have presumptions in our statute regarding what is a presumed reasonable fee and a presumed unreasonable fee. So a fee of 20 percent is presumed reasonable, and a fee above 33 percent is presumed unreasonable. But we make reasonableness determinations on a case-by-case basis. There is specific authority in Section 5904 of Title 38 for VA to do that.

And one of the reasons is because what is reasonable is dependent upon the facts of each individual case. If an attorney is able to convince a veteran to sign a fee agreement and then VA turns around and grants the claim the next day, without the attorney having done any significant work on the case, the attorney might be entitled to a fee of 20 or 30 percent of the benefits under that agreement, but he would have done no work, he or she would have done no work, and in that case the veteran would be entirely justified in seeking review, or VA conducting its own review, to determine whether the fee should be reduced.

Senator BROWN. Thank you. I just wanted to restate my support for the GUARD Act. We should reinstate the guardrails to protect from unaccredited organizations. If these organizations want to help veterans they need to get accredited, period, as I believe you think. So thank you.

Mr. Friel, I was glad to see that VA supports the Love Lives On Act with some amendments. Like my colleagues, I have heard directly from constituents whose lives have been put on hold because of the remarriage restrictions. It really is unconscionable. I look forward to working with my colleagues on this bill as it moves forward.

So thank you. Mr. Chairman, thanks.

Chairman TESTER. Thank you, Senator Brown.

I have got a few questions myself. The Caring for Survivors Act increases the dependency and indemnity compensation, expands access to the benefit by reducing the number of years a veteran must be rated totally disabled for their spouse to qualify. DIC has not kept up with the cost of living, and this bill aims to bring it in line with other federal survivor programs, giving veterans' surviving families a much needed increase to the benefits. The PACT Act has also expanded access to survivor benefit programs, making more surviving families eligible to apply for benefits.

So the question is, how many additional survivors does VA anticipate will qualify for benefits under Caring for Survivors? Whoever would like to go.

Mr. FRIEL. Thank you for the question. Based off of what we did with our analysis on the costing we anticipate in the initial year there will be about 4,000 beneficiaries that will be brought into the program, and then subsequent out years there will be the projection of 2,000 per year.

Chairman TESTER. And that will go on, the 2,000 per year will go on—

Mr. FRIEL. Indefinitely.

Chairman TESTER.—Indefinitely. Okay. How many survivors have already qualified for benefits under the PACT Act, and how many does VA anticipate are eligible to apply under the PACT Act?

Mr. FRIEL. So as of yesterday we had approximately 4,600 claims that had been received from survivors related to the PACT Act. We have granted about 2,600 of those, and we are granting at about just over a 62 percent rate. So our anticipation when we did the initial analysis was we anticipated seeing 70,000 new beneficiaries being added to the rolls based off the PACT Act as it relates to survivors.

Chairman TESTER. Interestingly enough, I was at an MOA meeting last night and visited with those folks for a bit, and I had several folks come up to me, and one of them said that after the passage of the PACT Act he had gotten three or four emails saying, “Here is what you have got. Here is the benefits now.” If you guys had anything to do with that, thank you, because it is good to see aggressive outreach, and I would include it in that.

On the GUARD Act, VA-accredited organizations’ individuals are held to specific standards when they assess veterans with their claims. These accredited individuals are prevented from charging any fees for preparation, presentation, or prosecution of initial claims. However, there is a growing market preying on veterans, claiming to be consultants or coaches, and they are charging veterans fees for the same services veterans can get free from accredited individuals. Sometimes these fees are upwards of \$1,200, which means either a veteran gives up months of their disability or they end up being hounded by third-party debt collectors.

The GUARD Act reinstates criminal penalties for anyone who is charging veterans to assist with preparation of the claims without being accredited.

Can you explain VA’s position that we should maintain the current law of not allowing fees to be charged by those assisting with the initial appeal?

Mr. BARRANS. Yes. So the current law is that no one may charge a fee for assistance with initial appeal. We would be happy to provide views on any legislative proposals along those lines. But that limitation was put in place and has been in place for decades, for a logical and noble reason, which is that veterans benefits should be going into veterans’ pockets to the largest extent possible.

The VA adjudication system is designed to be weighted very heavily in favor of veterans and in favor of granting claims whenever possible, and in that environment the thought is if a veteran’s claim is granted by the VA on the first pass, the veteran should

be entitled to enjoy the full measure of those earned benefits without having to divert any of it unnecessarily to an attorney. And, of course, that is balanced by allowing attorneys in after the first denial.

Chairman TESTER. Thank you for that explanation. Can you tell me what will happen if we fail to reinstate criminal penalties for violating VA's accreditation?

Mr. BARRANS. Yes. We would expect the market of actors who are charging illegal fees to grow. We are aware that there are many actors out there right now charging unlawful fees. We believe this has proven to be a potentially lucrative area of law, particularly because the system is weighted in favor of maximizing grants. A number of, just percentage wise, a large number of these claims are going to be granted by VA, with or without the assistance of counsel. It may, therefore, be relatively easy to make money by signing up claimants and letting the system operate the way it normally would.

Chairman TESTER. So the period of transition from military to civilian workforce is a critical window for veterans. We have had many a hearing on this. One tool Congress can use to help with this transition is to establish employment pipelines from military to specific areas of civilian or government work force. That is the idea behind the Border Patrol Training Act, that establishes a program for veterans to fill critical national security functions, leveraging what they learned in the military.

So can you talk about how important it is to support transitioning servicemembers from military to civilian life, particularly when it comes to training and employment programs?

Mr. PAMPERIN. Thank you, Senator, for the question. Within VA, obviously veteran employment is a critical aspect of what we look to do. You know, while this piece of legislation we defer to DHS and DoD, we have shown, through our 15 different SkillBridge programs with DoD that there is true value.

Take one, for example, which is the WARTAC program, where transitioning servicemembers learn how to become claims adjudicators. Since 2014, we have had over 2,300 transitioning members go through that program, and 1,900 graduate, and over 1,700 got positions within VBA, and to this day, 76 percent of them still maintain employment.

So there is real value in capturing these folks as they are transitioning out, and within the VBA WARTAC program we have seen great benefits by soldiers transitioning right in to be able to help their fellow transitioning soldiers in the compensation rating process.

Chairman TESTER. Thank you.

Senator Tillis, if you are not ready I will go to Senator Blumenthal. Okay, Senator Blumenthal.

Senator TILLIS. As long as I get the next one.

Chairman TESTER. You will get the next one, unless Senator Hassan jumps in. I am just kidding. Go ahead.

SENATOR RICHARD BLUMENTHAL

Senator BLUMENTHAL. Thank you. Thank you, Mr. Chairman. Thanks for holding this hearing. I think we all can agree that bad

actors, con artists that exploit veterans are predators that ought to be addressed with strong action. That is why I have introduced the GUARD VA Benefits Act, along with Senators Boozman, Graham, and thankfully, Chairman Tester.

Mr. Barrans, welcome back. I think we talked about the GUARD Act the last time you were here. And I want to ask you a question that we did not address then, which is whether this problem of exploitation of veterans by individuals who may not be certified, the abuses of their rights and their pocketbooks is a growing problem that you think should be addressed.

Mr. BARRANS. Yes. Thank you. We do think it is a growing problem. We have supported the GUARD Act and similar proposals because we have seen growing action by bad actors in this area, meaning growing reports of individuals or organizations who are charging unlawful fees. It diverts veterans' benefits unnecessarily. Also, you know, these individuals are acting without VA accreditation, meaning they have no oversight. So even to the extent that they are providing services, we have no indication on whether they are quality services, and we have no basis for holding them accountable to the extent they provided this service to our veterans.

Senator BLUMENTHAL. You know, the changing demographics indicate to me that our veteran population is aging. Seniors are more vulnerable to these kinds of practices. Have you found that to be true?

Mr. BARRANS. Yes. We have seen, anecdotally or through observational reports, that a number of these scams target older populations, so pension poaching is an obvious example, which involves repositioning assets, and it often involves selling additional financial services to veterans or their survivors. Similarly, we have seen scams around home care services or offering to assist with your claims if you sign up for a particular home care service. So we have seen those populations being increasingly targeted.

Senator BLUMENTHAL. I want to ask you about the GI Bill and particularly the basic allowance for housing, the BAH. Think many of us have friends, relatives—I have two sons and a son-in-law—taking advantage of the GI Bill, and in particular, I am saying that the allowance, the BAH, expires or is prorated while students are not actively in the classroom. For example, a student veteran whose classes end on December 10th would receive the BAH for only 10 days. That veteran, consequently, would have to pay out of pocket for their monthly expenses for the remaining 21 days.

Maybe Mr. Garcia, shouldn't the current BAH rules be changed to better serve our veterans?

Mr. GARCIA. Sir, as a former veteran myself who relied on the GI Bill to get me through college and after 8 years enlisted service I totally get what you are saying. I would not be here without the GI Bill. I know we have looked, for example, at the half-rate when a student veteran takes online courses. We would like to see if that could be changed. You have still got to pay the rent, whether you are online or not, right? So that is one example of what we can look at.

In terms of the rate itself, I believe there is a dependency on what the DoD rates are. We kind of match those. But we would be

happy to work with you in terms of what you are talking about, the proration part, and see what we could do there.

Senator BLUMENTHAL. Well, prorating it or covering fully the time when a veteran needs to stay in the housing. Class may have ended but he cannot just go out and become homeless as a result. He needs that support. And I get what you are saying about online, but why should it be only half?

Mr. GARCIA. Sir, that was an original position, maybe related to COVID. I am not sure. A lot of things maybe were perceived differently, what was online, what was not. But again, you have still got to pay the rent whether you are in the classroom or not. So it is just something we can continue to work with you on and address that.

Senator BLUMENTHAL. Well, thank you for that, you know, if someone is taking classes online, the home becomes the classroom.

Mr. GARCIA. Exactly.

Senator BLUMENTHAL. So it is all the more necessary.

Mr. GARCIA. Yes, sir.

Senator BLUMENTHAL. Thank you. Thanks, Mr. Chairman.

Chairman TESTER. Senator Tillis.

SENATOR THOM TILLIS

Senator TILLIS. Thank you, Mr. Chairman. I also want to thank Secretary McDonough. We spent about 30 minutes together last week, to give me an update on the PACT Act implementation. As many of you know, I voted against the PACT Act. I support the legislation, need to, since there was a lot of stuff that we supported out of our office. And he has given me some hope that we can work out some of the kinks and fulfill the promise that we made.

Mr. Barrans, I know in your testimony you were talking about the bill that I was talking about, on timely reporting response to congressional inquiries, as placing an undue burden on you on particularly complex issues, and that we would hold the VA to a different standard of other agencies. I do not buy the last one, because I want the VA to be one of the top-rated agencies for responsiveness, for supporting the veterans, for the best place to work. So if may be treating you differently, some of that could be intentional because I want you to be better than the rest. And I also think you have less work to do than many other agencies.

So can you tell me a little bit—I mean, we can boil this down to simple use cases. I have some QFRs that I do not think were particularly complex, that I have not had a response to. I mentioned that in a prior hearing. If I requested something that you are going to say, “He is asking me to answer a question six months before I can do it well, because I’m doing analysis, or it requires data-gathering,” whatever process to formulate an answer, I do not think this bill would restrict us from sitting down and you offer a good case, or someone within the agency, and say, “I can give you the Cliff Notes version now. If you want the expanded version it may take me three months.” In fact, I would consider that a partial response, versus a non-response, which is what some of us experience.

And I think Senator Tester pointed out, it is a bipartisan problem, and I know that it existed across several administrations. So

we are trying to fix it. And I would like our office to work with you and figure out what other accommodations we need.

In the VA, timeliness is very important. Most of the things that we are asking about are things that we, in our heart of hearts, believe is going to help the VA be better positioned to serve veterans. So rather than spend time in the office, I am going to take your support right now as a lean no, but I would like to get you to a lean yes by realizing—many of you guys have been around for a while. You have observed my behavior. I do not attack the VA. I try to ask questions that help the VA get the job done. And oftentimes the answers to the questions that I am asking are within the express intent of what I can do to make your job easier and make the outcomes for veterans better.

So if I can get the commitment from whoever is the appropriate person to meet with my office, and let us walk through and see what concerns we can get addressed so we can hold the VA to a higher standard?

Mr. GARCIA. Mr. Barrans, do you want to take that one?

Mr. BARRANS. Chair, thank you. I certainly appreciate the points and the elaboration and what is motivating them. You know, VA certainly takes very seriously this relationship and our duty to provide you the information you need to help us, and we do work diligently to provide as timely and thorough and accurate answers as we can, and as we have stated, the complexity or other factors, collaboration with other departments may delay things.

But to your point, we would certainly commit to exploring ways to improve the process, to include modifying it, as you suggest, to have more touch points if a complete answer is going to take longer.

Senator TILLIS. Good. And I think we can address that, because I intend to continue to press on the bill.

I told Secretary McDonough, when I met with him, I was 60 seconds from being here for the Committee hearing. I just got off the train here and missed the hearing. I do not like bad actors, period. I hate bad actors in the VA space. And I told Secretary McDonough, one of the questions I wanted to ask, do we believe everybody who are providing veterans service in a for-profit model are bad? All of them?

Mr. BARRANS. No, no.

Senator TILLIS. Do we think more than half of them are? Do we have the data to substantiate the answer to that question I just asked?

Mr. BARRANS. I do not think we have the data, and I do not think we know the full gamut of unaccredited representatives who are out there.

Senator TILLIS. I, for one, think that we have many organizations that are doing a good job, and I think that our policies need to be instructed by real data and that our oversight should be instructed by outcomes. And what we do need to do is come up with some way of objectively measuring an organization who engages in their services, what they got for it, how much it cost them. Bad actors just get put out of business, and good actors get more business.

But I think one of the problems, the concerns that I have, on Capitol Hill, many people think all of them are bad actors, just like

for-profit institutions of higher learning that have a pretty high placement rate and fairly low tuition rate. Let us work on something that will give us the data that will allow you, maybe over time, to let that data be instructed by policy so you can make it better.

And Mr. Chair, the only other thing I wanted to mention, I was able to observe, on C-SPAN later, because I was walking up here, the exchange between Senator Hirono and Senator Sullivan on a bill that he is proposing for the Camp Lejeune toxics. I think it is fair to say our office had a little bit to do with the drafting of that bill.

Chairman TESTER. You did.

Senator TILLIS. Yep. And I hate the ads, and I also am concerned with just how much money is going to go into the pockets of a law firm versus providing the veteran with support. I think the registration period for the Camp Lejeune Act gives us a remarkable opportunity to find more veterans who have no connection to the VA.

Now I know that there are going to be problems with getting a cap on legal fees through, but just if I could—and Senator Hassan, I apologize for this—I started thinking about a kind of patriot bill of rights. An attorney that has a retainer agreement that they are going to have a prospective veteran sign has an obligation to say, “Have you contacted the relevant agency?” In this case it would be the Department of the Navy. “Have you ever contacted the VA for services?” We have a lot of people we do not have a connection to, but they are seeing a hell of a lot of ads right now, and some of them may be calling that number.

So the first question is, “Do you realize that you have a right to call this agency and the nature of the claim may be one that you do not need legal representation. And if you have called that agency and you did not have a good response, do you know that your Congressman and your two Senators also do casework like this, and we advise clients, when we think the complexity of their case is too great for us to carry it forward. Have you done that?”

“And are you also aware, prospective client, that there are several veteran service organizations that are also developing expertise here? Are you aware of them? Have you contacted them?” And then, “Are you also aware that you may be charged exorbitant fees for this,” and we will let people justify what that fee needs to be, before they sign a retainer agreement. What would be wrong with a concept like that, that requires every attorney, maybe even any organization that is in the for-profit veteran servicing benefit, to make sure that these veterans know what rights they have, that have nothing to do with using anything but an agency and a congressional office and a veteran servicing organization before they ever go to an outside source to pay for a service, or pay for litigation.

On its face, you are an attorney so you are never going to say yes to a question like that, but on its face do you see anything directionally wrong with that concept?

Mr. BARRANS. Nothing wrong with the concept. Obviously we would be happy to provide views on any proposed legislation, but

certainly anything that helps educate veterans of their rights and resources available.

Senator TILLIS. Expect a draft. Maybe when we get together on the pending legislation we can talk about that one too.

Thank you, Mr. Chair. Senator Hassan, I am sorry for going over.

Chairman TESTER. Senator Hassan.

SENATOR MARGARET WOOD HASSAN

Senator HASSAN. Well thank you, Mr. Chair. I want to thank you and the Ranking Member for this hearing, and thank you to all the witnesses here today for your work.

Mr. Garcia, the VA runs a wide variety of important benefits programs to support and empower veterans, and we have talked about some of those. As I was coming in I was hearing you talking with Senator Tester about some of them. We do that in recognition of the service and sacrifice that veterans have given to keep our country safe, secure, and free.

For example, in addition to processing disability claims, the VA also runs programs like the GI Bill for education, the Home Loan Program for housing assistance, and career assistance programs like Veteran Readiness and Employment.

So just briefly, can you talk about how important these programs are to veterans and transitioning servicemembers?

Mr. GARCIA. Ma'am, let me turn to my colleague, Nick Pamperin, on the VR&E to start, and then I can pick it up after he is done.

Senator HASSAN. Yes, and just give me, you know, 15, 20 seconds on each, because I have got a couple of follow-ups.

Mr. GARCIA. Sure. Yes, ma'am.

Mr. PAMPERIN. Absolutely. It is a great question. What I can tell you is our longitudinal study—it is a 30-year study for VR&E—shows that veterans who go through the VR&E program, on average, earn \$20,000 to \$30,000 more annually than veterans who discontinue the program. We are an employment program, and our program demonstrates, you know, significant results for veterans.

Senator HASSAN. Great. Thank you. Anything you wanted to add, sir, about the other programs?

Mr. GARCIA. Well, all the programs are extremely important, especially we found for the dependents, the educational assistance that we can provide dependents really are striking in how much difference they make. We have seen that in surveys. That is something I think I would like to call out.

Senator HASSAN. Okay. Now these types of—well, let me back up. In light of how important the programs are to veterans, I want to learn a little bit more about how they are administered. Can you tell me about the professional background and expertise of the VA employees who administer the VA's employment and education programs?

Mr. PAMPERIN. Sure. For VR&E, the primary case manager is a master's-educated counselor in vocational rehabilitation services. We are the only affirmative program within VBA that has that specific cohort of an educational requirement. So within VR&E it is a master's-educated counselor.

Senator HASSAN. Okay. And other employment programs, similar kind of career counseling, training?

Mr. PAMPERIN. Within the VR&E program, we are the employment program. They are the GS-12, master's-educated counselors.

Senator HASSAN. Okay. So these types of experts are critical to the effective administration of the VA's economic benefit programs. I want to turn to the type of expertise that is best suited, to, though, to administering the VA's disability benefits process, which involves lawyers and doctors and health care experts. So can you tell me about the professional background and expertise of the VA employees who administer the VA's disability programs?

Mr. FRIEL. Yes, ma'am. So it varies. We have attorneys that we hire. We have nurse practitioners that we hire as far as rating decisions and working in that area. For a claims processor, we typically look for a college degree, at least a bachelor's degree, they come in at the GS-7 level, and then through the training that we provide them, because it is a unique skill set, and then we work to get them up to speed. And we have quality and oversight that ensures that the production that we get is the best that we can get.

Senator HASSAN. But you are really looking at an analysis of health care claims within an adjudicatory process, right? It is determining disability claims.

Mr. FRIEL. So yes. I mean, in that arena—I represent Pension and Fiduciary Service so that is more of a compensation question, but I would be happy to take that back and work with compensation service to get you a reply about what they look for.

Senator HASSAN. Well, what I am really trying to get at here, and just really want to know, is if there is a difference in the expertise that we need, and I want to just highlight the reasons behind the bipartisan bill I have, that you all know about, with Senator Rubio, which would create a separate administration within the VA that would dedicate full attention to the VA's economic and transition assistance programs, while the existing Benefits Administration could focus more completely on processing disability claims for veterans.

My concern is when you have one administration that is really focused on adjudicating disability claims you do not necessarily focus in the same ways that you could on economic empowerment and transition. And so I hope to continue discussions with all of you about that bill and how we make sure that we are running these programs as effectively as we can for veterans.

Thank you. Thank you, Mr. Chair.

Chairman TESTER. Yes, thank you, Senator Hassan. I want to thank you guys for being here today and being forthright and willing to work with us. You are dismissed. Thank you.

We have got a second panel coming up. I have got a bunch of folks that are very familiar with this Committee. We have Shane Liermann, who is Deputy National Legislative Director of Disabled American Veterans; we have got Tammy Barlet, Vice President of Government Affairs for Student Veterans of America; we have got Ashlynn Haycock-Lohmann, who is the Deputy Director for Government and Legislative Affairs at the Tragedy Assistance Program for Survivors; and we have got Diane Boyd Rauber, who is

Executive Director for the National Organization of Veterans' Advocates.

I want to start by thanking all of you for being here today. We appreciate getting the perspective from the veterans who are on the ground. More importantly, we appreciate what each and every one of you do for the veterans throughout this country.

We will start with you, Mr. Liermann, for your opening statement, and then we will rock and roll right down the line. Go ahead.

PANEL II

STATEMENT OF SHANE LIERMANN

Mr. LIERMANN. Thank you. Chairman Tester and members of the Committee, DAV is grateful for the opportunity to appear before you today, and our written testimony covers all of the 14 bills being considered. However, my comments will focus on just a few of these.

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.

I am a disabled veteran and a VA-accredited DAV benefits advocate, and I have been assisting veterans and their families with claims and appeals for 25 years. Based on this experience, we appreciate the importance of S. 280, the BEST for Vets Act, as it would ensure that only licensed health care professionals furnish disability examinations under the VA contract examiner program. The VA examination is a vital part of the claims process as it can be determinative of the existence of a current condition or if the veteran's illness or injury is related to their active military service, or specifically, the severity of that condition. Thus, having medically licensed professionals will only benefit the process. DAV supports the BEST for Vets Act.

Part of our mission includes protecting veterans and their families in the claims and appeals process, which is why DAV strongly supports S. 740, the GUARD VA Benefits Act. It would reinstate criminal penalties for those entities who charge veterans and their families fees for preparing the claim, all the while intentionally skirting around VA accreditation requirements. To be clear, these companies were created knowing they were operating in violation of VA law. Additionally, many have refused to stop their practices, even after receiving cease and desist letters from VA's Office of General Counsel.

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. DAV believes that no veteran should pay these entities to file a claim. Veterans have already paid with their service and sacrifices.

Mr. Chairman, we thank you and Senator Boozman for introducing S. 414, the Caring for Survivors Act. This bipartisan legislation would ease the eligibility criteria for dependency indemnity

compensation, DIC, and increase the monthly benefit amount to match benefits provided by other federal survivor programs. Specifically, the bill would increase the amount of DIC to 55 percent of the rate of the monthly compensation received by a totally disabled veteran. This will provide parity with the amount survivors of federal employees receive, and it will expand eligibility for DIC by replacing the 10-year rule with a graduated scale of benefits that begins at 5 years for initial eligibility of 50 percent and gradually reaches the full benefit at 10 years. For example, if a veteran is rated as totally disabled for 5 years, and dies of a non-service-connected cause, a survivor would be entitled to 50 percent of the DIC benefit.

DIC fully supports the Caring for Survivors Act, which is extremely important to our members. Just within the past two weeks, our members have sent over 28,000 emails to Congress in support of this legislation. That is all right—I will say it again. That is right, 28,000 emails in support. DIC rates have changed little since 1993. It is time we provide adequate compensation for the survivors of our Nation's veterans.

Finally, Mr. Chairman, we thank you and Ranking Member Moran for introducing S. 897, the Expedited Veteran Appeals Act. We believe a permanent increase of judges from seven to nine will improve the timeliness in appeals at the Court of Appeals for veterans claims. The court has sole jurisdiction over the decisions from the Board of Veterans' Appeals, which has predicted they will decide more cases this year than at any other point. DAV supports S. 897, and we point to the court's own statement, "Seven permanent active judges are not adequate."

This concludes my testimony, and I look forward to any questions you and the Committee may have.

[The prepared statement of Mr. Liermann appears on page 56 of the Appendix.]

Chairman TESTER. We will have questions, Mr. Liermann. Thank you very much for your testimony.

Next up we have got Tammy Barlet.

STATEMENT OF TAMMY BARLET

Ms. BARLET. Chairman Tester and members of the Committee, thank you for inviting Student Veterans of America to submit testimony on legislation pending before you today, and thank you for considering several pieces of legislation that would impact student veterans and military-connected students in higher education.

SVA has a mission focused on empowering student veterans, and we are committed to providing an educational experience that goes beyond the classroom. SVA's views on seven bills can be found in my written testimony, but I will take this opportunity to highlight two.

SVA supports S. 498, the Veteran Education Empowerment Act, which would reauthorize a Department of Education grant program designed to coordinate resources and services for student veterans through veteran centers.

Over eight years ago, as a new student at Temple University, I met with the Associate Director of Adult and Veteran Student Re-

cruitment. She mentioned the university had a Student Veteran chapter. I smiled and I began to feel at ease, knowing that the next step in my journey would be surrounded and supported by those who also served. As a first-generation college student, leaving the security of my hometown community college, I knew I would need a place and people to connect to on campus. After not self-identifying as a veteran for over 10 years, this might be the place to embrace that label.

I soon became active in the Temple Veterans Association, and I participated in the grant-writing task force to find funds to support our dream of a centralized rendezvous on campus. The grant was awarded, and in the fall of 2016, Rear Admiral Lynch, the then President and now Chancellor at Temple University, Richard Englert, and the late General Colin Powell officially cut the ribbon to open the Temple's Military and Veteran Services Center.

The benefits of veteran service centers is more than anecdotal. A study published in Journal of Education found that Post-9/11 veterans were 94 percent more likely to graduate if they use a veteran center. A veteran center is an oasis for student veterans, military-connected students, family members, and survivors. It is where we escape the noisy and often bustling computer lab, host resume writings and mock interview sessions, and find a place of refuge from the academic and personal stressors of the post-traditional student life.

SVA and other veteran-serving organizations can connect with those on campus at a simple, single location. Programming at veteran centers can provide education and training for campus facility and staff to further aid in creating a more welcome community for transitioning student veterans. This legislation would support a single dedicated point of contact for veterans and veteran-specific orientation, which has been shown to increase student veteran success outcomes by 15 and 10 percent, respectively.

There are just a few and more important support mechanisms of this bill that would make it possible to have on campuses across the country through a well-equipped student veteran center.

SVA supports 1090, a bill to direct the Secretary of Veteran Affairs to update the payment system of the Department to allow for electronic fund transfer of education assistance to foreign institutions of higher education. SVA has heard from numerous veterans and their family members encountering major obstacles using the VA education benefit overseas. One of the many issues they face is their institution being barred from approval from VA education benefits because it does not have an employer identification number or a U.S. bank account. VA recently indicated that an EIN is no longer required, but the institutions are still required to have a U.S. bank account, due to the current IT limitations. We believe VA is already contemplating a fix for this issue, but the Department's failure to act thus far continues to limit beneficiaries' choice overseas.

The continued success of veterans in higher education in a Post-9/11 era is no mistake or coincidence. In our Nation's history, educated veterans have always been the best of our generation and the key to solving our more complex challenges. Today's student veterans carry this legacy forward.

We thank you, Chairman and Committee members, for your time, attention, and devotion to the cause of veterans in higher education. As always, we welcome your feedback and questions.

[The prepared statement of Ms. Barlet appears on page 66 of the Appendix.]

Chairman TESTER. Thank you for your statement, Ms. Barlet. Next we have Ms. Haycock-Lohmann. You are recognized.

STATEMENT OF ASHLYNNE HAYCOCK-LOHMANN

Ms. HAYCOCK-LOHMANN. Chairman Tester, Ranking Member Moran, and distinguished members of the Senate Committee on Veterans' Affairs, the Tragedy Assistance Program for Survivors is grateful for the opportunity to testify today on behalf of the over 120,000 surviving families TAPS is honored to serve.

TAPS strongly supports S. 1266, the Love Lives On Act, and we thank Ranking Member Moran and Senator Warnock for reintroducing it yesterday. A top legislative priority for TAPS is ensuring military surviving spouses are allowed to remarry at any age and retain their benefits. Current law penalizes surviving spouses if they remarry before the age of 55. Given that many Post-9/11 surviving spouses are widowed in the 20s and 30s, we are asking them to wait over 20 years to remarry and retain their benefits.

Military spouses are among the unemployed and underemployed populations in the United States. Due to frequent moves, deployments, and expensive childcare, military spouses face many challenges to employment and are unable to fully invest in their own careers and retirements. For many families, military retirement is considered the household's retirement. These barriers continue when a military spouse becomes a surviving spouse. Many surviving spouses have to put their lives on hold to raise grieving children. They rely on survivor benefits to help offset the loss of pay for their late spouse and their own lost income as a result of the demands of military life.

The stories of surviving spouses, Rebecca Morrison Mullaney, and Linda Ambard Rickard, shine light on the issues and why the current law needs to change.

Rebecca was widowed at 24 years old, when her husband, Apache helicopter pilot and West Point graduate, Captain Ian Morrison, died by suicide in 2012. Rebecca had to leave her home and career after Ian's sudden death and attempt to rebuild her life. She could no longer pursue the career she had trained for and had to withdraw from her graduate program.

In memory of Ian, Rebecca has dedicated her life to preventing suicide. Through her work she met her now-husband, Brennan, also an Army veteran and West Point graduate. Rebecca and Brennan married knowing that she would lose all of her benefits, but they made the difficult decision in order to build a family together. Nine months ago, they welcomed their first child, a boy, whom they named in honor of Ian.

Just because Rebecca has remarried does not mean she loves Ian any less. She is a wife to both men. Ian is a daily part of both of their lives. Brennan even went to the cemetery to promise Ian he would always love and support Rebecca before he proposed to her.

Rebecca is one of the less than 5 percent of surviving spouses who have chosen to remarry before age 55 and lose their benefits, even though Ian earned those benefits through his service and sacrifice.

Linda's story is different. She was widowed at 50, after her husband of 23 years, Major Phil Ambard, was killed in Afghanistan. Just like Rebecca, Linda was fortunate to find love again after the loss of her husband. But because she was over 55, Linda did not lose her benefits upon remarriage. She was not forced to decide between her own financial security and being alone for the rest of her life.

The only difference between Rebecca and Linda is their age. They both lost their spouses to military service, and they both found love again, but only one of them is penalized for it. All they are asking for is the right to choose how they move forward and pick up the broken pieces of their lives, lives that were permanently changed because they loved and married someone who died due to service to our country.

In addition, TAPS strongly supports S. 414, the Caring for Survivors Act, and thanks Chairman Tester and Senator Boozman for reintroducing this important bill. Raising DIC from 43 to 55 percent of the rate paid to 100 percent disabled veterans will provide parity with other federal survivor benefits. More than 450,000 survivors receive DIC from the VA, but the current rate for surviving spouses is \$1,562 per month, and has only been increased by COLA since 1993.

TAPS and the survivor community have supported strengthening DIC for many years. As surviving spouse, Katie Hubbard states, "Increasing DIC would allow me to be able to afford groceries and childcare, medical expenses, and home and car maintenance, while just trying to survive."

It is time we fixed this inequity. Our Nation's surviving families should not be receiving less than their civilian counterparts.

TAPS also strongly supports S. 350, the Fry Scholarship Enhancement Act, which expands Fry Scholarship eligibility to the families of those who die in the 120-day release from active duty period. If a veteran dies during the 120-day REFRAD period, they are considered an active-duty death for all benefits except the Fry Scholarship. The only difference is that these families are eligible for Chapter 35 instead of Fry. This bill would bring long-overdue parity to these surviving families.

Finally, TAPS would like to express support for S. 740, The GUARD VA Benefits Act; S. 1090, the GI Bill Foreign Institution Electronic Payment Act; and the Student Veterans Transparency and Protection Act, all of which would positively impact the surviving families TAPS supports.

Thank you for the opportunity to testify today, and I look forward to answering any questions you may have.

[The prepared statement of Ms. Haycock-Lohmann appears on page 72 of the Appendix.]

Chairman TESTER. Thank you, Ashlynn.
Now we have Ms. Rauber.

STATEMENT OF DIANE BOYD RAUBER

Ms. RAUBER. Chairman Tester, Ranking Member Moran, and members of the Committee, NOVA thanks you for the opportunity to testify. Our written statement addresses other bills on the agenda, but we will focus today on S. 740, the GUARD VA Benefits Act, and explain why accreditation provides important safeguards to veterans and reinstatement of penalties is long overdue. We thank Senators Boozman, Blumenthal, Tester, and Graham for reintroducing GUARD and their continuing leadership on this issue.

The GUARD VA Benefits Act is necessary to protect veterans from unaccredited representation, illegal charging, predatory practices, and fraud that is being flaunted and excused in the name of choice. Accredited representation provides veterans with due process, choice, and the best outcomes. When a veteran retains an accredited attorney, agent, or VSO, that representative obtains access to the veteran's claims file and VA databases. The advocate can develop a comprehensive, coordinated plan for representation at all levels of the process. The advocate can request medical and service records. The advocate can call or email a VA employee on the veteran's behalf. The advocate can appear at a hearing with the veteran and submit argument. The advocate can work to ensure the appropriate effective date is assigned, benefits are maximized, and expedited treatment is requested when warranted.

Furthermore, accredited attorneys and agents file every single fee agreement with VA. When a veteran chooses to hire an accredited agent or attorney, they have peace of mind that VA will enforce reasonable fees and allow for due process. NOVA fully supports these protections.

You are now hearing from unaccredited claims consultants that the accreditation process is broken. These arguments ring hollow when made by those who have never subjected themselves to vetting by VA, submitted a single fee contract for review, and publicly state they cannot make enough money abiding by the same laws and regulations that our members do.

While predatory practices and contracts vary, we see some common elements and hear common complaints. Consultants aggressively advertise online and solicit veterans electronically to file claims, fraudulently maintaining they can get faster decisions or otherwise guaranteed results. Consultants gather information and prepare an initial claim or claim for increase and coach the veteran filing it. Sometimes the claim is submitted by a consultant using the veteran's eBenefits login information. Consultants charge illegal fees with contracts requiring 5 or 6 months of the veteran's future increase. Some commit fraud by reaching back in to take fees from awards unrelated to the original action.

Unaccredited claims consultants also interfere with existing power of attorney relationships. For example, one of our members reported that a company prepared four claims for her client, promising faster results. The veteran submitted four VA disability benefits questionnaires completed by a nurse practitioner procured by this company. On the consultant's advice, the veteran asked VA not to schedule any examinations for him. The consultant had no idea that two of these claims were already pending at the Board of Veterans' Appeals and VA denied them. VA denied the other two

claims because of the veteran's stated unwillingness to submit to any additional examinations.

Some companies also use predatory collection practices. Aware that a veteran might not receive enough retroactive payment to fulfill the amount for 5 or 6 months, they set up payment plans that charge interest. Other companies have employees who ask veterans for payment that is clearly not owed. For example, one company charged the client of a NOVA member \$6,000 for an increase that was not based on the material prepared by the company. The company's in-house debt collector called the veteran 20 times about the alleged sum owed. They asked the veteran to send screenshots of his eBenefits and va.gov account, and asked the veteran's accredited representative to send the rating decision to them for review.

Other consultants target elderly veterans in nursing homes with promises of aid and attendance benefits. For example, NOVA recently received a call from an individual assisting a veteran in a nursing home. She reported a consultant had come to that facility and told the veteran they could help him apply for benefits, but they needed his bank account information first.

VA has repeatedly told Congress that they need reinstatement of penalties to stop fraud and predatory practices because these companies ignore cease and desist letters. The accredited advocate community supports the GUARD VA Benefits Act. Every day the penalties are not reinstated is another day that a veteran or family member is exploited.

We ask this Committee to advance GUARD. Thank you again for the opportunity to testify, and we are happy to answer any questions.

[The prepared statement of Ms. Rauber appears on page 86 of the Appendix.]

Chairman TESTER. Thank you for your testimony, Ms. Rauber. Senator HASSAN?

Senator HASSAN. Well thanks, Mr. Chair, and I want to thank the panel for your testimony. And I just had really one question for you, Mr. Liermann. In your written testimony both DAV—and actually to you, Ms. Barlet, as well—and Student Veterans of America both expressed support for my bill with Senator Rubio to create a separate Veterans Economic Opportunity and Transition Administration within the VA. Can you expand on that testimony by telling us a little bit about the value that your organizations and your members see in creating this new entity to focus on the VA's economic benefits? And I will start with you, Mr. Liermann, and then Ms. Barlet.

Mr. LIERMANN. Thank you very much for the question. There are several different things we could point to within the education or employment parts that did not get the amount of attention that it needed. And real quick, VR&E, for eight years, has been trying to establish an electronic case management system for their counselors, eight years. We do not have one yet. They have already spent \$20 million, and now they are about to embark on a third one.

We believe that is a prime example of if there was somebody focused, dedicated, overseeing that, we would not be where we are

eight years later, \$20 million, and we still do not have the tool they need.

Senator HASSAN. Okay. Thank you. Ms. Barlet?

Ms. BARLET. Thank you, Senator, and I appreciate the question. By establishing that fourth administration it gives the opportunity to have the economic opportunity looked at, stronger messaging and outreach, along with possibility of reviewing programs and adding that modernization piece into it.

Senator HASSAN. Thank you very much. Thank you, Mr. Chair. That is all I had.

Chairman TESTER. Senator King?

SENATOR ANGUS S. KING, JR.

Senator KING. Thank you, Senator. I would like to ask a question about the GUARD Act, and I completely agree that it is important and necessary. What is the accreditation process now? What does it take to become an accredited representative?

Ms. RAUBER. Well, Senator, that depends on whether you are a VSO, an attorney, or an agent. So VSOs are accredited under the umbrella of their congressionally chartered organization, but that is on an individual basis.

Senator KING. But if you are a member of the Legion, is that enough?

Ms. RAUBER. No. You still have to submit information to VA. I am more familiar with attorneys and agents. Attorneys have to submit evidence of being in good standing with the state bar. They have to complete CLEs that VA requires.

Claims agents are slightly different because they are laypeople that are neither part of the VSO community or an attorney. They have to have a background check conducted by VA, they have to also participate in CLEs, and they are required to complete a claims agent exam, which is to know that these people have some common, basic—

Senator KING. Do you think the process itself is timely and effective?

Ms. RAUBER. I definitely think the process is effective. We always think that VA can do things a little bit faster. So we know that sometimes it takes a little longer for agents to be accredited. But we also think that that is really important because you want to be sure that these people can do the job. And we think maybe they could offer exams more frequently. That would be a big help.

Senator KING. Along the lines of representation—I see Senator Sullivan has joined us—one of the issues that we are going to be debating and trying to work through is the appropriate cap on contingent fee percentage, particularly at Camp Lejeune. I would just like to survey the panel, because you are involved in these kinds of matters. What is reasonable? Senator Sullivan has proposed, I think, 17 percent. There is discussion of 30 percent, which is more of the conventional attorney contingent fee. Help us out here, with any thoughts you have on this matter.

Ms. RAUBER. Senator, I am going to disappoint both you and Mr. Sullivan by saying that our members are not mass torts attorneys. Our members are not the people who have been advertising. Our members are people who are experts on VA.

Senator KING. Oh, I understand that. I was not casting aspersions. I am just asking you to help give us guidance on what the right number is—17? 22? 31?

Ms. RAUBER. We do not have a number. We just—

Senator KING. We have got to arrive at a number. That is why I am looking for something.

Ms. RAUBER. I understand that. There needs to be sure that there are people who are able to competently represent veterans and their families in these cases, and that is all I can really state today.

Senator KING. Okay. One other more general question for the panel. This is a good list of legislation that we have been talking about here. Are there other things that, if you had a blank sheet of paper, you would bring to us in terms of improvements in the VA process that we are not attending to adequately at this point? This is a big opportunity for you, Shane.

Mr. LIERMANN. Thank you, Senator, it is.

Senator KING. I am opening the door, man.

Mr. LIERMANN. I do not think there is enough time for this Committee to listen to me for the next five hours, explaining them.

Senator KING. Well, I have got a minute 39.

Mr. LIERMANN. Real quick, one of the issues that we have been seeing as part of the claims process—and there has been a bill on it the last few Congresses—and that goes specific to MST claims and processes. There have been several hearings about it in the House over the several years on VA not getting the accuracy correct when it comes to claims, based on military sexual trauma. We think that is something that really needs to be addressed. It has been something the VSO community has been talking about for many, many years. And if I were to give anything it would be to find a better way for VA to get it right the first time.

Senator KING. Thank you. Any other thoughts?

Ms. RAUBER. Yes. I would like to jump in. I think a few years ago we worked on the Appeals Modernization Act with some of the people in this room, and while we think that that bill has done some really good things at VA, we think maybe it is time to sit down and take a look at that. We think there are some things that could be improved, particularly taking a look at the Board of Veterans' Appeals and how long it is taking for decisions to be made there.

Senator KING. Great. Thank you. And I take it you all support the GUARD Act? Is that accurate? Yep. Thank you, Mr. Chairman.

Chairman TESTER. Senator Sullivan.

SENATOR DAN SULLIVAN

Senator SULLIVAN. Thank you, Mr. Chairman, and I am just going to follow up where my good friend, Senator King, left off. This is the Camp Lejeune Act that we passed last year, and I think every American has seen all the advertisements. We had a hearing last fall that the VA representative mentioned it is over \$1 billion in ads. It has probably gotten way north of that.

So I know that maybe all of you are not ready to talk about a specific cap, and I understand that. We are working through that. But would all of you agree that you need some cap on contingency

fees, right? Pretty much every federal law that enables a claim against the government—and now we are talking way outside the realm of veterans—they all have caps on contingency fees, every law, with the exception of this one. I will not go into the details of why that did not happen.

The Biden administration, as we were negotiating the Camp Lejeune Act and the PACT Act, of which it was part, the Justice Department of the Biden administration encouraged this Committee to adopt caps. It did not happen. It is just not good for the veterans and the Camp Lejeune Marines and families that are seeking compensation.

So can I just real quickly—does everybody agree we need caps on contingency fees? There have been reports of 40, 50, 60 percent contingency fees, which is just outrageous. So do you guys all agree that we need caps? I want to start with you, Shane.

Mr. LIERMANN. Thank you, Senator. Well, we do not have a specific resolution for this bill.

Senator SULLIVAN. No, I know.

Mr. LIERMANN. DAV does believe, and we do have resolutions that does support capping attorney fees, specifically within the VA system. So yes, we believe that is something that must be done to help protect veterans.

Senator SULLIVAN. Yes, absolutely. Okay. Tammy?

Ms. BARLET. Although SVA does not directly have an impact on this, but we do have student veterans who are going through their comp and pen benefits, and we rely on our VSO friends to help them through that process.

Senator SULLIVAN. Okay. Ms. Haycock-Lohmann?

Ms. HAYCOCK-LOHMANN. Yes, of course, surviving families are at high risk for being taken advantage of by bad actors, and anything we can do to reduce that for surviving families is important to us.

Senator SULLIVAN. Great. Ms. Rauber?

Ms. RAUBER. We do not have a position on it, but I would point you to the fact that our members are capped under VA disability law, and that we really think that GUARD is necessary because some of those same practices you are seeing in Camp Lejeune we are seeing with the unaccredited claims consultants.

Senator SULLIVAN. Okay. So, Mr. Chairman, I hope that we can, again, get to a spot. I have been kind of going up in the negotiations, the issues with regard to contingency fees, I understand we want good lawyers to be able to represent the Marines and Marine families. As you know, in the Camp Lejeune Act, though, there are a lot of elements of that. The defense of the government have been waived, so this is not as complicated as a full trial that starts with discovery and has a full trial and litigation. This is a much cleaner process for the attorneys representing the families, which is another reason we believe 17 percent cap and 12 percent on filing is more than generous for our lawyers.

I will just make one final point. There is a 2-year timeline for families to file under this law. So unlike the GUARD Act, which I know has been literally considered since the mid 2000s, we are getting to the point where we are running out of time. And the more that this gets delayed without fixing the attorney fee cap

issue, the more Marine Corps families and Marines who we are trying to help are going to not get the justice that they deserve.

So I really appreciate the panel here. I want to work with everybody on the Committee. Again, this one, you know, you can rope-a-dope an issue long enough to where it goes away. That will happen here, but it will not be the right outcome. We all know that that will be enriching certain trial lawyers. I am not saying they are all bad, but there are certainly some unethical ones at the expense of Marines and their families, and I think everybody knows that is just wrong. It is just wrong, and I certainly hope the Congress can fix it.

Thank you, Mr. Chairman.

Chairman TESTER. Thank you, Senator Sullivan.

It is my understanding that Senator Durbin has a bill, you have got a bill. I think there is an opportunity here to find a spot that works.

Senator SULLIVAN. I hope so. I hope we can do it quickly, though, because like I said—

Chairman TESTER. No, I hear you.

Senator SULLIVAN [continuing]. The timeline is—

Chairman TESTER. I think it is hard to argue 40, 50, 60 percent contingency.

Senator SULLIVAN. No. That is wrong.

Chairman TESTER. I think it is easy to argue comprehensive representation. So it is good. I appreciate that.

I have got a couple of questions and then we will see who else shows up. The first one is for you, Ms. Haycock-Lohmann, and the Caring for Survivors Act increases the DIC and expands access to this benefit by reducing the number of years a veteran must be rated totally disabled for their spouse to qualify. Why is this important?

Ms. HAYCOCK-LOHMANN. Currently, surviving spouses of those who died from military service are receiving lower benefits than other federal service. My husband works for the U.S. Marshals Service. My benefits would be higher under his service there than they would be if he were to die from his military service.

Chairman TESTER. Okay. Ms. Barlet, we have five education-related bills on this agenda today. One of those bills requires VA to update its payment system to allow schools overseas to accept student veterans. Why is this bill necessary and why are students overseas having trouble accessing their VA benefits?

Ms. BARLET. Thank you for the question, Chairman. Student veterans who choose to use their benefits overseas are having issues, and the institutions where they are at are having barriers to getting reimbursed through VA. There is a requirement—or sorry, there was not a requirement for an employer ID number or a U.S. bank account, but then they are finding that the process still does require that U.S. bank account. So if a student chooses to go overseas to use their benefits, the institutions are running into the barriers and challenges of being reimbursed and allowing those beneficial funds to come in to cover the cost of the tuition.

Chairman TESTER. Okay. Ms. Rauber, your members represent the veterans before the Court of Appeals for veterans claims. There is a bill in here to increase the number of judges. Why is that im-

portant, and can you give me any sort of idea on what the timeline is now for delayed justices, justice?

Ms. RAUBER. Thank you, Senator Tester. Well, we do support that legislation as stated in our written statement, and I think it is important to kind of look, as the PACT Act came into being, all different parts of VA are getting more resources. So we anticipate that as more claims are decided, and hopefully at some point the Board of Veterans' Appeals is deciding more cases, that there will be more cases that will potentially go up to the Court of Appeals for Veterans Claims, and we want to make sure that after all this has been put into the resources for the PACT Act there is not a stall-out up there, and that they need to have those judges.

Chairman TESTER. I appreciate that.

Mr. Liermann, you have already answered this question but I am going to ask it again in case you want to say something else in the minute 50 that I have got left.

The GUARD Act is really important. From your membership, why?

Mr. LIERMANN. I think allowing people to pick and choose the veterans they represent, because they have said that. They have said that they are only taking cases they know they can win. So are they really trying to represent a veteran or just wanting more money for themselves? So are they really doing it justice in that way?

There is also then deciding the fees that they get to charge. There are many veterans, I know just in the DC area, that were being told the only way you could get a claim done quickly is if you go to these claims agents, and that is not true. That has been debunked more than once.

And I think one of the big things we would like to point out is they have told us the people they represent are getting their claims decided in 5 to 6 months, and they made that sound like that was, oh, my God, 5 to 6 months? Well, guess what? That is what everybody else is getting through with free representation and free help from somebody who is accredited.

I think what they are doing is dangerous. They are setting expectations that are not realistic. Veterans are falling for that. Then they are coming to VSOs and those that do not charge, for help when they need an appeal, because they cannot represent them at that point.

So thank you, Senator.

Chairman TESTER. I am sorry. I do not know. We are awful busy here. We have a lot of people that are in line to ask question. Go ahead, Senator King.

Senator KING. This is not really a question for the panel, but I think S. 656 is a very important bill. It is the one that allows the waiver of the time lapse for commercial driver's licenses. We desperately need commercial drivers, and we have got veterans who have that skill. They have learned it in the military. And we ought to be able to expedite that process. You are nodding. Can you say yes so it will be on the record.

Mr. LIERMANN. Yes, Senator—

Senator KING. "Yes, Senator King, you are absolutely right," is the right answer.

Mr. LIERMANN. Yes, Senator King, you are absolutely right, and DAV fully supports this because we know that is removing another barrier for service-disabled veterans into employment.

Senator KING. Right, and it is an area of the economy where we need commercial drivers.

Mr. LIERMANN. Correct. I believe they said there were over 80,000 commercial drivers, a shortage of that many commercial drivers in the country right now. So this is a way to get veterans into needed employment in a very quick way.

Senator KING. Well, let me broaden the question a little bit. One of the things that has always bothered me is that people learn tremendous skills in the military, and then they come out and they have to go through an entirely new licensing, apprenticeship, delay program. Talk to me about that. Is that something we should be addressing? I realize many times it is a state issue. But if somebody has electronics skills in the military, and then they have to go through a lengthy process of relicensing that is expensive and time-consuming, I never thought that made a lot of sense.

Tammy, you have got your finger right on—

Ms. BARLET. Finger on the buzzer. Thank you, Senator King. Along the lines you had mentioned electronics, and looking at cybersecurity, that is why SVA supports the expansion and improvement of the VA VET TEC Program. This is a program that VA has established for 5 years, and a GAO report came out in the fall and found it was successful in placing veterans in that type of employment, by then using their Post-9/11 GI Bill monies to go toward certifications in those types of jobs.

There is a bill at the House, and we just testified on it last month.

Senator KING. But it has not been introduced over here?

Ms. BARLET. Not that I am aware of, but we would—

Senator KING. Could you supply a copy to my office?

Ms. BARLET. We would love to work with your office. Thank you.

Senator KING. Thank you. Other comments on the more general question of military skills being transferred into the private sector?

Mr. LIERMANN. Yes, Senator. At DAV we have a resolution and we support finding a way to reduce or remove some of those certification requirements. For a skill earned in the military, now you have got to go through that process in the civilian sector.

And a few just real quick examples, HVAC, electricians, plumbers, people who learned that and did those skills in the military cannot go out and get a job unless they get recertified, go through an apprenticeship, and we are slowing down.

Senator KING. It takes several years.

Mr. LIERMANN. Right. When they should be ready for that job the minute they are out. I have seen, in some of the setups people did when I was in the Marine Corps, and I would want those people doing the electricity in my house.

Senator KING. Thank you. You know about the lawyer that had a plumbing problem in his basement? The plumber came and repaired it, handed him the bill. The lawyer said, "I cannot afford this." And the plumber said, "I could not either when I was a lawyer."

[Laughter.]

Senator KING. That is all, Mr. Chairman.

Chairman TESTER. I do not know, Senator King, if you know anybody in the Armed Services Committee, but it may be an issue of credentialing that some of the fine members on the Armed Services Committee could take up, to have the Defense Department—

Senator KING. I know a guy.

Chairman TESTER. You do know a guy? Good. I think, by the way, your points are spot on. I think we have traditionally undervalued the experience that people have in the military, and people say, "Well, it just does not apply to the private sector," which is total BS, and you know, that, and the folks on this panel know that too. And truck drivers are an interesting situation.

I want to thank the VA for being here, and I want to thank the VA for sticking around for the VSOs' part of the panel. I want to thank the VSOs for being here today and the folks you advocate for. Both of these panels I thought were very, very good and gave us some information.

The record will be kept open for a week.

Before I close I just want to say something, and use a little personal privilege. We just had a bill on the floor called the Elizabeth Dole Veterans Programs Improvement Act. It did not receive closure. Let me tell you what this bill did. It established a grant program to expand the work of county veteran service officers, the folks on the ground who provide critical outreach and assistance to veterans seeking the benefits they have earned.

We just talked about veterans hiring lawyers? These folks can give them information. This went down. Give them information so that they can make the right decision. A lot of these programs you guys deal with, and you know this, they kind of get kind of complicated once in a while, maybe unnecessarily so. But these veteran service officers play a really important role in expanding information.

The other thing it did is it expanded access to home and community-based care programs for veterans. Now look, some veterans may not be able to stay in their home and might have to go to a veterans home. But those who can, we ought to be encouraging them to stay there. If they want to, we ought to be encouraging them to stay there. That is what this would have done. It went down.

It strengthened VA's long-term care programs, important for people who get hurt and they have an injury that disables them for their entire life, and they are young people when they get hurt, important.

It made the Native American Direct Loan Program more accessible to Native Americans. This is group that serves at a higher rate than any other minority in the country.

It improves the VA's program—by the way, it went down—it improved the VA's program of comprehensive assistance for family caregivers by creating more appropriate processes for evaluating and assessing veterans who need mental health care, specialist care, or veterans with chronic or degenerative conditions.

I do not have to tell the folks here, it is why the VA is so important is because the issues coming out of the Middle East have been mental health, mental health, mental health, PTSD, PTSD, TBI,

and when it comes to veterans that need special care, talk to the DAV about it. Talk to Paralyzed Veterans about it. These folks need help. That went down, by the way.

And the last thing it would have done is it would have required the VA to conduct a retroactive study on the effects of cannabis on veterans' health, followed by clinical trials. These studies would go for two years. They would be talking to veterans who have been using marijuana, already using marijuana, and see if it works, to deal with things like PTSD or chronic pain. Now what is the other option? Just give them the stuff and say, "Well, we do not know, but go ahead and use it." No, I think it would be great to have some science backing this up. Otherwise, you know what they are using? They are using opioids, very addictive. That went down.

Senator KING. Was that the issue that took the whole thing down?

Chairman TESTER. That was the issue that took the whole thing down.

And look, we have got bills out there to bank marijuana. We have got states, including my state of Montana, that legalized it across the board. The truth is that marijuana is here. Whether you like it or you do not like it, it is here. So let's get some science to back it up so the veterans know what is going on, to see if it actually does help with chronic pain, which, by the way, is a huge issue, or post-traumatic stress disorder, which is a huge issue.

The Senate usually does some good work, did some good work getting Josh Jacobs for the Veterans Benefits confirmed earlier today. This is not a stellar day for the United States Senate. And I would hope that the veteran service organizations let the people, let the 42 people—it went down 57 to 42, so we did not get cloture—let those 42 people who voted against cloture for this, make them justify that vote, because this, in my neck of the woods, would be what comes out of the back end of a bull.

With that we will keep the record open for a week, and this hearing is adjourned. Thank you all.

[Whereupon, at 4:38 p.m., the hearing was adjourned.]

A P P E N D I X

Hearing Agenda

UNITED STATES SENATE
COMMITTEE ON VETERANS' AFFAIRS

Hearing: Pending Legislation

April 26, 3:00 p.m.
Russell Senate Office Building, Room 418

1. S. 280 (Rubio), BEST for Vets Act of 2023
2. S. 291 (Rubio), A bill to amend title 38, United States Code, to establish in the Department the Veterans Economic Opportunity and Transition Administration, and for other purposes.
3. S. 350 (Lankford), Fry Scholarship Enhancement Act of 2023
4. S. 414 (Tester), Caring for Survivors Act of 2023
5. S. 498 (Rosen), Veteran Education Empowerment Act
6. S. 572 (Tillis), Ensuring Access to VA INFO Act
7. S. 656 (Fischer), Veteran Improvement Commercial Driver License Act of 2023
8. S. 740 (Boozman), GUARD VA Benefits Act of 2023
9. S. 774 (Tester), Veterans Border Patrol Training Act
10. S. 897 (Tester), Expedited Veteran Appeals Act of 2023
11. S. 1090 (Menendez), A bill to direct the Secretary of Veterans Affairs to update the payment system of the Department to allow for electronic fund transfer of educational assistance to a foreign institution of higher education.
12. S. ____ (Schatz), Student Veterans Transparency and Protection Act
13. S. ____ (Moran), Love Lives On Act of 2023
14. S. ____ (Kennedy), Veterans Second Amendment Protection Act of 2023

Prepared Statements

**STATEMENT OF JOSEPH GARCIA
EXECUTIVE DIRECTOR, EDUCATION SERVICE
VETERANS BENEFITS ADMINISTRATION
DEPARTMENT OF VETERANS AFFAIRS (VA)
BEFORE THE
COMMITTEE ON VETERANS' AFFAIRS
U.S. SENATE**

April 26, 2023

Chairman Tester, Ranking Member Moran, and other Members of the Committee, thank you for inviting us here today to present our views on several bills that would affect VA programs and services. Joining me today are Nick Pamperin, Executive Director, Veteran Readiness and Employment Service; Kevin Friel, Deputy Director, Pension and Fiduciary Service; and David Barrans, Chief Counsel, Benefits Law Group.

**S. 280 “Better Examiner Standards and Transparency for Veterans Act of 2023”
 (“BEST for Vets Act of 2023”)**

S. 280 would amend Public Law 104-275, § 504(a) (38 U.S.C. § 5101 note), as amended by Public Law 116-315, § 2002, to ensure that only licensed health care professionals furnish contract medical examinations for VA disability benefits.

VA supports this bill, if amended. VA suggests revising section 504(c)(2) and (c)(2)(A) of Public Law 104-275, as amended by Public Law 116-315, § 2002 to describe a “health care professional” as any health care professional as deemed appropriate by the Secretary to conduct medical disability examinations, who has a current unrestricted license to practice a health care profession deemed appropriate by the Secretary to conduct medical disability examinations.

VA suggests expanding the definition in section 504(c)(2) of a health care professional to include *any* health care professional as determined appropriate by VA, to conduct VA medical disability examinations.” This current definition is currently limited to a “physician, physician assistant, nurse practitioner, audiologist, or psychologist” and does not include other specialty health care professionals including but not limited to, dentists, optometrists, and advanced practicing nurses.

Expanding the definition of a health care professional currently found in section 504(c)(2) to any health care professional deemed appropriate by VA to conduct medical disability examinations would provide VA with greater flexibility to complete such examinations.

VA suggests removing section 2002(a)(4) of Public Law 116-315 to eliminate the sunset date on the licensure requirements (portability) for contractor medical professionals to perform medical disability examinations and revising section 2002(a)(2) to state that the purpose of the amendment made by subsection (a)(1) is to expand the

license portability for any health care professional as deemed appropriate by the Secretary to supplement the capacity of employees of the Department to provide medical examinations.

Currently, license portability for non-physician medical professionals to conduct medical disability examinations at any location within the continental U.S. and its territories is permitted, however, section 2002(a)(4) sunsets three years after the date of enactment, which is January 5, 2024. VA recommends eliminating the sunset date to ensure that this expansion remains permanent resulting in shorter wait times and faster examination completion times for Veterans.

The removal of the sunset date and expansion of how a health care professional is defined are critical to continuous completion of thorough, accurate, and timely medical disability examinations to Veterans, thereby leading to timely and accurate rating decisions associated with VA benefit entitlement. Additionally, these suggested amendments would allow the Veterans Benefits Administration the flexibility to utilize a wider range of qualified medical professionals and reach more Veterans.

No mandatory or discretionary costs are associated with this bill.

S. 291 Establishment of Veterans Economic Opportunity and Transition Administration

Section 1 of this bill would create a new chapter 80 in title 38, United States Code, and establish within VA a new Veterans Economic Opportunity and Transition Administration (VEOTA) with the function of administering VA programs that provide assistance related to economic opportunity to Veterans and their dependents and survivors, outline its functions and the programs it would administer, set annual reporting requirements to Congress, provide appropriations for VEOTA, and ensure the maintenance of labor rights of employees transferred to VEOTA. Section 2 would establish the position of Under Secretary for VEOTA (appointed by the President and directly responsible to the Secretary), outline the Under Secretary's responsibilities, and establish the procedures under which the position would be filled. Section 3 would require VA to submit a report to Congress on the progress toward establishing VEOTA within 180 days of enactment and prevent the transfer of functions to VEOTA until VA certifies to Congress that the transition of services to VEOTA will not negatively affect the services provided and that services are ready to be transferred.

VA does not support this bill. The current Veterans Benefits Administration (VBA) structure appropriately reflects the Under Secretary for Benefits' overall responsibility for Veterans benefits programs that include programs related to economic opportunity and transition, as well as compensation, pension, survivors' benefits, and insurance. VA appreciates the Committee's focus on improving services and resources offered by these programs, however, does not support this bill for the following reasons. First, as written, the structure of the administration conflicts with current statute and creates span of control issues, Second, layering an additional administration and

executive leadership would limit efficiencies by creating duplicative and redundant structures. Third, the bill presents compliance issues with the Federal Advisory Committee Act (FACA), requiring either an exemption or establishment of a new committee to carry out the provision. Finally, the specified timeframe for implementation and certification would negatively impact VA's ability to deliver timely and quality services to Veterans.

There are several provisions in this bill that conflict with existing structure. First, section 8002(4) proposes to move the Office of Small and Disadvantaged Business Utilization's (OSDBU) Center for Verification and Evaluation (CVE) program to the new administration. OSDBU's mission is to advocate for the maximum practicable participation of small, small-disadvantaged, Veteran-owned, women-owned, and empowerment-zone businesses in contracts awarded by VA and in subcontracts awarded by VA's prime contractor. The unique nature of OSDBU's mission necessitates a direct report to the Secretary or Deputy Secretary. Second, this bill would move OSDBU's CVE program, which, according to this bill, administers the verification program required for Service-Disabled Veteran-Owned Small Businesses and Veteran-Owned Small Businesses and maintains the vendor information page database, to the new administration. However, the verification program is no longer with VA and was transferred to the Small Business Administration as of January 2023, by the Fiscal Year (FY) 2021 National Defense Authorization Act, and 38 U.S.C. § 8127(f) is now obsolete.

In order to support the adjudication and delivery of Veteran- and Servicemember-earned benefits, VBA also has many enabling staff offices, such as finance, Human Resources (HR), facilities, production optimization, outreach and engagement, field operations, business process integration, strategic program management, performance analyses, communications, and executive review. These enabling organizations would have to be recreated within the new administration in order to effectively operate, requiring additional executive leadership and replicated structures. The addition of another administration would increase the leadership oversight for programs that are currently in place, contrary to the modernization efforts that are underway.

Section 306A(c), as created by section 2 of the bill, would require VA to create a commission to recommend individuals to the President for appointment to the new Under Secretary position and would establish membership requirements and the function of the commission, which would implicate the Federal Advisory Committee Act (FACA). Therefore, unless Congress specifically exempts the commission from compliance with FACA in the statute, a new VA federal advisory committee would have to be established to carry out the provision.

Moreover, VA would require ample time to plan for this considerable transition to ensure services are not negatively affected. Therefore, while VA remains committed to communicating closely with the Committees, it does not support the specified timeframe for reporting or certification.

The VBA portfolio of benefits is thriving. The Education, Loan Guaranty, Veteran Readiness and Employment (VR&E), and Outreach, Transition, and Economic Development (OTED) programs are part of an integrated suite of interdependent services and benefits that includes compensation, pension, and insurance programs. Together, they form a suite of benefit-related resources that Veterans can rely on.

In FY 2022, VA processed over 3.5 million education claims in an average of 6.7 days. Over 1.3 million claims were automated, delivering real-time benefit decisions to Veterans and their dependents. VA paid over \$9.9 billion in education benefits for 834,460 Veterans and their beneficiaries. VA guaranteed 746,091 loans worth \$256.6 billion in FY 2022. Loan Guaranty also assisted 205,702 borrowers retain homeownership and/or avoid foreclosure, resulting in a \$3.99 billion savings in estimated foreclosure costs to the Government. VR&E helps Servicemembers and Veterans with service-connected disabilities and a barrier to employment prepare for, find, and maintain suitable jobs through counseling and case management. There were over 124,400 VR&E participants in FY 2022, with more than 30,500 new plans developed to assist Veterans, and over 11,800 Veteran rehabilitations.

For those Servicemembers transitioning out of the military, VBA OTED offered additional support to facilitate a smoother transition into civilian life, both socially and economically. VA's commitment to support Veterans' transition from the military through the VA Solid Start (VASS) program realized successful connections with over 175,000 recently separated Veterans. The goal of the VASS program is to provide seamless access to mental health and suicide prevention resources, including care for substance use disorders. VASS representatives proactively call newly separated Veterans over their critical first year (three key stages from 0–90, 90–180, and 180–365 days post-transition) to discuss their transition experiences, available benefits, and any challenges they may be facing.

VA continues to partner with the Department of Defense to ensure separating Service members are focused on their transition as early as possible and begin civilian life on the right foot.

General Operating Expense costs would result from enactment of this bill for Management Direction and Support for enabling staff offices (aforementioned finance, HR, facilities, outreach and engagement, field operations, business process integration, strategic program management, performance analyses, communications, and executive review), which would include payroll and non-pay costs (travel, contract support, centralized payments, etc.). No mandatory costs would be associated with the proposed legislation. While there is no benefit cost associated with the bill, the appropriation language for the Readjustment Benefits account and the Credit Reform account would have to change to reflect the title of the new administration.

S. 350 “Fry Scholarship Enhancement Act of 2023”

S. 350 would amend 38 U.S.C. § 3311(b)(8) to expand eligibility for the Marine Gunnery Sergeant John David Fry Scholarship to a child or spouse of an individual who, on or after September 11, 2011, dies from a service-connected disability during the 120-day period beginning on first day of their discharge or release from active duty as a member of the Armed Forces or duty other than active duty as a member of the Armed Forces. Additionally, the individual must have an honorable discharge or service characterized by the Secretary as honorable. This bill would apply to deaths that occurred before, on, or after the date of enactment and would apply to a quarter, semester, or term beginning on or after August 1, 2024.

VA supports this bill, if amended, and subject to appropriations. VA supports expanding eligibility for the Fry Scholarship, assuming Congressional appropriation of the resources to fund these requirements. However, VA recommends several key amendments to the bill as written.

Currently, under 38 U.S.C. § 3311(b)(8), the Fry Scholarship is available to children or spouses of individuals who die on or after September 11, 2001, while serving on active duty. This bill would expand eligibility to children or spouses of individuals who died prior to September 11, 2001, because it includes “before” in the phrase “before, on, or after the date of enactment” in the applicability section. For clarity and consistency, VA recommends revising section 2(b)(1) of the bill language to apply either to deaths that occur on or after date of enactment or to deaths that occur on or after September 11, 2001.

Additionally, the bill contains language in section (a)(3) that would require an individual who died from a service-connected disability to have had an honorable discharge or service in the Armed Forces that was characterized as honorable. While section 3311(c) contains similar language regarding “characterized as honorable,” that language is restricted to Servicemembers discharged to serve in the Reserves or discharged due to disability pre-existing service, hardship, or due a disability interfering in service. For clarity and consistency, VA recommends, in proposed section 3311(b)(8)(B), replacing the language “but only if—” and clauses (i) and (ii) that follow with “as described in subsection (c)”. This change would make the provision consistent with other provisions in section 3311(b), see 38 U.S.C. §§ 3311(b)(3)-(7) and (11), and make clear that the discharge or release described in subsection (b)(8)(B) must meet the requirements described in subsection (c). Otherwise, it would be unclear whether the covered discharges and releases described in subsection (c) would apply to subsection (b), because the plain language of subsection (c) provides that “[a] discharge or release from active duty of an individual described in *this subsection* [i.e., subsection (c), not subsection (b)] is a discharge or release as follows.” (Emphasis added.)

Mandatory costs associated with S. 350 are estimated to be relatively small at \$0 in 2023, \$488,000 over five years, and \$1.3 million over 10 years. No administrative costs for VBA are associated. Discretionary IT costs are \$3.1 million in 2023.

S. 414 “Caring for Survivors Act of 2023”

Section 2(a) of the bill would increase the dependency and indemnity compensation (DIC) rate in 38 U.S.C. § 1311(a)(1) from \$1,154 (\$1,562.74 effective December 1, 2022) to 55 percent of the rate of monthly compensation in effect under 38 U.S.C. § 1114(j) (\$1,992.07 based on the \$3,621.95 rate in effect as of December 1, 2022, under 38 U.S.C. § 1114(j)). Section 2(b)(1) would make section 2(a)'s amendments applicable for months beginning after the date that is six months after the date of enactment. Section 2(b)(2) would require VA, for months beginning after the date that is six months after the date of enactment, to pay DIC benefits predicated on the death of a Veteran before January 1, 1993, in a monthly amount that is the greater of: (1) the amount determined under section 1311(a)(3), as in effect on the day before the date of enactment; and (2) the amount determined under section 1311(a)(1), as amended by section 2(a).

VA supports section 2, if amended, and subject to the availability of appropriations. Under 38 U.S.C. § 1311(a)(1), DIC is paid to a surviving spouse at the monthly rate of \$1,154. Per the rate increase under Public Law 117-191, the current rate paid under section 1311(a) (effective December 1, 2022) is \$1,562.74. See Veterans' Compensation Cost-of-Living Act of 2022, § 2(b)(4) (Oct. 10, 2022). The bill specifies that the provision would apply to 38 U.S.C. § 1311. VA would interpret the bill to also provide for increased rates for DIC granted under 38 U.S.C. § 1318, which authorizes DIC to be paid, in certain circumstances, as if the Veteran's death had been service connected.

VA notes that Public Law 117-191 requires VA to increase the rate paid under 38 U.S.C. § 1114 in addition to the rates paid under section 1311. VA views section 2(a) of this bill as allowing for the use of the current rate paid under section 1114(j) of \$3,621.95 in calculating the benefit provided under proposed section 1311(a)(1), as well as any future increases to section 1114(j).

VA further notes that section 2(b)(2) of this bill would require VA to pay the greater of the benefit under proposed section 1311(a)(1) and “[section 1311(a)(3)], as in effect on the day before the date of the enactment of this Act.” The apparent intent is to use the rates under section 1311(a)(3) at that fixed point in time, even if those statutory rates are later changed.

However, the statutory language is potentially ambiguous because the rates payable under section 1311(a)(3) may change even if the text of that provision remains unchanged. Congress routinely enacts annual cost-of-living adjustments (COLA) increasing DIC rates, including the section 1311(a)(3) rates. See, e.g., Public Law 117-191. We believe the intent of the bill is to use the rate that would have been payable on

the day before the date of enactment under section 1311(a)(2) and any COLAs in effect on that date. However, the bill language as drafted would also be susceptible to the interpretation that the rate should be increased by any subsequent COLAs because such rate would still be predicated on section 1311(a)(3) "as in effect on the day before the date of the enactment of this Act." This ambiguity could be resolved by adding language at the end of section 2(b)(2)(A)(i) of the bill saying, "including any applicable statutory cost-of-living increases in effect as of that day."

Due to the extensive information system updates that would be required for implementation and the necessary oversight of such implementation, VA recommends that section 2(b)(1) be amended with an effective date of one year after the date of enactment.

Section 3 of the bill would amend 38 U.S.C. § 1318(b)(1) to reduce, from ten years to five years, the period in which a Veteran must have been rated totally disabled due to service-connected disability in order for a survivor to qualify for DIC benefits. It would further add a new subsection (a)(2) to state: "In any case in which the Secretary makes a payment under paragraph (1) of this subsection by reason of subsection (b)(1) and the period of continuous rating immediately preceding death is less than 10 years, the amount payable under paragraph (1) of this subsection shall be an amount that bears the same relationship to the amount otherwise payable under such paragraph as the duration of such period bears to 10 years." The meaning of proposed section 1318(a)(2) is unclear.

VA supports section 3, if amended, and subject to the availability of appropriations. VA views proposed section 1318(a)(2) as supporting the families of Veterans who die with a total disability rating that existed for more than five years but less than ten years immediately preceding death. For individuals who qualify for DIC under proposed section 1318(b)(1) due to a Veteran's disability continuously rated totally disabling for a period of more than five years but less than ten years immediately preceding death, VA views the proposed statute as more generous than existing law in that VA may provide DIC benefits to such individuals. However, VA views the proposed language in section 3(1)(B) of the bill as incorporating an unclear and potentially overly complex application for survivor beneficiaries, the agency, and external partners. The proposed language of section 1318(a)(2) would create a relationship between a ten-year rating requirement for full benefit entitlement and a five-year rating requirement for baseline entitlement, per amendments to section 1318(b)(1). The apparent effect would allow for DIC benefits to be granted based on a shortened duration of time that a Veteran must be continuously rated totally disabled, but then disallow full benefit entitlement through the utilization of an unclear payment structure.

Specifically, the benefit provided by VA to the families of Veterans with more than five years, but less than ten years of disability rated as totally disabling under the proposed statute (proposed beneficiaries) would "bear[] the same relationship" to the full benefit amount as the length of totally disabling rating "bears to 10 years." Using a Veteran with exactly five years of total disability rating as an example, exactly five years

is half of ten years, meaning a DIC benefit based on exactly five years of total disability rating would have exactly the same relationship to half of the benefit paid based on ten years of total disability.

However, it is unclear how precisely VA should calculate the relationship. Using a Veteran with five years and six months of total disability rating as an example, should VA provide 55% of the benefits it would provide based on ten years of total disability? Or should VA round up to 60%? If the Veteran has five years and seven months, should VA provide 55.8% of full DIC benefits? Or should VA round up to 56%? VA requests that Congress provide clear standards to avoid potential confusion and litigation.

VA does not currently reduce DIC benefits in any scenario along the lines it would be required to under the proposed language. This novel adjudication would be operationally difficult and would appear to preclude automation, at least initially.

The calculation would be further complicated by the incremental structure of section 1311 used to calculate DIC benefits, which allows VA to supplement the base rate when a number of different conditions are met. VA would be unsure if the application of "bears the same relationship to" language would apply to solely the underlying DIC benefit rate, or if VA is meant to extend such application of benefit reduction to any additional supplemental allowance. For example, section 1311(a)(2) allows VA to pay an additional \$246 per month of DIC if the deceased Veteran received a total disability for eight years before death *and* was married to the surviving spouse for those eight years. Sections 1311(a)(2) and 1318(b)(1) currently operate separately and apply separate standards, and not all proposed beneficiaries would qualify for DIC benefits under section 1311(a)(2). Section 1311(a)(2) is not the only potential supplement to which VA would have to apply the reduction. See, e.g., 38 U.S.C. § 1311(b) (allowing VA to provide an increase of \$286 per month per child under 18 years old).

VA views the potential application of the proposed language for section 1318(a)(2) as being inconsistent with the benefit's current intent and program integrity. As such, VA recommends removal of section 3(1) of the bill to allow the proposed amendment under section 3(2) to achieve the primary intent of DIC expansion. The effect of the proposed amendment under section 3(2) of the bill, on its own, would result in clearer and more consistent program application. Removing the novel adjudication calculations and solely retaining the amendment to section 1318(b)(1) is sufficient to fulfill the intended purpose of expanding DIC benefits to survivors of Veterans with a totally disabling disability rating by shortening the duration of time required for the disability to have been continuously rated. It would also allow VA to quickly implement the expansion while retaining the existing automation that allows the families of deceased Veterans to receive DIC benefits as quickly and accurately as possible.

VA recommends the bill be amended to add an explicit effective date. As written does not contain an effective date for section 3. VA would likely interpret any new benefit eligibility created by this section to be effective based on the date of enactment

of the bill, but not authorize retroactive payments. This outcome is complicated by the timeline for applying to receive DIC benefits. An application received more than a year after death cannot result in VA providing benefits retroactive to the date of death, but the applicant would qualify for DIC benefits from the date of application forward. 38 U.S.C. § 5110(d).

Mandatory costs associated with S. 414 are estimated to be \$0 in 2023, \$12.8 billion over five years, and \$37.1 billion over 10 years.

S. 498 “Veteran Education Empowerment Act”

This bill would amend 20 U.S.C. § 1161t to reauthorize and improve a grant program to assist institutions of higher education or consortia of institutions of higher education to assist in the establishment, maintenance, improvement, and operation of Student Veteran Centers. **VA defers to the Department of Education on this bill.**

S. 656 “Veteran Improvement Commercial Driver License Act of 2023”

S. 656 would amend 38 U.S.C. § 3680A(e) to modify the rules for approval of commercial driver education programs. Currently, under section 3680A(e), the Secretary may not approve the enrollment of an eligible Veteran in a course not leading to a standard college degree offered by a for-profit or non-profit educational institution if the educational institution has been operating for less than two years. This bill would exempt a commercial driver education program from this requirement if the commercial driver education program at a branch of an educational institution is appropriately licensed and uses the same curriculum as a commercial driver education program offered by the educational institution at another location that is approved under chapter 36 by a State approving agency (SAA) or the Secretary when acting in the role of an SAA.

To be exempt, the educational institution for the commercial driver education program offered at a branch would have to submit a report to VA each year that demonstrates the curriculum at the new branch is the same as the curriculum at the primary location. The report would have to be submitted in accordance with requirements established by VA in consultation with the SAA. VA must establish the report requirements not later than 180 days after the date of enactment.

VA could withhold an exemption for any educational institution or branch of an educational institution as the VA considers appropriate. In making such a determination, VA could consult with the Secretary of Transportation on the performance of a provider of a commercial driver program, including the status of the provider within the Training Provider Registry of the Federal Motor Carrier Safety Administration, when appropriate.

The amendments made by this bill would apply to commercial driver education programs on and after the date that is 180 days after the date VA establishes the exemption reporting requirements.

VA supports this bill. VA believes revising the approval criteria would provide more training opportunities for Veterans and boost employment in this occupational area. No mandatory costs are associated with this bill, which would expand the number of education programs offered but would not change entitlement to benefit payments. No discretionary costs are associated with this bill.

S. 740 “Governing Unaccredited Representatives Defrauding VA Benefits Act of 2023” (“GUARD VA Benefits Act of 2023”)

S. 740 would essentially reinstate language imposing criminal penalties that was removed from 38 U.S.C. § 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 supports this bill. There are no costs associated with this legislation.

S. 774 “Veterans Border Patrol Training Act”

This bill would require the Secretary of Homeland Security, in collaboration with the Secretary of Defense and the Secretary of Veterans Affairs, within 180 days after the date of enactment, to establish an interdepartmental pilot program through which the Department of Homeland Security (DHS) must use the Department of Defense (DoD) SkillBridge Program to train and hire transitioning Servicemembers as Border Patrol agents for U.S. Customs and Border Protection.

VA defers to DHS and DoD on this bill.

S. 897 “Expedite Veteran Appeals Act of 2023”

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 takes no position on this legislation.

S. XXXX “Student Veterans Transparency and Protection Act of 2023”

This draft bill would improve how VA discloses to individuals entitled to VA educational assistance risks associated with using such assistance at particular educational institutions and to restore entitlement of students to such assistance who are pursuing programs of education and educational institutions that are subject to Federal or State civil enforcement action.

Section 2(a) of this bill would require VA to maintain VA's GI Bill Comparison Tool, as established by Executive Order 13607, or a successor tool, to provide relevant and timely information about programs of education approved under chapter 36 and the educational institutions that offer such programs. VA would be required to ensure that historical data that is reported via the tool is easily and prominently accessible on the benefits.va.gov website, or a successor website, for at least seven years from the date of initial publication.

Under section 2(b), VA would be required, not later than one year after the date of the enactment, and in coordination with the Department of Education (ED), to make changes to the tool as determined appropriate to ensure that such tool is an effective and efficient method for providing information pursuant to 38 U.S.C. § 3698(b)(5) regarding postsecondary education and training opportunities. Section 2(b) of this bill would modify 38 U.S.C. § 3698(a) and (b)(5) to make them applicable to individuals entitled to educational assistance instead of only to Veterans and members of the Armed Forces. This section of the bill would also require several additional disclosures related to various aspects of educational programs including a requirement for more information to be disclosed about the Federal student aid program pursuant to 38 U.S.C. § 3698(c).

Section 2(c) of this bill outlines additional improvements that VA would be required to make to the GI Bill Comparison Tool regarding feedback from schools, including providing institutions of higher learning with up to 90 days to review and respond to feedback and address issues regarding the feedback before it is published.

Finally, section 2(d) would require VA, not less than one year after the date of enactment, to ensure that personnel employed or contracted to provide counseling, vocational or transition assistance, or similar functions, including VA employees or contractors who provide counseling or assistance as part of the Transition Assistance Program, are trained on how to properly use the GI Bill Comparison Tool or a successor tool and to provide appropriate educational counseling services to individuals entitled to educational assistance.

Section 3 would amend section 38 U.S.C. § 3699(b)(1) to preclude a charge against entitlement to educational assistance for payments made to an individual who is pursuing a course or program at an educational institution under 38 U.S.C. chapter 30, 31, 32, 33, or 35 or 10 U.S.C. chapter 1606 or 1607 of title 10, if the Secretary determines that the individual was unable to complete a course or program as a result of a Federal or State civil enforcement action against the educational institution or an action taken by VA. Lastly, VA would be required to establish a mechanism that could

be used by an individual approved under this provision to obtain relief under 38 U.S.C. § 3699(a).

VA supports section 2(a), subject to the availability of appropriations. This section would codify the GI Bill Comparison Tool as a valuable source of information for prospective and current GI Bill beneficiaries. Moreover, VA supports the provision as it would expand the information available to users of the tool.

VA would require additional resources to implement and conduct oversight of the provisions in this section. Implementing the provision outlined in section 2(b) of the bill would require significant technical changes to the tool in order to provide the required information and significant support from other partners, in particular ED, to locate the required information and receive regular updates. Moreover, the bill would create a more labor-intensive role on the part of VA regarding oversight and maintenance of the complaint referral process, the GI Bill Comparison Tool, and the GI Bill Feedback tool.

VA has no objection to section 2(d)(1)(A). Contracted VA Benefits Advisors are trained to provide a demonstration of the GI Bill Comparison Tool during the VA Benefits and Services course.

VA cites concerns with section 2(d)(1)(B). This would require VA contractors and employees to provide educational counseling services. VA Benefits Advisors are not education counselors who can provide educational counseling services beyond the curriculum that directs transitioning Servicemembers, Veterans and their families to resources for VA educational assistance. Additionally, education counseling is beyond the scope of the contract and training requirements. In order to facilitate this provision in the bill, VA would require an expansion of the contract scope and additional funding to develop hire and train educational counselors.

VA supports section 3(a). This provision would expand restoration of entitlement to include protection for when an individual is unable to complete a course or program due to a Federal or State civil enforcement action against the educational institution. Additionally, under section 3(b), VA would be required to establish a mechanism that would allow individuals eligible under this provision to obtain relief for restoration of entitlement. This would require VA to establish a system that can accept these requests on the date of enactment of the bill.

No costs are associated with section 2 of this bill. None of the changes in this section would impact entitlement to benefits or payment amounts. VA is unable to estimate the cost of section 3 due to insufficient data. Section 3 would allow VA to restore entitlement to individuals who are adversely affected and unable to complete a course or program because of a Federal or State civil enforcement action against the education institution. This may result in education trainees utilizing additional entitlement. However, historical data on the number of schools that have had Federal or State civil enforcement action is unavailable.

S.XXXX Payment of VA Educational Assistance Via Electronic Fund Transfer to a Foreign Institution of Higher Education

The proposed legislation would require VA, within 90 days of enactment, to update its payment system to allow for electronic fund transfer of educational assistance to a foreign institution of higher education that provides an approved course of education to an eligible recipient of such assistance and does not have an employer identification number (EIN) or U.S. domestic bank account.

VA does not support this bill. This bill would create a duplicative system to what already exists and is unwarranted. VA currently has processes in place to make payments to foreign institutions of higher education by Electronic Funds Transfer, regardless of whether the institution has an EIN or a domestic bank account. No mandatory or discretionary costs are associated with this bill.

S. XXXX “Love Lives On Act of 2023”

VA supports section 2. Section 2 of this bill would remove the delimiting date for spouses under the Marine Gunnery Sergeant John David Fry Scholarship by removing paragraph (2) from 38 U.S.C. § 3311(f). Section 3(a) of this bill would amend 38 U.S.C. § 103(d) to allow a surviving spouse to retain dependency and indemnity compensation (DIC) even after remarriage. Section 3(b) would provide that, beginning the first day of the first month after the date of the enactment of this bill, VA shall resume payment of DIC under 38 U.S.C. § 1311 to an individual who: (1) is the surviving spouse of a Veteran; and (2) remarried before reaching age 55 and the date of the enactment of this Act. Section 7 would amend the definition of a surviving spouse for Veterans benefits under 38 U.S.C. § 101(3) by removing the language that requires a marriage be between members of the opposite sex and removing the language stating that “...or (in cases not involving remarriage) has not since the death of the veteran, and after September 19, 1962, lived with another person and held himself or herself out openly to the public to be the spouse of such other person.”

VA supports section 3(a), with amendments, and subject to the availability of appropriations. VA supports removing the remarriage restriction requirements for surviving spouses. The bill specifies that the removal of the remarriage restriction would apply to 38 U.S.C. § 1311 but does not address whether it would also apply to other provisions in chapter 13 authorizing benefits to surviving spouses. See 38 U.S.C. §§ 1310, 1312, and 1318.

VA recommends modifying the language specifying that the provision would apply to benefits under 38 U.S.C. § 1311 to instead provide that the provision would apply to chapter 13 generally to ensure consistent application among that benefit type, if that is Congress's intent. VA notes that the bill would create a greater disparity for survivor pension beneficiaries under chapter 15 who would remain precluded from benefit entitlement if they remarry at any age. Further, the bill would create a greater

disparity for survivors who qualify for Medal of Honor special pension under chapter 15, as that benefit entitlement is restricted to remarriage after age 57.

VA cites concerns with section 3(b). VA recommends deleting the proposed language in section 3(b)(2)(A) stating that the resumption of DIC payments for the surviving spouse of a Veteran be restricted to remarriages that occurred prior to the surviving spouse reaching age 55. That requirement would create a disparate impact for surviving spouses who, for example, became eligible to have DIC benefits granted or restored based on the reduction of remarriage age restrictions from 57 to 55 per Public Law 116-315. See Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, § 2009 (Jan. 5, 2021). The main concern for the disparate impact would be that Public Law 116-315 did not incorporate language similar to that of this bill regarding the express requirement to resume DIC payments for all potentially affected individuals. Instead, those surviving spouses who were previously subject to either DIC benefit denial or termination due to a remarriage between the ages of 55 and 57 would have to reapply to have their benefits granted or restored. As such, the current language of the bill would continue to disadvantage that population. The removal of the bill's language within section 3(b)(2)(A) would not detract from the intent of the bill and would result in a more clear and consistent application.

VA also raises concerns regarding the implementation of section 3(b) generally. The bill as written implies that VA would be responsible for identifying all potential claimants who were either denied or terminated eligibility for DIC due to remarriage. This would require extensive outreach efforts and the implementation of methodologies that would require significant implementation time to address the lack of personally identifiable information available to VA regarding an individual who is not currently in receipt of benefits.

VA defers to the Department of Defense on sections 4 through 6.

VA supports section 7. VA views section 7's amendments to 38 U.S.C. § 101(3) as being supportive to the surviving spouses of our Veterans. The removal of "a person of the opposite sex" conforms with the Supreme Court decision in *Obergefell v. Hodges*, which ruled that marriage is a fundamental right under the Fourteenth Amendment to be afforded to same-sex couples, 576 U.S. 644 (2015). VA also supports the bill's proposed removal of language that currently results in the denial or termination of benefits for a survivor who lives with another person and holds themselves out to the public as being the spouse of such other person, without necessarily being legally married to said individual. The language under 38 U.S.C. § 101(3) as currently written has resulted in many survivors electing to be in a committed relationship but choosing not to hold themselves out as the spouse of another individual in order to maintain benefit eligibility. The removal of the specified language supports the overall intent of the bill to be more claimant friendly. VA notes as a technical matter that conforming changes within title 38 (such as 38 U.S.C. § 103(d)(3)) may be necessary, and VA can provide technical assistance as needed.

No mandatory costs are associated with section 2. Mandatory costs associated with section 3 are estimated to be \$10.8 million in 2023, \$147.9 million over five years, and \$354.5 million over 10 years. No mandatory costs or savings are associated with section 7. The amendment in section 7 regarding marriage between members of the same sex is consistent with current practice; therefore, no costs are associated. The amendment in section 7 regarding remarriage is for consistency with section 3 of this bill; any impact resulting from this amendment is captured in the cost of section 3 of this bill.

S. XXXX “Ensuring Access to Department of Veterans Affairs Information Necessary for Oversight Act of 2023” (“Ensuring Access to VA INFO Act of 2023”)

This draft proposal would require VA, to the maximum extent practicable, to provide an answer to a question submitted for the record to VA by a member of the Senate or House Committee on Veterans’ Affairs within 45 days of when VA receives the question. If VA anticipates being unable to provide a timely answer, VA shall submit to the member notice that VA anticipates being unable to provide the answer by the deadline, with a justification for the inability to meet the deadline, an estimate of when an answer will be provided, and a description of the steps VA needs to take in order to provide the answer. If VA requires the assistance of another Federal agency to provide an answer, the other agency Federal agency would be required to provide such assistance in a timely manner.

VA does not support this proposal. VA endeavors to ensure timely, accurate and comprehensive communication to Congress, to include post-hearing actions. VA does not support this bill for three reasons. First, legislating a 45-day timeline would place unnecessary constraints on VAs ability to deliver accurate and comprehensive data and information, particularly on complex policy issues that require extensive analysis and evaluation. Second, the 45-day mandate and provision requiring Member notification when a deadline cannot be met would layer an administrative standard on VA that is not universally applied across the Executive Branch. Finally, section 2(c) does not clearly define “timely manner” and VA has no authority to compel compliance by another Federal agency to meet the intent of the bill. No mandatory or discretionary costs are associated with this draft bill.

S. XXXX “Veterans 2nd Amendment Protection Act of 2023”

This bill would create a new 38 U.S.C. § 5501B that would prohibit VA from transmitting a beneficiary’s personally identifiable information, based on a determination to pay benefits to a VA-appointed fiduciary under 38 U.S.C. § 5502, to the Department of Justice (DOJ) for use by the national instant criminal background check system (NICS), unless there is an order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that the beneficiary is a danger to themselves or others. While the underlying reporting requirements of the Brady Handgun Violence Prevention Act (Brady Act) and associated regulations would remain, the bill would prevent VA from complying with those requirements absent the required judicial order.

VA does not support this legislation. VA recognizes the important policy considerations underlying the Brady Act, see 34 U.S.C. § 40901, and this bill, and defers to DOJ on the central policy and public safety issues associated with this bill. Any further discussion should also include DOJ (specifically ATF and FBI).

Currently, VA reports all individuals determined unable to manage their funds to NICS based on regulations issued by the Bureau of Alcohol Tobacco and Firearms (ATF) (see 27 C.F.R. § 478.11(a)) and guidance provided by DOJ (see March 2013 Guidance to Agencies Regarding Submission of Relevant Federal Records to NICS).

VA understands this bill to support a separate judicial evaluative consideration regarding whether a beneficiary is a danger to themselves or others, which has no relation to VA's fundamental role in providing fiduciary services and delivering monetary benefits. VA adjudications concerning the need for the appointment of a fiduciary are based on whether a beneficiary can manage their VA benefits and handle their own financial affairs.

A VA determination that a beneficiary cannot manage their own VA benefits is based upon a definitive finding regarding that fact by a responsible medical authority or medical evidence that is clear, convincing, and leaves no doubt as to the person's inability to manage their affairs, including disbursement of funds without limitation, or a court order finding the individual to be incompetent. See 38 C.F.R. § 3.353(c) and (e). VA's reporting to NICS based on regulations currently in place allows for VA to operate out of an abundance of caution regarding protections offered to our beneficiaries who are deemed to be incompetent. However, VA provides VA beneficiaries who have been determined to be unable to manage their VA funds the ability to request relief from NICS restrictions. When deciding a request for relief, VA considers not only the beneficiary's desire to own firearms and/or ammunition, but also the safety of the beneficiary, their family, and the community.

No mandatory or discretionary costs are associated with this draft bill.

Conclusion

This concludes my statement. We thank the committee for your continued support of programs that serve our Nation's Veterans and look forward to working together to further enhance delivery of benefits and services.



Department of Veterans Affairs
Senior Executive Biography

Joseph Garcia

**Executive Director, Education Service
Veteran Benefits Administration**



Joseph Garcia was appointed as Executive Director of Education Service on August 1, 2022. He previously served in the higher education sector as a Vice President at William Jewell College in Missouri, Empire State College in New York, and The Citadel: Military College of South Carolina. He served in Senior Executive Service (SES) positions at Department of Homeland Security (DHS)/FEMA and at the US Department of Agriculture (USDA)/Food Safety Inspection Service. He also worked in the private and nonprofit sectors in Washington, DC. Garcia spent 28 years in the Air Force, including tours at the Pentagon, Air Force Academy, Germany and South Korea, and a Middle East deployment. He taught leadership courses at the Air Force Academy and The Citadel and has authored four leadership books. Among his awards are Male Boss of the Year from the Federal Woman's Program, CFO of the Year from the Kansas City Business Journal, and a superior mission achievement award from DHS.

Mr. Garcia holds an Executive Master's in Leadership from Georgetown University, a Master's in Business Administration from the University of Central Oklahoma, and a Bachelor of Science in Business Administration from the University of Arizona.

CAREER CHRONOLOGY:

2022 Executive Director, Education Service
2013 - 2022 Vice President roles at William Jewell College, Empire State College, The Citadel
2011 - 2013 Chief Financial Officer, USDA, Food Safety Inspection Service, Washington, DC

EDUCATION:

2007 Executive Master's in Leadership, Georgetown University, Washington, DC
1997 Air Command and Staff College, in-residence, Maxwell Air Force Base, AL
1986 Master's in Business Administration, University of Central Oklahoma, Edmond, OK
1984 Bachelor of Science in Business Administration, University of Arizona, AZ



Kevin J. Friel

Kevin J. Friel was appointed as Deputy Director of the Pension and Fiduciary Service on June 24, 2018. The Pension and Fiduciary Service Staff is responsible for oversight and administering the pension, dependency and indemnity compensation, and fiduciary programs to include the development of policy and procedures, performance of quality reviews, creation of required training, and development of processing system functional requirements. In 2020, the pension program paid over \$4.2B to over 378,000 beneficiaries composed of both Veterans and their survivors, and the fiduciary program provided benefit protection to over 162,000 beneficiaries whose disabilities limited their ability to manage their VA benefits, which exceeded \$3.4B. Pension and Fiduciary Service provides oversight and administration of Dependency and Indemnity Compensation (DIC) benefits, providing over \$7.5B in DIC benefits to over 445,000 eligible survivors.

CAREER CHRONOLOGY:

2018 – Present	Deputy Director, Pension and Fiduciary Service, VBA HQ
2014 – 2018	Assistant Director, Pension and Fiduciary Service, VBA HQ
2012 – 2014	Supervisory Program Analyst, Office of Business Process Integration, VBA HQ
2011 – 2012	Program Analyst, Office of Business Process Integration, VBA HQ
2010 – 2011	Supervisory Veterans Service Representative, Philadelphia, PA VA Regional Office and Insurance Center (VAROIC)
2008 – 2010	Rating Veterans Service Representative, Philadelphia, PA VAROIC
2008 – 2008	Veterans Claims Examiner, Philadelphia, PA VAROIC
2006 – 2008	Veterans Service Representative, Philadelphia, PA VAROIC

MAJOR MILITARY ASSIGNMENTS/AWARDS/DECORATIONS:

Wing Career Assistance Advisor, 62nd Airlift Wing, McChord AFB, WA
 Chief of Staff, 62nd Maintenance Squadron (MXS), McChord AFB, WA
 Wing Resource Manager of the Year, 62nd Airlift Wing, McChord AFB, WA
 Senior Non-Commissioned Officer of the Year, 62nd MXS, McChord AFB, WA
 Retired from the U.S. Air Force with over 23 years of active duty service

Education:

Master's Degree in Public Administration, Capella University
 Master's Degree in Business Administration, Saint Martin's College
 Bachelor's Degree in Workforce Education and Development, Southern Illinois University
 Air Force Senior Non-Commissioned Officers Academy
 Associate's Degree in Applied Electrical Science, Community College of the Air Force
 Project Management Professional, Georgetown University
 VA Leadership Enhancement and Development Program



Department of Veterans Affairs
Senior Executive Biography

Nick Pamperin

**Executive Director
Veteran Readiness and Employment Service
Veterans Benefits Administration**



Nick Pamperin was appointed Executive Director of Veteran Readiness and Employment (VR&E) Service in July 2021. As Executive Director, Nick is responsible for overseeing the delivery of VR&E service to Veterans with service-connected disabilities and Service members who are in the process of transitioning from the military to prepare for, find, and maintain suitable careers, or obtain independence in daily living. He leads operations employing approximately 1,500 employees located at over 350 VBA locations including 56 Regional Benefits Offices, the National Capital Regional Benefits Office, approximately 142 out-based locations, 70 Integrated Disability Evaluation Systems (IDES) installations, and 105 VetSuccess on Campus (VSOC) sites.

As Assistant Director of Buffalo Regional Office, Nick was responsible for the day-to-day operations at the RO, which includes a staff of over 500 people, who administer over \$90 million in monthly benefits. Additional responsibilities included: three different lines of business that administer benefits; Veterans Service Center (VSC) that administer service-connected compensation, Veteran Readiness and Employment (VRE), as well one of only two Regional Processing Offices (RPO) in the country responsible for administering education benefits.

Prior to this, Nick held a number of diverse positions, including Deputy Director in the Office of Strategic Planning, Assistant Director and Acting Director in Manila Regional Office and was the Lead Management Analyst who helped establish VBA's Office of Business Process Integration (OBPI) and helped developed the Veterans Benefits Management System (VBMS) Program Office. Nick began his career at the Philadelphia Regional Office as a Veterans Service Representative.

CAREER CHRONOLOGY:

2017 – 2021	Assistant Director, Buffalo Regional Office
2015 – 2017	Deputy Director, Office of Strategic Planning
2009 – 2015	Assistant Director, Manila Regional Office and Outpatient Clinic
2007 – 2009	Lead Management Analyst, Office of Field Operations and Assistant Director, Veterans Benefits Management System Program Office
2001-2007	Veterans Service Representative (VSR)/Senior VSR/Supervisory VSR, Philadelphia Regional Office

EDUCATION:

Bachelor's degree, University of Kansas
Master's degree, Central European University



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**STATEMENT OF
SHANE L. LIERMANN
DEPUTY NATIONAL LEGISLATIVE DIRECTOR
OF THE DISABLED AMERICAN VETERANS
FOR THE SENATE COMMITTEE ON VETERANS' AFFAIRS
April 26, 2023**

Chairman Tester, Ranking Member Moran and Members of the Committee:

I appreciate the opportunity to testify before the Senate Veterans' Affairs Committee today on behalf of DAV (Disabled American Veterans).

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 affecting service-disabled veterans, their families and the programs administered by VA that are under consideration by the Committee.

S. 280, the BEST for Vets Act of 2023

Starting in 1996, as part of a pilot program, the VA was authorized to complete disability examinations from non-VA medical sources to increase its capacity and improve timeliness, but stipulated no more than 10 VA regional offices (VAROs) could participate. These contract exams, originally managed by the Veterans Health Administration (VHA), were expanded from 10 to 15 VAROs between 2014 and 2016.

In 2016, VHA officially transferred the national compensation and pension disability examination contract and program management to the Veterans Benefits Administration (VBA). VA established VBA's Medical Disability Examination (MDE) program to manage and oversee contractors, monitor their performance, and ensure that they meet contract requirements, while enhancing the prompt delivery of disability benefits claims and improving the disability exam experience for veterans. The disability contract examination program was also expanded to allow all VAROs access to use the mandatory contract examination program starting in fiscal year 2017.

The contracts for the vendor-provided VA examinations require a specialized focus on three areas: quality, timeliness and customer satisfaction. The examiners for the vendors are required to complete the same training as provided to VHA examiners. In reference to the timeliness, the contract exams are required to be completed within 20 days generally, or within 30 days for specialized exam requests outside of the vendor's network.

S. 280, the Better Examiner Standards and Transparency for Veterans Act, or the BEST for Vets Act, would ensure that only licensed health care professionals furnish disability examinations under the VA contract examiner program, which allows for contract physicians to conduct VA disability examinations and provide medical opinions. It would amend section 504(a) of the Veterans' Benefits Improvements Act of 1996, Public Law 104-275 and Section 5101 note of title 38, United States Code.

The BEST for Vets Act states that, "no examination as part of this program will be conducted by any health care profession other than a physician, physician assistant, nurse practitioner, audiologist, or psychologist that has a current unrestricted license to practice that health care profession." This is consistent with VA's current policy for VA-provided examinations, per its adjudication manual, M21-1, section IV.i.3.A.1.d. Additionally, there is the requirement that VA provide an annual report to the House and Senate Veterans' Affairs Committees.

DAV supports S. 280 in accordance with DAV Resolution No. 095. The VA Compensation and Pension examination process is a vital part of the claims process as it can be determinative of the existence of a current condition, or if the veteran's illness or injury is related to their active military service or specifically, the severity of that condition. In many cases, the VA examination is the linchpin to establish or deny a claimed benefit.

S. 291, A bill to amend title 38, United States Code, to establish in the Department the Veterans Economic Opportunity and Transition Administration

This bill would establish the Veterans Economic Opportunity and Transition Administration to administer economic opportunity assistance programs for veterans and their dependents and survivors.

Specifically, the Veterans Economic Opportunity and Transition Administration would have control over the following VA programs:

- Veterans Readiness and Employment (VR&E) programs
- Educational assistance programs
- Veterans' housing loan and related programs
- Transition Assistance Program

Establishing a fourth administration within VA dedicated to creating economic opportunities for veterans would increase the visibility and accountability of all veterans' education and employment-related programs. A prime example for the need of the fourth Administration can be found in VR&E.

In over eight years, VR&E has not been able to successfully create and deploy a case management system. We are concerned that over \$20 million has been spent for a system and there is still not one currently in place. We understand VR&E's current approach and we applaud them for trying to ensure it is done correctly this time. However, DAV believes that the failures of the VR&E case management system is indicative of a lack of focus, direction, as well as a constant change of administrations and warrants a new approach.

Therefore, in accordance with DAV Resolution No. 405, we strongly support S. 291 as it would establish a fourth administration within the VA to oversee VR&E and education programs.

S. 350, Fry Scholarship Enhancement Act of 2023

The Fry Scholarship Enhancement Act would expand the eligibility for this scholarship to spouses and children of veterans who have passed away from a service-connected disability within 120 days of separation from active military service.

Under the John Fry Scholarship, students receive the same benefits as a student receiving Chapter 33 Post 9/11 GI Bill benefits at 100% eligibility. Students using the John Fry Scholarship are eligible for the Survivors' and Dependents' Educational Assistance (DEA) program however, they can use only one program at a time. A combined cap of 81 months of full-time training is available if using both programs.

In accordance with DAV Resolution No. 217, DAV supports S. 350, as it would improve VA's education benefits for survivors.

S. 414, the Caring for Survivors Act

Created in 1993, Dependency and Indemnity Compensation (DIC) is a benefit paid to surviving spouses of service members who die in the line of duty or veterans who die from service-related injuries or diseases. DIC provides surviving families with the means to maintain some semblance of economic stability after losing their veteran.

Increase DIC Rates

When a veteran receiving compensation passes away, not only does the surviving spouse have to deal with the heartache of losing their loved one, they also have to contend with the loss of annual income. This loss to a survivor's budget can be devastating, especially if the spouse was also the veteran's caregiver and reliant on that compensation as their sole income source.

While DIC helps many survivors of disabled veterans, the value of the current benefit is insufficient to provide meaningful support to survivors of severely disabled veterans. A veteran who is married and rated 100% service-connected receives approximately \$3,800 a month in disability compensation. The current DIC benefit is a little over \$1,500 a month, which is approximately 40% of the amount the veteran receives.

In contrast, monthly benefits for survivors of federal civil service retirees are calculated as a percentage of the civil service retiree's Federal Employees Retirement (FERS) or Civil Service Retirement System (CSRS) benefits, up to 55%. This difference presents an inequity for survivors of our nation's heroes compared to survivors of federal employees.

The Caring for Survivors Act would increase the rate of compensation for DIC to 55% of a totally disabled veteran's compensation to correspond with what federal employee survivors receive, thus providing parity for veterans' survivors and families.

Reduce the 10-Year Rule for DIC

If a veteran is 100% disabled, to include unemployable, for 10 consecutive years before their death, their surviving spouse and minor children are eligible for DIC benefits even if the death is not considered service connected.

Conversely, if that veteran dies due to a nonservice-connected condition before they reach 10 consecutive years of being totally disabled, their dependents are not eligible to receive the DIC benefit. This happens even though many surviving spouses put their careers on hold to act as primary caregivers for the veteran, and now with the loss of their loved one, they could potentially be left destitute. DAV believes the requirement of 10 years is arbitrary.

The Caring for Survivors Act would modify the DIC program and institute a partial DIC benefit starting at five years after a veteran is rated totally disabled and reaching full entitlement at 10 years. This would mean if a veteran is rated as totally disabled for five years and dies, a survivor would be eligible for 50% of the total DIC benefit, increasing until the 10-year threshold and the maximum DIC amount is awarded.

Consistent with DAV Resolution Nos. 002 and 162, DAV supports S. 414, the Caring for Survivors Act, as it will provide parity for DIC compensation rated and equity concerning the current 10-year rule.

S. 498, Veteran Education Empowerment Act

This legislation would establish a grant program for institutions of higher learning to set up, maintain, improve and operate student veteran centers. These grants would not exceed \$500,000 and have a duration of four years.

DAV understands the value of student veteran centers in providing a refuge for student veterans to share experiences and navigate college life from their own perspective. Therefore, DAV supports S. 498, in accordance with Resolution No. 187.

S. 572, Ensuring Access to VA INFO Act

The Ensuring Access to Department of Veterans Affairs Information Necessary for Oversight Act of 2023, or the Ensuring Access to VA INFO Act of 2023, would require the VA Secretary to submit responses to questions for the record from the Senate Veterans' Affairs Committee (SVAC) within 45 business days of receipt.

In addition to the 45-business day requirement for providing responses, the legislation requires VA to notify members of the SVAC at any time during the 45-day period if they anticipate not meeting the deadline along with a justification of the inability, an estimate of when the response will be submitted, and a description of the outstanding steps required before submission.

As DAV is a resolution-based organization, we do not have a resolution to support or oppose the Ensuring Access to VA INFO Act, therefore we have no position on this legislation.

S. 656, Veteran Improvement Commercial Driver License Act of 2023

The Veteran Improvement Commercial Driver License Act would approve a commercial driver education program at a branch of an institution of higher education if the program offered at the branch by the educational institution is appropriately licensed and uses the same curriculum that is offered at the main campus of the institution and is approved by a state agency.

This legislation would ensure CDL schools that offer courses at new branches do not have to wait two years if the primary institution has been approved by the VA and state approving agencies to receive GI bill benefits. It is estimated that 8,400 commercial driving programs have been approved for use by eligible veterans under the GI bill.

This legislation would provide an option for service-disabled veterans to obtain a CDL and help fill the shortage of truck drivers in our nation. In accordance with DAV Resolution No. 187, DAV supports S. 656.

S. 740, the GUARD VA Benefits Act of 2023

The Governing Unaccredited Representatives Defrauding VA Benefits Act, or 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 provision for fines was repealed. The GUARD VA Benefits Act 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. These groups argue 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).

At the March 29, 2023 hearing of the House Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs, Christa Shriber, VA Deputy Chief Counsel, testified that veterans who have been charged an unreasonable fee can motion to the OGC to have those fees changed. She reported that in 2022, VA returned \$2.5 million in unreasonable fees back to veterans. Further, she stated that 40% of all complaints they received in 2022, were specifically about unaccredited representatives.

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.

In recent months some groups have stated that the GUARD VA Benefits Act would violate a veteran's constitutional rights. We respectfully disagree that the legislation would violate 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).

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.

At the aforementioned hearing, VA testified they are in support of the GUARD VA Benefits Act and provided it "... 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.”

In accordance with DAV Resolution No. 095, DAV strongly supports S. 740, 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.

S. 774, Veterans Border Patrol Training Act

S. 774 would require the Department of Homeland Security (DHS) to work in conjunction with the Department of Defense (DOD) and VA to establish an interdepartmental pilot program for five years.

Under the program, DHS must use the DOD SkillBridge Program to train and hire transitioning service members as border patrol agents for U.S. Customs and Border Protection. The DOD SkillBridge program is an opportunity for service members to gain valuable civilian work experience through specific industry training, apprenticeships, or internships during the last 180 days of service.

SkillBridge connects service members with industry partners in real-world job experiences. SkillBridge is an excellent benefit for installation and Unit Commanders who have members about to be discharged from active duty. SkillBridge can help service members bridge the gap between the end of service and the beginning of their civilian careers.

In accordance with DAV Resolution No. 187, DAV supports S. 774. As an organization we recognize the importance of increased employment opportunities for transitioning service members and service-disabled veterans.

S.897, Expedited Veteran Appeals Act of 2023

The Expedited Veteran Appeals Act would permanently increase the number of judges presiding over the United States Court of Appeals for Veterans Claims (Court). The Court has exclusive jurisdiction over decisions of the Board of Veterans' Appeals (Board). 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 Department of Veterans Affairs (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.

During 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, "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.

The March 29, 2023 Court statement for the record to the House Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs, notes, "the Board has received a significant influx of fulltime 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."

DAV strongly supports S. 897, the Expedited Veteran Appeals Act, in accordance with DAV Resolution No. 178, which calls for adequate resources to resolve the backlog of appeals. In closing, we cite the Court's own statement, "Seven permanent active judges are not adequate...."

S. 1090, A bill to direct the Secretary of Veterans Affairs to update the payment system of the Department of Veterans Affairs to allow for electronic fund transfer of educational assistance, administered by the Secretary, to a foreign institution of higher education

This legislation would update the VA payment system to allow educational assistance payments to be made to a foreign institution of higher learning that does not have an employer identification number (EIN) or an account with a domestic bank.

VA education benefits, including the Post-9/11 GI Bill (Chapter 33), Survivors' and Dependents' Educational Assistance Program (Chapter 35), and the VR&E program, can be used at foreign institutions of higher learning. However, this is a much more complicated process than in the United States. It requires advance approval by VA; if it is not currently approved, the beneficiary must take steps to obtain proper authorization and their certificate of eligibility. Additionally, VA advises beneficiaries that they should plan for additional funds as it will take months before the payments are authorized and received by the foreign institution.

DAV strongly supports this bill, in accordance with DAV Resolution No. 217, which calls for improvements and protections for VA's education and employment

benefits for service-disabled veterans, their families, survivors and caregivers. Those who reside abroad should have the same parity in using their educational benefits. This bill would provide that by ensuring foreign institutions of higher education receive payments timely without disruption. Veterans and their families should not have additional financial burdens placed on them for using their earned educational and employment benefits abroad.

Draft bill, Student Veterans Transparency and Protections Act

The Student Veterans Transparency and Protections Act would require the Secretary of Veterans Affairs to improve how the VA discloses information to individuals entitled to educational assistance from the Department regarding risks associated with using such assistance at particular educational institutions and to restore entitlement of students to such assistance who are pursuing programs of education at educational institutions that are subject to federal or state civil enforcement actions.

DAV recognizes that certain VA systems need to be upgraded and improved to help facilitate the flow of information to service-disabled veterans and their dependents, especially those receiving educational assistance from the VA. DAV supports the Student Veterans Transparency and Protections Act, in accordance with DAV Resolution No. 070, which supports reforming and improving the budgeting and funding of VA IT systems for each individual department within the VA.

Draft bill, Love Lives On Act of 2023

The Love Lives On Act would restore payment of dependency and indemnity compensation (DIC) to surviving spouses under title 38, United States Code, section 1311, who remarry before the age of 55. This legislation would also not allow the termination of annuity payments to surviving spouses solely on the basis of them remarrying. In the case of a spouse that has remarried prior to the age of 55 and before this act becomes law, payments would be resumed. This legislation would also entitle a surviving spouse the opportunity to use the commissary and exchange stores.

This bill also expands the definition of a surviving spouse and dependent for entitlement to certain benefits, to include veterans benefits and Tricare. The payment of DIC benefits was intended to provide surviving spouses with the means to maintain some semblance of economic stability for themselves and their families. Surviving spouses that are currently in receipt of DIC benefits should not have to worry about losing their benefits if they remarry before the age of 55.

In accordance with DAV Resolution No. 162, we support the Love Lives On Act. We need to ensure that dependents and survivors of service-disabled veterans are properly cared for and have the resources they need to move forward with their lives after the loss of their loved one.

Discussion Draft, the Veterans Second Amendment Protection Act of 2023

Title 18, United States Code, section 992(d) governs who, under federal firearms laws, is prohibited from possessing firearms, which includes felons, fugitives, persons addicted to controlled substances, undocumented immigrants, people dishonorably discharged from the armed forces, persons who have renounced their U.S. citizenship, subjects of a qualifying domestic protection order, persons convicted of domestic violence, and persons who have been adjudicated by a court of law as mentally defective or who have been involuntarily committed to a mental institution.

The Veterans Second Amendment Protection Act would prohibit the VA from transmitting the name of a veteran to any entity in the Department of Justice, for use by the National Instant Criminal Background Check System, solely on the basis of a determination by VA to pay benefits to a fiduciary, without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such beneficiary is a danger to themselves or others.

DAV is a resolution-based organization and we do not have a resolution specific to support or oppose this legislation. Therefore, DAV has no position on the Veterans Second Amendment Protection Act.

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



**TESTIMONY OF
STUDENT VETERANS OF AMERICA**

**BEFORE THE
COMMITTEE ON VETERANS' AFFAIRS
U.S. SENATE**

**HEARING ON THE TOPIC OF:
PENDING LEGISLATION**

April 26, 2023

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Chairman Tester, Ranking Member Moran, and Members of the Committee: Thank you for inviting Student Veterans of America (SVA) to submit testimony on the legislation pending before you today.

With a mission focused on empowering student veterans, SVA is committed to providing an educational experience that goes beyond the classroom. Through a dedicated and expansive network of on-campus chapters across the country, SVA aims to inspire yesterday's warriors by connecting student veterans with a community of dedicated chapter leaders. Every day these passionate leaders work to provide the necessary resources, network support, and advocacy to ensure student veterans can effectively connect, expand their skills, and ultimately achieve their greatest potential.

SVA thanks the Committee for considering several pieces of legislation that would impact student veterans and other military-affiliated students in higher education.

S. 291, A bill to amend title 38, United States Code, to establish in the Department the Veterans Economic Opportunity and Transition Administration, and for other purposes

SVA supports this legislation which would create a new Veterans Economic Opportunity and Transition Administration within VA.

For years, SVA and others have called for creating a fourth administration at VA—a Veteran Economic Opportunity and Transition Administration. This new administration would provide VA's economic opportunity programs with the dedicated, senior-level leadership they deserve. As DAV, PVA, and VFW pointed out in the 2019 Independent Budget, a "new undersecretary for EO would refocus resources, provide a champion for these programs, and create a central point of contact for veterans service organizations and Congress."¹

As we've noted in the past, a greater focus must be placed on economic opportunity for veterans, including through higher education. VA can best achieve this by building on the success of a new office dedicated to transition and economic opportunity and elevating it, and Education Service, to its own administration. Presently, economic opportunity programs such as the GI Bill, home loan guaranty, and many other empowering programs for veterans are buried within the bureaucracy of the Veterans Benefits Administration and functionally in competition against disability compensation for internal resources.

Over the past century, VA has focused on compensating veterans for loss, but the reality of the 21st century and beyond also demands that we empower veterans to excel financially post-service. Financial stability is a key social determinant of health that compliments other VA goals like caring for veterans' "Whole Health" and combatting veteran suicide. A Veteran Economic Opportunity Administration would bolster these shared goals while also resulting in impressive returns on the taxpayers' investments.

We thank Senator Rubio for his consistent leadership on this issue, and we ask that the Committee prioritize this legislation appropriately.

S. 498, Veteran Education Empowerment Act

SVA supports this bill which would reauthorize a Department of Education grant program designed to coordinate resources and services for student veterans through veteran centers. The bill would also make improvements to the program.

¹ DISABLED AMERICAN VETERANS ET AL., THE INDEPENDENT BUDGET: VETERANS AGENDA FOR THE 116TH CONGRESS 120-22 (2019), available at https://www.independentbudget.org/wp-content/uploads/2023/01/IndependentBudget_2019.pdfPast years SVA testimonies and IB.

On-campus student veteran centers are crucial to student veteran success. According to the results of a survey on student veteran progress toward degree attainment conducted by Operation College Promise, "the most beneficial campus service was a veteran center on campus, especially one with a specific office/lounge where veteran students can meet, work together, and learn about veteran/military student benefits and programs."² Another study found that Post-9/11 veterans were 94 percent more likely to graduate if they used a veterans' center.³ This closely parallels what SVA hears directly from student veterans.

The reauthorization of funding and improvements made by this bill is critical and comes at a time when veteran-support services face reduced funding on many campuses.⁴ The funded programming through this bill would demonstrably benefit student veterans. For example, the legislation would support single dedicated points of contact for veterans and veteran-specific orientations, which has shown to increase student veteran success outcomes by nearly 15 percent and 10 percent, respectively.⁵ These are just a few of the important support mechanisms this bill would make possible at campuses across the country through well-equipped student veteran centers.

SVA is also excited about the bill's requirement that the Department of Education develop and maintain a website highlighting best practices for how higher education institutions can support student veterans. We are hopeful this website could serve as a roadmap to guide more institutions in establishing and improving important infrastructure, services, and resources for these students. Notably, the benefits of the website would extend well beyond the institutions awarded grants through this program by equipping any interested institution with the knowledge it needs to better serve their student veterans.

We thank Senator Rosen for her leadership on this bill and look forward to working with this Committee to advance this crucial legislation.

S. 656, Veteran Improvement Commercial Driver License Act of 2023

SVA supports this legislation which would increase veteran access to Commercial Driver License (CDL) programs.

With the right training, veterans are ideal candidates for high-demand vocations, including trucking. The Veteran Improvement Commercial Driver License Act expands access to CDL programs by authorizing institutions that already provide these programs to create new campuses that can immediately have their trucking programs approved for VA education benefits instead of waiting the standard two years. The bill includes intentional safeguards to ensure these new programs offer veterans quality training by requiring the programs be licensed, use the same curriculum as an existing, approved location, require reporting to prove the curriculum requirement and giving VA the option to deny the exemption.

² WENDY A. LANG ET AL., COMPLETING THE MISSION II: A STUDY OF VETERAN STUDENTS' PROGRESS TOWARD DEGREE ATTAINMENT IN THE POST 9/11 ERA 10 (Nov. 2013), available at https://campussuite-storage.s3.amazonaws.com/prod/1280306/3a32f069-629b-11e7-99ef-12477ebbf4a1/691064/278b511c-024e-11e8-8b36-0a8d44716112/file/completing_mission_ii-Nov2013.pdf (emphasis added).

³ Nicole R. Morgan et. al, Post-9/11 Veterans' Pursuit and Completion of Post-secondary Education: Social Connection, Mental Health, and Finances 0(0) 1-16 *Journal of Education* 11 (2023), available at <https://journals.sagepub.com/doi/pdf/10.1177/00220574231168638>.

⁴ Military Times Staff, *About 1 in 3 colleges have cut funding for veteran-support programs, survey says*, MILITARYTIMES (Feb. 22, 2021), <https://www.militarytimes.com/education-transition/2021/02/23/about-1-in-3-colleges-have-cut-funding-for-veteran-support-programs-survey-says/>.

⁵ Dr. Abra Kathleen Kinch, *The Strategy of Being "Military Friendly" a Comprehensive Look at the Strategies Employed Under the Banner of Military and Veteran Friendliness* 39 (2019) (unpublished Ph.D. dissertation, Florida State University) (on file with author).



SVA respectfully asks that the Committee advance this bill.

S. 1090, A bill to direct the Secretary of Veterans Affairs to update the payment system of the Department to allow for electronic fund transfer of educational assistance to a foreign institution of higher education

SVA strongly supports this legislation which would mandate that VA update their IT systems to allow VA education benefit funds to be paid to institutions without an Employer Identification Number (EIN) or U.S. bank account.

SVA has heard from numerous veterans and their family members encountering major obstacles using VA education benefits overseas. One of the many issues they face is their institution being barred from approval for VA education benefits because it does not have an EIN or U.S. bank account number. VA recently indicated that the EIN is no longer required, but the U.S. bank account requires one due to IT limitations. We believe VA is already contemplating a fix for the issue, but the Department's failure to act thus far continues to limit beneficiary choice overseas.

There are a myriad of other issues that chill beneficiaries' ability to use their VA education benefits overseas. According to first-hand accounts conveyed to SVA by foreign institutions, if an institution does choose to apply for program approval and submits a complete application, they could wait up to a year and a half for the program to be approved. The result is that many institutions—from Europe to Oceania—are planning to stop accepting VA education benefits. SVA invites the Committee to work with us on these issues to restore student veterans' educational options overseas.

SVA thanks Senator Menendez for his leadership on this issue, and we strongly urge the Committee to advance this bill swiftly.

Student Veterans Transparency and Protection Act

SVA supports this bill, which would substantially improve the overall quantity and quality of the information provided by the GI Bill Comparison Tool. The bill would also expand opportunities for education benefit restoration when bad-actor schools negatively impact students.

SVA has long supported improving the quality of information available to student veterans so they can make better-informed decisions regarding their education. Student veterans deserve access to high-quality information when choosing their schools. This decision has far-reaching consequences for students. It determines the overall quality of their education, the amount of federal funding they can access to finance their studies, and the likelihood of them obtaining their desired degree or credential in a timely manner.

This legislation fills critical information gaps in the current GI Bill Comparison Tool. For instance, the bill would require that the Tool include student outcome data, additional information on the amount of financial aid available to students at each institution, and flag legal actions taken against schools. The bill would also increase transparency by requiring VA to keep all information for at least seven years and make it publicly accessible. Further, the bill would ensure relevant VA personnel have the knowledge and training to properly support all service members, student veterans, their families, and survivors using the GI Bill Comparison Tool. Lastly, the legislation would authorize much-needed relief that allows VA to restore students' education benefits if they were impacted by institutional misconduct resulting in adverse actions against the institution by state or federal regulators or the VA.

This bill's commonsense reforms would provide student veterans with more information to make better decisions



about their higher education journeys and expand their access to critical relief when impacted by bad-actor schools. We encourage the Committee to advance this legislation.

Additional Legislation

SVA also supports the following bills:

- S. 350, the Fry Scholarship Enhancement Act of 2023
- The Love Lives on Act of 2023

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The continued success of veterans in higher education in the Post-9/11 era is no mistake or coincidence. In our Nation's history, educated veterans have always been the best of a generation and the key to solving our most complex challenges. Today's student veterans carry this legacy forward.

We thank the Chairman, Ranking Member, and the Committee Members for your time, attention, and devotion to the cause of veterans in higher education. As always, we welcome your feedback and questions.



**STATEMENT OF
TRAGEDY ASSISTANCE PROGRAM FOR SURVIVORS (TAPS)
BEFORE THE
COMMITTEES ON VETERANS' AFFAIRS
UNITED STATES SENATE**

**PRESENTED BY
ASHLYNNE HAYCOCK-LOHMANN
DEPUTY DIRECTOR, GOVERNMENT AND LEGISLATIVE AFFAIRS**

APRIL 26, 2023

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 120,000 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 Tester, Ranking Member Moran, and distinguished members of the Senate 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 120,000-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.

LOVE LIVES ON ACT OF 2023

(TAPS Strongly Supports)

TAPS is honored to work with members of this committee to pass one of our top legislative priorities, the ***Love Lives On Act of 2023***. This comprehensive legislation will eliminate the penalty on surviving spouses that can cause them to lose their survivor benefits if they remarry before the age of 55. TAPS is grateful to Senators Jerry Moran (R-KS) and Raphael Warnock (D-GA), and original cosponsors Senators Tom Cotton (R-AR), Mazie Hirono (D-HI), and Elizabeth Warren (D-MA), and Representatives Dean Phillips (D-MN-3) and Richard Hudson (R-NC-9) for introducing this important legislation in the 118th Congress.

We ask Congress to:

- Remove the arbitrary age of 55 as a requirement for surviving spouses to retain benefits after remarrying.
- Allow surviving spouses to retain both the Survivor Benefit Plan (SBP) and Dependency and Indemnity Compensation (DIC) upon remarriage at any age.
- Allow remarried surviving spouses to maintain access to education benefits under the Fry Scholarship and Dependents Education Assistance (DEA).
- Allow remarried surviving spouses to retain Commissary and Exchange benefits.
- Allow remarried surviving spouses to regain their TRICARE benefits if their remarriage ends due to death, divorce, or annulment.
- Remove 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 20s or 30s, 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 their benefits. TAPS is leading efforts to pass the ***Love Lives on Act of 2023***, which is supported by nearly 40 veteran and military organizations.

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 treated as the household's retirement pay. These barriers to employment continue when a military spouse becomes a surviving spouse. Many surviving spouses have to put their lives on hold to raise bereaved children. They are reliant on their survivor benefits to help 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 in 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.

According to the Department of Veterans Affairs (VA), there are approximately 455,000 surviving spouses receiving Dependency and Indemnity Compensation (DIC). Less than 65,000 of those surviving spouses are under the age of 55 and could potentially benefit from this legislation. Currently, less than 5 percent of surviving spouses under the age of 55 have chosen to remarry due to these penalties.

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, surviving spouses should not be penalized 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>

To help highlight many of these important issues, the following are personal testimonials from a surviving spouse who has not remarried, a surviving spouse who remarried and lost her benefits, and a surviving spouse who remarried after the age of 55 and retained her benefits.

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. 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 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 that if I didn't marry him or kick him out of my home, I would lose my ability 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 50s 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, 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."

Rebecca Morrison Mullaney, Surviving Spouse of CPT Ian Morrison, U.S. Army

"Ian was a West Point graduate and Apache helicopter pilot. We were married at 21. He returned from a deployment to Iraq in 2012 emotionally wounded and in dire need of help. Despite our every effort, the help eluded him, and he died by suicide three months later. At 24, I came home from a night grad school class to find my husband dead in our bedroom. I was left to navigate the hardest days, weeks, and months without my partner — moving from our home, losing my job, burying my beloved husband, managing his affairs, and trying to figure out how to keep living.

I write this 10 years to the day of Ian's death. I am remarried, running my private trauma therapy practice serving veterans, and, most importantly, a new mom with a son that my husband and I named after Ian. For the past 10 years, I have scraped myself off the floor and worked tirelessly to try and save lives. I could not have done this without Ian's benefits. The small portion of the education benefits I was able to use before remarrying helped me complete another graduate degree, one that would allow me to practice clinically. The monthly stipend allowed me to attend therapy daily and get my own PTSD under control. The health care benefits also granted me peace of mind.

My journey has been supported and enabled by the man now standing beside me, my husband Brennan, an Army veteran and fellow West Point graduate. The wording of the current law leaves us both insulted. I do not believe that we can accurately assign a monetary value to love or to the life shared between two people. Having fully loved and been married to two men, I can confidently say that both are lifelong commitments. Ian is a part of our daily life; we talk about him and miss him constantly.

Additionally, proposing that widows wait 10 to 20 years to remarry suggests that we would need to put our lives on hold, lives that, for so many of us, drastically changed at extremely young ages. I implore you to shift your lens on this issue. Instead of focusing on what widows could receive, consider what they could DO if we supported them in the way their deceased service member was told we would."

Linda Ambard Rickard, Surviving Spouse of MAJ Phil Ambard, U.S. Army

"I became a widow just before my 50th birthday when my husband of 23 years, Major Phil Ambard, was killed in action. For over two decades, we had moved every two to four years. While I had multiple master's degrees and a teaching license, I never progressed beyond probation/provisional status at my jobs because we were never in any one place long enough. I never got too attached to a home, people, or a job because everything was so temporary. When I became a widow, I didn't know where to move. I hadn't lived back home in Idaho since 1979. I was too old to go live with my mom and dad, and too young to live with my children, four of whom were in the military. It took me years to get my feet on the ground.

I didn't date for many years because I just couldn't. At 57, I met the man who would become my husband. I married him just after my 60th birthday. While I maintain my survivor benefits and survivor social security, due to my age, I had to give up TRICARE even though I now qualify for CHAMPVA. It is ridiculous that younger widows/widowers lose everything with remarriage; there is a big difference with the magic age of 55."

CARING FOR SURVIVORS ACT OF 2023 (S.414)

(TAPS Strongly Supports)

TAPS remains committed to improving Dependency and Indemnity Compensation (DIC) and providing equity with other federal benefits. We continue to work with Congress to:

- Pass the ***Caring for Survivors Act of 2023 (S.414)***.
- Increase DIC from 43 percent to 55 percent of the compensation rate paid to a 100 percent disabled veteran.
- Reduce the timeframe a veteran needs to be rated totally disabled from 10 to five years, allowing more survivors to become eligible for DIC benefits.

More than 450,000 survivors receive 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.

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 is working to raise DIC from 43 percent to 55 percent of the compensation rate paid to a 100 percent disabled veteran; ensure the base rate is increased equally for all DIC recipients; and protect added monthly amounts, like the eight-year provision and Aid and Attendance.

TAPS and the survivor community have supported increasing DIC for many years, especially for military survivors whose only recompense is DIC. We are grateful to Senate Veterans' Affairs Committee Chairman Jon Tester (D-MT), Senator John Boozman (R-AR), Congresswoman Jahana Hayes (D-CT-5), and Congressman Brian Fitzpatrick (R-PA-1) for introducing the ***Caring for Survivors Act of 2023 (S.414, H.R.1083)***.

Passing this important legislation in the 118th Congress is a top priority for The Military Coalition (TMC) Survivor Committee, co-chaired by TAPS. TMC consists of 35 organizations representing more than 5.5 million members of the uniformed services — active, reserve, retired, survivors, veterans, and their families.

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 on all family members, including children who lost a parent.

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."

FRY SCHOLARSHIP ENHANCEMENT ACT OF 2023 (S.350)

(TAPS Strongly Supports)

The ***Fry Scholarship Enhancement Act of 2023 (S.350)*** expands Fry Scholarship eligibility for the families of those who die in the 120-Day Release from Active Duty (REFRAD) period, which is the only benefit these families do not receive. If a veteran dies from a service-connected injury or illness within the 120-Day REFRAD period, they are considered an active-duty death for all benefits except the Fry Scholarship. These benefits include Servicemembers' Group Life Insurance (SGLI); Dependency and Indemnity Compensation (DIC); Survivor Benefit Plan (SBP); Death Gratuity; TRICARE for Life; Morale, Welfare and Recreation (MWR) privileges; and burial benefits. The only difference is that these families are eligible for Chapter 35 instead of the Fry Scholarship.

Chapter 35 is an outdated education benefit provided by the VA. It has been around since the Vietnam War and has not had any significant improvements since then. The Forever GI Bill increased education benefits by \$200 per month; however, that remains nearly half of the amount paid by the Montgomery GI Bill, and far less than the Post-9/11 GI Bill and the Fry Scholarship.

In addition to passing the ***Fry Scholarship Enhancement Act of 2023***, TAPS recommends sunsetting Chapter 35 and moving all qualified recipients to Chapter 33. Even if it is on a lower scale, such as 60 percent as opposed to 100 percent of the

benefit. Those using DEA are limited to dependents of a 100 percent disabled veteran, those who died of a service-connected death, and those who died before 9/11. Not only would sunsetting Chapter 35 simplify the VA approval process, it would also ensure that all survivors receive adequate educational benefits.

The following personal testimonials from surviving spouses help highlight these education benefit issues.

Astrid Rushford, Surviving Spouse of TSgt Richard Rushford, U.S. Air Force

"My husband passed away on Dec. 1, 2001, a few short hours after the U.S. Air Force decided to medically retire him while on life support from a successful suicide attempt on active duty. Due to this, even though he was in the 120-Day Release from Active Duty (REFRAD) window of being still considered active duty, I am not eligible for the same benefits as other active-duty death survivors.

With the suicide rates in the Air Force, and the armed forces as a whole, constantly increasing, I have felt motivated to play an active role in suicide prevention. After my husband's death, however, I could not go to school to receive the necessary education while raising two kids on my own. Alongside this barrier, I am also unable to utilize the Fry Scholarship due to my husband's status. I have tried twice to apply to the Board of Correction to Military Records to have his death changed to active duty, but was denied both times. They refused because he was medically retired with more than 20 years of active-duty service, but he was not able to sign the paperwork himself while on life support. The military did not give me proper counseling or support — no access to casualty affairs. The ability to go back to school will give me the education backing I need to fulfill my dream and be an active help to others within the military community."

Monica Jaikaran, Surviving Spouse of MA1 Dameshvar Jaikaran, U.S. Navy

"Expanding the Fry Scholarship to 120-Day REFRAD survivors would greatly impact my family's life. We each have 12 months of Chapter 33 benefits, because my late husband had to make the difficult decision of dividing the benefit by three. Also, we have 36 months of Chapter 35 education benefits, which is a lot less per month and semester.

My husband's last dying wish was to have his VA education benefits pay for his children's college education in full, with no debt. With the exorbitant cost to attend college and graduate school, I am put in a difficult position to take out a parent loan on my limited income. My children have already lost their father, shouldn't they have the opportunity to make a better life for themselves without the weight of paying for college on their shoulders and mine?"

Coleen Bowman, Surviving Spouse of CSM Robert Bowman, U.S. Army

"By expanding the Fry Scholarship to those who die in the 120-Day REFRAD period, you will allow my girls and me to be eligible to either finish or pursue our education. My daughter, Katie, was 26 years old when she transferred her remaining GI Bill benefits to her youngest sister to allow her to use them. Katie found herself in a position in her life where she was not going to be able to continue college. When she realized she was going to age out of her education benefits, it made sense to pass them along to her little sister who just started college out of state.

I also transferred the education benefits that I had to my youngest daughter. I spent 20 years and four days being an Army wife to a wonderful man. I was young when we married, and chose to start our family and stay home to raise our girls. When my husband died, I still had two young girls at home and no college education to help secure a good-paying job, so I could finish raising our girls. Had my girls and I been eligible for the Fry Scholarship, we all would have benefited tremendously.

While I am thankful for the many benefits we have received since my husband's death in 2013, it has not been an easy journey overall. Affording college education has made it more complicated. As my youngest daughter starts her college career, I am feeling the financial stress, but know that I will find a way to get her whatever she needs to complete her college education. This is one of the ways she has continued to honor her Dad's legacy, by living her best life to make him proud."

GUARD VA BENEFITS ACT (S.740)

(TAPS Supports)

The **GUARD VA Benefits Act (S.740)** would reinstate criminal penalties for unaccredited individuals who charge fees and compensation for assisting veterans and survivors with filing a VA benefits claim. This enforcement mechanism was previously removed in 2006, leaving the VA Office of the General Counsel (OGC) constrained in its oversight over groups that operate outside of accreditation. Currently, the OGC can only apply administrative penalties to accredited individuals and refer matters relating to non-accredited individuals to federal or state enforcement agencies. By reinstating criminal penalties, OGC will be able to exercise jurisdiction over unaccredited individuals and hold them accountable for predatory behavior.

Since the passage of the PACT Act, the VA and numerous VSOs have noticed an influx of advertisements and solicitations from predatory claims consultants. With the VA estimating that 382,000 potential survivors may be eligible for PACT Act benefits, increased regulatory oversight is crucial to ensuring that these survivors receive

adequate care and representation throughout the VA benefits claim process. Historically, surviving spouses have had a large target on their backs from predatory actors, and claim sharks are no different. TAPS wants to ensure that surviving spouses applying for benefits from the VA are not taken advantage of by predatory actors when there are so many free and low-cost options available.

TAPS supports the **GUARD VA Benefits Act** because it will help deter predatory behavior and ensure that veterans and survivors receive their full earned benefits at no additional cost.

THE GI BILL FOREIGN INSTITUTION ELECTRONIC PAYMENTS ACT (S.1090)

(TAPS Supports)

The **GI Bill Foreign Institution Electronic Payments Act (S.1090)** would require the VA to update its current payment system, such that an Employee Identification Number (EIN) or Tax ID number is no longer needed for the agency to issue payment for its approved study programs. This bill will expand educational opportunities for veterans, families, caregivers, and survivors studying and living abroad.

While primarily a technical fix, it is necessary to ensure survivors who choose to attend school abroad have access to the same educational benefits as those who attend stateside. Considering how many service members do tours outside of the contiguous United States (OCONUS) and meet their spouses there, it's fairly common for that spouse to return home after the loss of a service member to be close to a support system. TAPS currently supports over 1,000 surviving families who live abroad.

The following testimonial from a surviving child helps highlight the importance of students being able to use GI Bill benefits abroad.

Ireland Twigg, Surviving Daughter of SSgt Travis Twigg, U.S. Marine Corps

"I recently completed my master's degree in Global Security and Borders from Queen's University Belfast in Northern Ireland. I never imagined graduate school in my long-term plans, but after graduating in the midst of the COVID pandemic it was the smartest and most logical plan for me in terms of my career goals. Given the field I chose to study, going abroad was crucial to fully expand my knowledge and make me an expert in the field. The program I found in Belfast was unlike any other program I had come across, with a distinct emphasis on "borders". It was an extremely competitive program due to its internship component. I was fortunate enough to have been placed in the civil service, in which I worked as an independent research consultant and internally published a briefing report for the department.

Being awarded the opportunity to pursue my education overseas has made me a better student, academic, and professional. My past two years in Belfast have been monumental in my character-building as well as fueling my professional goals. I feel so lucky to have been able to move and study abroad, and I believe that it has been essential in my overall development. I am incredibly fortunate that the VA was able to pay and work internally within my school to make this possible. I am forever grateful.”

STUDENT VETERANS TRANSPARENCY AND PROTECTION ACT (DRAFT TEXT)

(TAPS Supports)

The ***Student Veterans Transparency and Protection Act*** will require the Department of Veterans Affairs (VA) to provide up-to-date student outcome data on the GI Bill Comparison Tool. Veterans, survivors, and all GI Bill beneficiaries are highly susceptible to bad actors within higher learning institutions and should have access to timely and accurate information to make informed decisions about their benefits.

Surviving spouses and children rely heavily on the GI Bill Comparison Tool as a way to ensure they are utilizing their benefits at a school that will help them achieve their educational goals. The more information that is available through it, the better-equipped survivors and veterans will be to make informed decisions as consumers.

This enhancement, alongside VA authorization to restore benefits to those who used their entitlement at an educational institution subject to a civil enforcement action, will improve oversight over the GI Bill, enhance access to benefits, and protect students from bad actors. Aligning school restoration with what other federal agencies describe as fraud and misconduct through civil enforcement will help ensure students who are taken advantage of are able to complete their education at another Institution of Higher Learning (IHL) by restoring those benefits they lost.

CONCLUSION

TAPS thanks the leadership of the Senate Committee on Veterans' Affairs, their distinguished members, and professional staff for holding this hearing. TAPS is honored to testify on behalf of the thousands of surviving families we serve.

NATIONAL ORGANIZATION OF VETERANS' ADVOCATES, INC.



Statement of

**Diane Boyd Rauber, Esq.
Executive Director**

Before the

Senate Committee on Veterans' Affairs

Concerning

Pending Legislation

April 26, 2023

Chairman Tester, Ranking Member Moran, and members of the Committee, the National Organization of Veterans' Advocates (NOVA) thanks you for the opportunity to offer our views on pending legislation.

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 qualified members assisting tens of thousands of our nation's military veterans and families seeking to obtain their earned benefits from the Department of Veterans Affairs (VA). NOVA works to develop and encourage high standards of service and representation for persons seeking VA benefits.

NOVA members represent veterans before VA, the Board of Veterans' Appeals (BVA), the U.S. Court of Appeals for Veterans Claims (CAVC), the U.S. Court of Appeals for the Federal Circuit, and the U.S. Supreme Court. In 2000, the CAVC recognized NOVA's work on behalf of veterans with the Hart T. Mankin Distinguished Service Award. 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 before U.S. Supreme Court).

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.

Our statement will focus on the following bills: (1) S. 414, Caring for Survivors Act; (2) S. 740, GUARD VA Benefits Act; (3) S. 897, Expedited Veterans Appeals Act; and (4) S. ___, Love Lives On Act.

S. 414, Caring for Survivors Act

NOVA supports S. 414. This bill makes important changes that will provide better support to surviving spouses. The current dependency and indemnity (DIC) benefit is

\$1,562, which is only approximately 40 percent of what a 100-percent service-connected veteran receives. Benefits for survivors of federal civil service retirees are calculated as a percentage of the retiree's benefits, up to 55 percent. S. 414 would increase the DIC rate to 55 percent of what a totally disabled veteran receives and this increase ensures equity for surviving spouses.

In addition, S. 414 would amend the 10-year rule. Currently, if a veteran is 100-percent service connected for 10 years before his or her death, the surviving spouse is eligible for DIC even if the death is not service connected. This bill would provide a partial DIC benefit for the surviving spouse if the veteran dies five years after being rated totally disabled, with full entitlement at 10 years.

S. 897, Expedited Veterans Appeals Act

NOVA supports S. 897. 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, Dec. 29, 2022, 136 Stat. 4459, 4971. 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.

S. 740, GUARD VA Benefits Act

NOVA supports S. 740. As requested by VA and accredited advocates for the past two Congresses, penalties must be reinstated so VA can seek action against unaccredited claims consultants who illegally charge veterans to file claims, in violation of 38 U.S.C. § 5904.

I. Congress and VA rely on accreditation and regulation to protect veterans against fraud.

Congress has long recognized that, to prepare, present, and prosecute claims on behalf of veterans, VA can require a demonstration of competence. *See, e.g.*, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1238 (“[t]he Administrator may require that individuals, before being recognized under this section, show that they are of good moral character and in good repute, are qualified to render claimants valuable service, and are otherwise competent to assist claimants in presenting claims”). Likewise, Congress empowered VA to discipline those who fail to meet these standards. *Id.* at 72 Stat. 1238-1239 (“[T]he Administrator . . . may suspend or exclude from further practice . . . any agent or attorney recognized under this section if he finds that such agent or attorney – (1) has engaged in any unlawful, unprofessional, or dishonest practice; (2) has been guilty of disreputable conduct; (3) is incompetent; (4) has violated or refused to comply with any of the laws administered by the Veterans’ Administration, or with any of the regulations governing practice before the Veterans’ Administration; or (5) has in any manner deceived, misled, or threatened any actual or prospective claimant”).

As amended and expanded, these standards currently reside in 38 U.S.C. § 5904, and VA has promulgated regulations at 38 C.F.R. § 14.632 governing the conduct of accredited attorneys and agents. Veterans can file complaints about accredited representatives directly with VA and VA will investigate those complaints. *See* VA Office of General Counsel, Accreditation, Discipline, and Fee Program, <https://www.va.gov/ogc/accreditation.asp>. Upon a determination that an accredited representative violates the standard of conduct, VA “may suspend or cancel your accreditation. VA is authorized to report the suspension or cancellation to any bar association, court, or agency to which you are admitted. In addition, VA may collaborate with State and Federal enforcement authorities if it is suspected that your actions may have implications under State or other Federal laws.” VA Accreditation Program: Standards of Conduct for VA-Accredited Attorneys, Claims Agents, and VSO Representatives, <https://www.va.gov/OGC/docs/Accred/StandardsofConduct.pdf>; *see also* 38 C.F.R. § 14.633.

Attorneys and agents are accredited on an individual basis, not through their firm or organization. An attorney seeking accreditation must complete the VA Form 21a and

provide a current certificate of good standing from any state bars, courts, or agencies to which he or she is admitted to practice. Within the first year of accreditation, the attorney must complete three hours of qualifying CLEs and an additional three hours no later than three years after initial accreditation and every two years thereafter. VA Accreditation Program: How to Apply for VA Accreditation as an Attorney or Claims Agent, <https://www.va.gov/OGC/docs/Accred/HowtoApplyforAccreditation.pdf>.

Similarly, agent candidates must submit the VA Form 21a, complete the CLE requirements, and submit any certificates of good standing if available. Prior to granting accreditation, however, VA conducts a background check and requires the applicant to pass a test demonstrating knowledge of relevant VA statutes and regulations. Claims Agent Examination, <https://www.va.gov/ogc/accreditation.asp>.

II. Congress has always regulated the fees that accredited attorneys and agents can charge.

Before 1988, Congress permitted attorneys and agents to represent veterans before the Veterans' Administration, but they could not charge more than \$10.00 for such representation. *See, e.g.*, Pub. L. 85-857, § 3404, Sept. 2, 1958, 72 Stat. 1238 (“[t]he Administrator shall determine and pay fees to agents or attorneys recognized under this section in allowed claims for monetary benefits under laws administered by the Veterans' Administration. Such fees – (1) shall be determined and paid as prescribed by the Administrator; (2) shall not exceed \$10 with respect to any one claim; and (3) shall be deducted from monetary benefits claimed and allowed”). When Congress created the CAVC in 1988, which for the first time allowed veterans to seek judicial review of claims denied by VA, attorneys and agents were permitted to charge more than \$10.00 for representation. Veterans' Judicial Review Act, Pub. L. 100-687, § 104, Nov. 18, 1988, 102 Stat. 4108 (fee permitted when attorney or agent retained within one year of date when Board of Veterans' Appeals made a final decision; limited to 20 percent of past-due benefits). In 2006, Congress updated the statute to allow an attorney or agent to charge a fee for representation after filing a notice of disagreement with a VA decision. Pub. L. 109-461, title 1, § 101(c)(1), Dec. 22, 2006, 120 Stat. 3407.

With the passage of the Veterans Appeals Improvement and Modernization Act of 2017 (AMA), Congress again amended the statute to allow attorneys and agents to charge a fee for representation earlier in the process, *i.e.*, when the claimant “is provided notice of the agency of original jurisdiction's initial decision.” Pub. L. 115-55, § 2(n), August 13, 2017, 131 Stat. 1110. This amendment reflects the new choices permitted under the AMA for a claimant when faced with an adverse decision, *i.e.*, filing a higher-level review, supplemental claim, or appeal to BVA. In other words, after an initial denial by the Regional Office, a claimant can hire an agent or attorney to represent them and determine the best course of action to contest the denial. VA recognized the importance of this

change when it issued the final rules implementing the AMA “to allow paid representation with respect to the claimant’s expanded options for seeking review of an initial decision on a claim.” Department of Veterans Affairs, VA Claims and Appeals Modernization, Final Rule, 84 FR 138, 150 (Jan. 18, 2019).

Congress has also provided a statutory scheme for how fees are charged and VA has promulgated regulations and policies that govern the process. *See* 38 U.S.C. § 5904; 38 C.F.R. § 14.636. While fixed fees and hourly rates are allowed, the statutory scheme generally favors a contingency model, consistent with legal practice in many other areas of disability or personal injury law. Under this model, an attorney or agent will only recover if he or she prevails for his or her client and accepts payment from past-due benefits, not out of future, recurring disability payments.

Attorneys and agents can enter into a “withholding” contract with a client and VA will hold back 20 percent (a presumed reasonable fee) from the past-due benefits recovered. 38 C.F.R. § 14.636(h). The attorney or agent must submit the fee agreement to the Regional Office within 30 days of its execution. *Id.* at (h)(4). In the alternative, attorneys and agents can enter into a “nonwithholding” contract with a client, charge at a higher rate but no more than 33 1/3 percent, and be paid directly from the client. These contracts must be filed with VA’s Office of General Counsel for a reasonableness review. 38 C.F.R. § 14.636(f).

VA regulations provide multiple safeguards to ensure fees are reasonable and claimants have due process if they believe they have been unfairly charged. *See, e.g.*, 38 C.F.R. § 14.636(i) (OGC may review a fee agreement between a claimant or appellant and an agent or attorney upon its own motion or upon the motion of the claimant or appellant and order a reduction); How to Challenge a Fee, <https://www.va.gov/OGC/docs/Accred/HowtoChallengeaFee.pdf>.

III. Congress and VA have historically recognized that veterans should not be charged to file an initial claim.

Under current law, the **only time** an accredited advocate **cannot** enter into a fee agreement with a veteran is for assistance with filing an **initial claim** for benefits. *Military-Veterans Advocacy v. Secretary of Veterans Affairs*, 7 F.4th 1110, 1135-1136 (Fed. Cir. 2021) (discussing the history of paid representation in the VA appeal process and recognizing the intent to “preserve the non-adversarial initial benefits process”).

This policy reflects Congress’s recognition of the initial claims process as nonadversarial and VA’s position that it “must have an opportunity to decide a matter before paid representation is available.” Department of Veterans Affairs, VA Claims and Appeals Modernization, Final Rule, 84 FR 138, 150 (Jan. 18, 2019) (citing 73 FR 29852, 29868

(May 22, 2008)). The veterans benefits disability scheme is unique among all federal benefits. When a veteran submits a claim, VA is required to assist the veteran by developing it, e.g., obtaining missing service records or ordering medical examinations as needed. The standard of proof is “at least as likely as not” and the benefit of the doubt is to be resolved in the veteran’s favor.

This policy also reflects the long-standing recognition of the role of VSOs, at the national, state, and county level, who are available in large numbers to assist veterans with initial claims. In addition, attorneys who work for legal services and legal aid organizations, as well as law school veterans clinics, provide free assistance with filing initial claims. Private attorneys and agents may also provide such assistance. For example, many NOVA members routinely provide pro bono assistance to a surviving spouse for filing an initial DIC claim after representing the veteran for many years prior to his or her death.

Congress made significant changes to the VA adjudication process in 1988, 2006, and again in 2017 – and has consistently sought to preserve the claimant-friendly, nonadversarial initial claims process by limiting paid representation to the appeal stage. Allowing unaccredited claims “consultants” to charge veterans exorbitant fees for simply filing initial claims defeats this long-standing Congressional intent and turns the nonadversarial process into a battle . . . right from the start.

IV. Unaccredited claims consultants exploit veterans, violate existing law, and interfere with existing power of attorney relationships between veterans and accredited representatives.

Over the past several years, there has been a proliferation of predatory companies offering “consulting” services for veterans seeking VA benefits. While the terms of the contracts vary from company to company, there are common elements among many of them. These companies aggressively pursue clients through online advertising with promises of faster processing or guaranteed results. These companies consist of employees who are not accredited by VA, who work with veterans to gather information (including medical opinions frequently prepared by affiliate companies) in support of an initial claim or a claim for an increased rating. The veteran is “coached” to submit the claim or, in some circumstances, the claim is submitted by an employee using the veteran’s own private eBenefits log-in information on VA’s website. Sometimes, veterans are advised to drop existing appeals in favor of a “faster” decision on a new claim for an increased rating. (While this action may, indeed, result in a faster decision, the veteran is unknowingly forfeiting months or years’ worth of retroactive benefits because generally the effective date of any award of benefits is the date VA receives the claim.) VA states it has no ability to oversee these individuals and veterans have no due process rights when working with these companies.

Unaccredited employees of these firms prepare claims. While many of these companies insist that they do not prepare, present, or prosecute claims, their activities clearly rise to, at the very least, preparation of claims. Merriam-Webster defines “prepare” as “to make ready beforehand for some purpose, use, or activity,” clearly encompassing the activity described above.

VA agrees with this analysis, stating in its FAQ guidance for applicants: “You must be accredited to aid in the preparation, presentation, or prosecution of a VA benefit claim. **Advising a claimant on a specific benefit claim or directing the claimant on how to fill out their application, even if you never put pen to paper, is considered claims preparation.**” VA Accreditation Program: How to Apply for VA Accreditation as an Attorney or Claims Agent, <https://www.va.gov/OGC/docs/Accred/HowtoApplyforAccreditation.pdf> (emphasis added).

These companies charge fees outside the framework established by Congress and implemented by VA. Contracts executed by these companies charge fees based on **future** benefits, which is clearly not contemplated under 38 U.S.C. § 5904 or 38 C.F.R. § 14.636. Both the statute and regulation state that fees for representation are to be paid from “past-due benefits.” 38 U.S.C. § 5904(d); 38 C.F.R. § 14.636(h)(3) (defining past-due benefits as “non-recurring payments”) Predatory claims consultant contracts that charge five or six months of the veteran’s **future** increase, yet to be received, violate the law and may also violate 38 U.S.C. § 5301(a)(3)(a) as a prohibition against assignment of benefits.

Furthermore, because their fee generally relies on increasing the veteran’s future benefits, their model provides no incentive for ensuring that the veteran’s award has been assigned the correct effective date. Pursuing a proper effective date would require appealing a decision, which these predatory claims consultants cannot do without accreditation and a valid VA Form 21-22/21-22a. While this practice benefits these unaccredited companies, their failure to ensure that the veteran has been awarded the correct effective date means that the veteran is forfeiting retroactive compensation that could, depending on the circumstances of the case, be substantial. An effective-date error can also harm a veteran’s surviving spouse – and may prevent that person from obtaining VA benefits to which they would have been entitled. And because these predatory claims consultants are not accredited, a veteran or surviving family member who is harmed by these mistakes has no recourse through VA.

Without executing a power of attorney with a claimant, unaccredited consultants cannot provide competent assistance and often interfere with an existing representation agreement. Accredited representatives sign a power of attorney with the claimant. This relationship allows the representative to request necessary records on behalf of the veteran, obtain access to the veteran’s electronic VA claims file and relevant VA databases, and

present themselves to VA employees as the accredited representative to access information and advocate on behalf of the claimant. Because of this access to VA information that is critical to the veteran's claim, accredited attorneys, agents, and VSOs have the "big picture" of the claimant's history, claims, and appeals. Veterans understand who is representing them and have someone to rely on for ongoing advice. Able to review the entire VA claims file and relevant records, accredited representatives can find pending claims, unadjudicated claims, identify potential claims for clear and unmistakable error, and provide a coordinated plan for complete representation before the agency, BVA, and federal courts as needed.

VA also knows who the veteran's accredited representative is – and is required to provide this representative with notice of decisions and of any VA action on the veteran's pending claims and appeals. This "notice" requirement is especially beneficial for unhoused veterans, or those with unstable housing, as the accredited representative is able to comply with VA requests for information in a timely manner and ensure that deadlines are met.

By contrast, unaccredited claims consultants cannot represent the veteran fully and frequently abandon the veteran once the increased rating is achieved or denied. Because these unaccredited claims consultants cannot represent veterans in appeals before VA or the courts, veterans often turn to accredited attorneys, agents, or VSOs to step in and resolve pending matters – and, often, fix their mistakes.

Recent examples reported by NOVA members or staff:

1. One company charged the client of the accredited attorney \$6000.00 for an increase that was not based on the material prepared by the company. The company's "Client Recovery Specialist" started collection action and called the veteran 20 times about the alleged sum owed. They asked the veteran to send screenshots of his eBenefits and va.gov account and asked the veteran's accredited representative to send a copy of the rating decision to them for review.
2. Another company prepared four claims for a veteran who was represented by an accredited attorney, promising the veteran a faster result. The veteran submitted four disability benefits questionnaires (DBQs) completed by the same nurse practitioner procured by this company and, on the consultant's advice, asked VA not to schedule examinations for him. This company had no idea that two of these claims were already pending at BVA. VA denied the two claims pending at BVA because they were on appeal and denied the other two claims because of the veteran's unwillingness to submit to any additional examinations.
3. An individual holding a power of attorney for a veteran in a nursing home reported that the veteran was approached by a claims consultant who came to the nursing home. The consultant told the veteran that they could help him apply for VA

benefits – and the first thing they needed from him was his bank account information.

Obtaining a veteran's eBenefits user name and password or bank information to obtain funds for payment violates the veteran's privacy and VA policy. NOVA has been made aware that some of these predatory claims consulting companies require a veteran to provide their personal log-in information to access VA's eBenefits site and the veteran's bank information. VA rightfully is concerned with protecting a veteran's privacy and identifying information. Accredited individuals do not use a veteran's log-in credentials or require bank account access; accredited individuals are able to access the veteran's electronic VA records and files as the representative lawfully recognized by VA. Regarding eBenefits: "Unauthorized attempts or acts to either (1) access, upload, change, or delete information on this system, (2) modify this system, (3) deny access to this system, or (4) accrue resources for unauthorized use on this system, are strictly prohibited. Such unauthorized attempts or acts may be considered violations subject to criminal, civil, or administrative penalties." eBenefits: My Gateway to Benefit Information, <https://www.ebenefits.va.gov/ebenefits/about/policies>.

S. __, Love Lives On Act

NOVA supports the Love Lives On Act. This important legislation would remove the bar to furnishing benefits to surviving spouses who remarry before the age of 55 and restore certain benefits to surviving spouses who remarried before age 55. Many surviving spouses forego remarriage due to the impending loss of important earned benefits that provide long-term security to themselves and their families. Congress should remedy this injustice.

CONCLUSION

Thank you again for allowing us to present our views on this important legislation. If you have questions or would like to request additional information, please feel free to contact:

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Diane Boyd Rauber is the Executive Director of the National Organization of Veterans' Advocates, Inc. (NOVA), in Washington, DC. NOVA is a not-for-profit 501(c)(6) educational membership organization, representing over 800 accredited attorneys, agents, and other qualified members assisting tens of thousands of our nation's military veterans, their widows, and their families to obtain benefits from the Department of Veterans Affairs.

Prior to joining NOVA in September 2015 as Director of Legislative and Regulatory Affairs, Ms. Rauber served as Associate General Counsel for Appeals with Paralyzed Veterans of America (PVA). In this capacity, she oversaw PVA client representation before the Board of Veterans' Appeals (BVA), wrote briefs and conducted hearings on behalf of individual clients, provided support and training to PVA's service officers, and analyzed cases for potential appeal to the U.S. Court of Appeals for Veterans Claims (CAVC).

She previously worked as of counsel to the Law Office of Wildhaber and Associates and as a staff attorney for the National Veterans Legal Services Program, representing veterans and their families before BVA and the CAVC. She frequently presents at veterans' law conferences, on topics including successful advocacy, legislative and regulatory reform, and military history research.

Ms. Rauber received her B.S. in Communication Disorders from Penn State University, M.Ed. in Special Education from the University of Pittsburgh, and J.D. from the Catholic University of America School of Law. She is a member of the Maryland and District of Columbia Bar Associations, the CAVC Bar Association, and the Maryland Bar Association Veterans Affairs and Military Law Section, as well as a founding member and current president of the CAVC Historical Society. She is the co-author of *Justice and the American Veteran: A History of the United States Court of Appeals for Veterans Claims* (CAVC 2022), and received the Hart T. Mankin Distinguished Service Award in 2022 for her work on the book.

Questions for the Record

**Sen. Sinema
Questions for the Record
Senate Veterans' Affairs Committee
Hearing to Consider Pending Legislation
04/26/23**

**Questions for Joseph Garcia, Executive Director, Education Service, Veterans
Benefits Administration, Veterans Affairs**

Question 1:

The Disabled Army Veterans believe this bill is consistent with current V.A. policy. However, this policy is falling short. While we wait for this bill to move forward, what else can Congress do to ensure that current V.A. policy is enforced?

VA Response:

The Veterans Benefits Administration (VBA) policy is in keeping with current law. VBA is enforcing its policy in keeping with how the current law is written while waiting for this bill to move forward. VBA has worked to make adjustments where needed to ensure that VBA's policies and procedures align to established policies and laws. VBA continues to promote the use of mobile medical clinics, traveling providers, and virtual modalities [Telehealth and Acceptable Clinical Evidence (ACE)] to complete examinations using currently authorized providers. Exam vendors are increasing the use of mobile clinics in rural areas as well as participating in Veteran Claim Clinics across the country.

Question 2:

V.A. examination is the most critical component in establishing or denying a claimed benefit. What will the practical effect of this bill be for disabled veterans in our communities?

VA Response:

If this bill is amended to eliminate the sunset date on licensure requirements and expand the definition of a health care provider, the practical effect of this bill will result in shorter wait times and faster examination completion times for disabled Veterans. Additionally, this bill would allow VBA the flexibility to utilize a wider range of qualified medical professionals and reach more Veterans – especially in high demand and remote locations where access to licensed physicians is limited, thereby leading to more timely completion of C&P examinations and processing of claims.

Question 3:

Have the vendor-provided V.A. examiners been held to the same standards as V.H.A. examiners?

VA Response:

Vendor examiners are held to the same educational, licensure, and training requirements as Veterans Health Administration (VHA) examiners. However, in some cases, there are

minor distinctions between VHA and VBA contract examiner standards. For example, VHA allows (in certain circumstances) non-doctorate-level mental health providers to conduct examinations under the close supervision of a board-certified or board-eligible psychiatrist or licensed doctorate-level psychologist. The VBA contract requires all psychologists hold a full, current, and unrestricted license to practice psychology at the doctoral level. Additionally, vendor examiners must be recertified every five (5) years. Vendor examiners who have not performed a contract exam in over a year also need to be recertified.

VBA requires contract vendor examiners meet 96% quality, 90% customer satisfaction, 28 days Average Days Pending and 36 days Average Days to Complete.

VBA defers to VHA to provide information for their quality, timeliness, and customer experience standards for examiners.

Question 4:

The Government Accountability Office and the Office of the Inspector General have urged the Department of Veterans Affairs to place a greater focus on the credentialing process, having found that the Veterans Health Administration hired or retained ineligible providers. What changes should be made to the credentialing process to ensure that the doctors and other health care providers hired are qualified, while still addressing the V.A.'s need to expedite hiring?

VA Response:

VBA has a robust credentialing program to verify all vendor examiner credentials. Credentials for vendor examiners are reviewed on a recurring basis to ensure both Veteran safety and the integrity of all exams performed on behalf of VBA. In addition to the credentialing review conducted for the vendors as part of their onboarding, VBA conducts a recurring monthly review of all vendor examiners to ensure only examiners with valid and unrestricted credentials are performing examinations for Veterans. VA's credentials review includes verifying continuous enrollment of examiners in Health and Human Services (HHS) National Provider Data Bank.

All contract examiners are required to complete extensive training prior to conducting any Veteran disability medical exams. In addition to General Certification courses, courses on Veteran culture, suicide awareness and prevention, lethal means safety, and various specialty courses are included in the required training. Examiners who have not completed an exam in the previous twelve months must recertify before completing an exam and all examiners are required to recertify every five years.

VBA defers to VHA to speak to their provider hiring practices.

Question 5:

What additional steps should the Veterans Benefits Administration be taking to ensure proper oversight over contracted physicians?

- a. What role can Congress take in facilitating this oversight?

VA Response:

VBA exercises stringent protocols with the priority of maintaining both patient safety and the integrity of all vendor exams performed on behalf of VBA. VBA maintains continuous oversight of vendor contracted examiners as it pertains to credentials, education, training, and quality. VBA's established oversight protocols enable VBA to take immediate action when potential issues are identified.

Department of Veterans Affairs
Questions for the Record
Committee on Veterans' Affairs
United States Senate
Legislative Hearing

April 26, 2023

Questions for the Record from Thom Tillis:

Question 1: You've described the OGC's Accreditation, Discipline, and Fees program is to combat predatory practices that target Veterans. Could you give the Committee more detail about what these predatory practices look like and how they are impacting veterans?

VA Response: Under current 38 U.S.C. § 5904(c)(1), no one may charge for assistance with initial claims. That limitation has been in place for decades to ensure that Veterans' benefits are going into Veterans' pockets to the largest extent possible. The Department of Veterans Affairs (VA) adjudication system is designed to be weighted in favor of Veterans, with VA assisting in developing evidence to support the claim and with VA's guiding policy to grant every benefit that can be supported in law. In that environment, if VA grants a Veteran's claim on the first pass, the Veteran should be entitled to enjoy the full measure of those earned benefits without having to divert any of them unnecessarily to an attorney or agent. That is balanced by allowing attorneys and agents to provide services for a fee after the first denial.

Some unaccredited individuals and companies choose to operate outside of VA's enforcement authority because they are aware there are no penalties attached to such violations of the law. These individuals and companies often position themselves as "medical consultants" (in an attempt to distinguish their role from "representatives") and target Veterans through practices that offer no upfront fees to help Veterans obtain VA benefits but instead charge exorbitant fees on the "back end" once the Veterans receive their benefit payments. For instance, many of these organizations charge a fee based on a product of the monthly benefits awarded, such as five times, or 500% of, the amount of the monthly increase of benefits awarded on the basis of the claim. If charged within the VA accreditation system, such a fee would likely be considered unreasonable. As an example, for a case in which a Veteran with a spouse and a child was awarded service-connected disability compensation at a rate of 40% disabling, five times the monthly benefit payment under current law would be \$3,950; however, the work required to prepare such a claim could be relatively simple. That is money that should be in the pocket of the Veteran, but instead goes to for-profit companies. Moreover, VA is concerned that under many of these business models a conflict of interest arises from the relationship between the "medical consultant" and the medical provider because only favorable medical evidence is valuable to the unaccredited individual or company (in the form of fees based on the amount of benefits granted by VA) and to the private medical provider or company (in the form of additional referrals

from unaccredited individuals). Such conflicts compromise VA's ability to adjudicate claims in a fair and orderly manner under VA's current adjudication system. Other types of common predatory practices that VA is aware of include the following:

- Financial planners who promise to qualify ineligible Veterans for pension benefits by repositioning assets with financial products that are not always in the Veteran's best interest.
- Homecare service companies that file VA aid and attendance claims with the expectation that the VA claimant will use their services and threaten the claimant, even when providing subpar services, that they will have VA remove their benefits if the claimant fires the company.
- Pre-filing consultants who attempt to avoid the law against charging Veterans a fee to initiate or file a claim by alleging that they are charging a fee on the front end for estate planning, homecare services evaluations, or providing "general information about Federal benefits," and then file the benefit claim free-of-charge as required by Federal law.

Question 2: What information does the program provide to veterans about predatory practices and filing complaints?

VA Response: The Accreditation, Discipline, and Fees (ADF) program maintains a website at <https://www.va.gov/ogc/accreditation.asp>, which includes frequently asked questions regarding how to challenge a fee, how to file a complaint, and how to select a representative. Additionally, the program website includes a link to file a complaint with the Federal Trade Commission so that the complaint may be shared across multiple agencies.

The ADF program has also partnered with VA's Veterans Experience Office to assist with the establishment of the Veteran Scam and Fraud Evasion (VSAFE) Integrated Project Team (IPT), a Department-wide team that aims to develop long-term solutions to combat potential fraud through knowledge-sharing and the implementation of best practices. Recently, the VSAFE IPT developed several targeted communications and campaigns to educate and warn the Veteran community about the fraud schemes and unsavory predatory practices that affect Veterans' lives daily, including a one-page infographic that can easily be shared within the Veteran community, a more robust fraud prevention booklet on how to identify and report potentially fraudulent schemes, and a centralized webpage that makes it easy for the Veteran community to electronically connect with VA on this important issue.

Moreover, VA, in partnership with the Department of Education, Federal Trade Commission, Social Security Administration, Consumer Financial Protection Bureau, Department of State, and Department of Defense is working to develop new consumer education initiatives, consolidate fraud reporting processes, and provide more rapid responses to fraud attempts against Veterans and military personnel.

Question 3: You've indicated that OGC does not have the resources to carry out the accreditation program in a timely manner. What, in your view, would be a sufficient amount of resources?

VA Response: The ADF program oversees all organizations and individuals providing representation of claimants before VA. Currently, there are approximately 8,000 representatives of Veterans Service Organizations (VSO) (accounting for over 16,500 accreditations when considering cross accreditations), 6,000 attorneys, and 500 claims agents accredited with VA to assist Veterans with their benefits claims. In Fiscal Year (FY) 2023, VA's Office of General Counsel (OGC) increased the ADF program staff to one Deputy Chief Counsel, six attorneys, six paralegals, and two contracting paralegals. In addition, OGC is currently working with VA's Office of Information and Technology to create an outward-facing on-line portal that will increase the administrative efficiency of the program. The portal will allow accreditation applicants, VSO representatives, attorneys, and agents to enter information directly into OGC's data system and submit documents electronically. We will continue to assess our workload and resources in order to identify any program needs going forward. Additionally, the President's FY 2025 Budget Request for VA included a legislative proposal that, if passed, would increase the assessment amount that VA may collect when it directly pays fees for representation to accredited claims agents and attorneys and establish a limited transfer authority to defray the costs incurred in carrying out the ADF Program from funds appropriated, or otherwise available, to VA for administrative expenses for Veterans' benefits programs (page LegSum-20).

Question 4: Your testimony states the bill would place unnecessary constraints on VA's ability to respond in an accurate manner particularly on complex issues, however, my bill allows the VA to work with us and communicate when there is going to be a delay. What is the constraint that we are putting on the VA?

VA Response: The complexity of policy issues affecting Veterans health care and benefits demands thoughtful, measured, and comprehensive data pulls that often necessitate time and resources to weave a cogent response accurately and appropriately. The 45 days do not account for workload demands, availability of data and information, and availability of resources.

Question 5: Additionally, your testimony states that the bill would add another administrative layer that is not universally applied across the Executive Branch. I think it's fair to say that all Agencies struggle to provide timely responses, and I'm sure that is something we will also seek to address but for purposes of this bill, walk me through the administrative process and the days it takes for each level of review for clearing a QFR in the VA?

VA Response: There are multiple components to the drafting, staffing, and clearance process for QFRs. As each question is unique and requires in-depth analysis, the level of review and coordination varies depending on the complexity of the issue and availability of data to support a comprehensive response. This internal VA process

could take anywhere from 5 business days to several months depending on the availability of data and information to formulate a response.

Further, VA must adhere to OMB's A-19 circular (<https://www.whitehouse.gov/wp-content/uploads/2017/11/Circular-019.pdf>) for all correspondence transmitted to Congress.

Question 6: What would you suggest is a sufficient timeline and do you think there are administrative burdens that VA has added on themselves that could be removed or truncated?

VA Response: VA's process for clearing pre- and post-hearing deliverables is not unlike other Federal agencies in the Executive Branch. VA adheres to guidance provided for agencies to follow in OMB's A-19 circular (<https://www.whitehouse.gov/wp-content/uploads/2017/11/Circular-019.pdf>). As for sufficiency of timelines, VA endeavors to ensure timely, accurate, and comprehensive communication to Congress, to include post-hearing actions.

**Department of Veterans Affairs
March 2024**

Statements for the Record

Senator Lankford Statement for the Record for S.350 Fry Scholarship Enhancement Act of 2023

Thank you, Mr. Chairman, for the inclusion of my bill, the Fry Scholarship Enhancement Act of 2023, in today's legislative hearing. Mr. Chairman, the women and men serving in our nation's National Guard and Reserve continue to support our country, and in return our nation should strongly support their families. My bipartisan bill to expand the Fry Scholarship to include the surviving families of members of the National Guard and Reserves who have died within 120 days of release from active duty is one that should pass this Committee and Congress without hesitation.

Mr. Chairman, as you know, currently, if a veteran dies from a service-connected injury or illness within 120 days from release from active duty they are considered to have died on active duty for all benefits, except the Marine Gunnery Sergeant John David Fry Scholarship. These benefits include Survivors Group Life Insurance (SGLI), Dependency and Indemnity Compensation (DIC), Survivors Benefits Plan (SBP), Death Gratuity, TRICARE for Life, MWR privileges, and burial benefits. Our legislation rectifies this discrepancy by ensuring surviving spouses and children of servicemembers who die as a result of a service-connected illness or injury within 120 days from Release from Active Duty, have access to the benefits we owe them, some of which are currently tied up in eligibility timeframes that need to be corrected in law.

I want to thank Senator Carper for co-leading this legislation and invite other committee members to join in their support of the Fry Scholarship Enhancement Act. I appreciate the commitment and leadership of the Chairman and the Ranking Member in advancing this bill, and I encourage this Committee to pass this bill in the days ahead.

**Senator Sinema
Senate Veterans' Affairs Committee
Hearing to Consider Pending Legislation
04/26/23**

Senator Sinema Statement for the Record

Thank you, Chairman Tester, for holding this hearing and thank you to our witnesses for being here today.

The Government Accountability Office has in the past issued concerning reports regarding the hiring process for medical examiners. GAO found that the Department of Veterans Affairs failed to thoroughly review medical providers, resulting in doctors with revoked or suspended medical licenses examining veterans. Unlicensed physicians are mistakenly entrusted to perform medical disability examinations on behalf of the V.A.

That is why Senator Rubio and I co-wrote the Better Examiner Standards and Transparency, the "BEST" for Veterans Act. This bill would prohibit contract health care providers who have had their licenses revoked in any state from carrying out M.D.E.s on behalf of the V.A.

I strongly believe that our veterans deserve the best care possible. Coming from a military family, I take personally the duty to ensure that the V.A. maintains the highest standards. Our veterans deserve access to quality care that is provided by qualified and competent professionals. We must ensure that the V.A. upholds its commitment to our veterans and provides them with the care and support they need and deserve.

**STATEMENT FOR THE RECORD
PARALYZED VETERANS OF AMERICA
FOR THE
SENATE COMMITTEE ON VETERANS' AFFAIRS
ON
PENDING LEGISLATION
APRIL 26, 2023**

Chairman Tester, Ranking Member Moran, and members of the Committee, Paralyzed Veterans of America (PVA) would like to thank you for the opportunity to submit our views on pending legislation impacting the Department of Veterans Affairs (VA) that is before the Committee. No group of veterans understand the full scope of benefits and care provided by VA better than PVA members—veterans who have incurred a spinal cord injury or disorder (SCI/D). PVA provides comment on the following bills included in today's hearing.

S. 280, the BEST for Vets Act of 2023

PVA strongly believes medical examinations for complex, service-related medical conditions like SCI/D, traumatic brain injury, and military sexual trauma should be conducted by a medical practitioner working directly for the Veterans Health Administration. However, we support this legislation which would require VA to ensure contracted health care providers who perform VA compensation and pension examinations for other types of conditions are qualified to conduct them.

S. 291, to amend title 38, United States Code, to establish in the Department the Veterans Economic Opportunity and Transition Administration, and for other purposes

PVA supports this legislation which would create a new administration within VA to oversee the agency's education, training, employment, and other programs focused on helping veterans as they transition to civilian life. The new Veterans Economic Opportunity and Transition Administration would be headed by an Under Secretary for Veterans Economic Opportunity and Transition.

Two of the programs that would transition to the new administration include VA's Veteran Readiness and Employment (VR&E) program and the Specially Adapted Housing (SAH) program. These programs are relatively small in terms of budget and numbers of veterans served. However, they are vital to veterans who have catastrophic disabilities as a result of their military service. Without them, these veterans would not be able to access independent living services or adapt their homes to meet their disability-related access needs. Unfortunately, these programs, along with other VA economic opportunity programs, simply are not able to receive the staffing, IT, and other supports needed due to their position within the Veterans Benefits Administration (VBA). This administration plays the crucial role of providing needed disability compensation and pension benefits to veterans. Removing programs like VR&E from VBA's list of responsibilities will not only allow for more attention to be placed on those programs, but it will also allow them to better focus on processing claims for compensation and pension benefits.

Under an Economic Opportunity and Transition Administration, programs like VR&E and SAH will receive a higher level of visibility. This increased visibility will foster stronger oversight and accountability for the delivery of services and benefits. We believe that such oversight and accountability will help to foster the innovation needed to ensure that the delivery of these benefits and services is modernized. It will also allow for focused collaboration with other agencies and programs, including the Department of Labor's Veterans' Employment and Training Service, that also serve veterans, increasing program efficiencies.

S. 350, the Fry Scholarship Enhancement Act of 2023

The surviving spouses and children of servicemembers who have made the ultimate sacrifice should receive a full complement of VA education benefits. PVA supports this bill which expands eligibility for the Fry Scholarship to include a child or spouse of a person who dies on or after September 11, 2001, from a service-connected disability within 120 days of being honorably discharged or released from service in the Armed Forces.

S. 414, the Caring for Survivors Act of 2023

Losing a spouse is never easy but knowing that financial help will be available following the death of a loved one can ease this burden. Dependency and Indemnity Compensation (DIC) is intended to protect against survivor impoverishment after the death of a service-disabled veteran. In 2023, this compensation starts at \$1,562.74 per month and increases if the surviving spouse has eligible children who are under age 18. DIC benefits last the entire life of the surviving spouse except in the case of remarriage before a certain age. For surviving children, DIC benefits last until the age of 18. If the child is still in school, these benefits might go until age 23.

The rate of compensation paid to survivors of servicemembers who die in the line of duty or veterans who die from service-related injuries or diseases was established in 1993 and has been minimally adjusted since then. In contrast, monthly benefits for survivors of federal civil service retirees are calculated as a percentage of the civil service retiree's Federal Employees Retirement System or Civil Service Retirement System benefits, up to 55 percent. This difference presents an inequity for survivors of our nation's heroes compared to survivors of federal employees. DIC payments were intended to provide surviving spouses with the means to maintain some semblance of economic stability after the loss of their loved one.

PVA supports the Caring for Survivors Act of 2023, which raises DIC rates to meet the 55 percent threshold. Additionally, current law restricts the DIC benefit for survivors if the veteran was disabled for less than ten years before his or her death. This bill reduces the timeframe a veteran needed to be rated totally disabled from 10 to five years which would allow greater numbers of survivors to benefit from this important support program.

S. 498, the Veteran Education Empowerment Act

PVA supports the Veteran Education Empowerment Act, which reauthorizes and improves a grant program through the Department of Education (DOE) that is designed to help institutions of higher education establish and operate Student Veteran Centers. Grants would be authorized for up to \$500,000 to eligible colleges and universities.

Student Veteran Centers are critical spaces for veterans to study, gather, find community, and work under the VA Work Study program. They are essential in disseminating information from campus staff such as school certifying officials, as well as about education and other VA benefits. They are the one-stop-shop for student veterans, and they are vital to the student veteran community. Sadly, many institutions of higher learning are hesitant to make a sustainable investment for this community, unlike with other resource centers. By expanding the grant allowances offered by DOE, schools that lack the resources to support such a center will be able to expand the services provided to student veterans.

S. 656, the Veteran Improvement Commercial Driver License Act of 2023

PVA supports the Veteran Improvement Commercial Driver License Act, which changes existing law so schools offering Commercial Driver's License (CDL) training at new branches do not have to wait two years if the primary institution(s) was already approved by the VA and state approving agencies to receive GI Bill benefits. Efforts like this would allow more veterans to obtain their CDLs, which also would help address the critical shortage of drivers that are needed to keep goods moving in our nation's supply chain.

S. 740 GUARD VA Benefits Act of 2023

Unaccredited claims consultants often skirt long-standing mandates of Congress and VA that require all who assist veterans with the preparation, presentation, or prosecution of VA claims and appeals to be accredited by the VA, subject to ongoing VA oversight, and compliant with laws regarding fees. Often, their technique of choice is to operate in the shadows by assisting a veteran with claims preparation and then leaving the veteran to file his or her claim alone, thereby avoiding the appearance of "representing" the claimant. Unlike accredited VSOs, attorneys, and agents who provide complete representation, they normally would not have access to the veteran's VA claims folder. Instead, these bad actors frequently seek a veteran's personal eBenefits log-in and/or banking information and then use it to charge and collect unreasonable fees in violation of 38 U.S.C. § 5904. Furthermore, they routinely obtain medical opinions from affiliated medical providers, raising ethical concerns regarding the veracity of such opinions.

In recent years, the unaccredited "claims consulting" industry has exploded and new guardrails are desperately needed to protect veterans from individuals and entities seeking to surreptitiously take their hard-earned benefits. PVA supports the GUARD VA Benefits Act, which would reinstate criminal penalties for non-VA accredited persons charging veterans unauthorized fees relating to claims for benefits under the laws administered by the VA.

S. 774, the Veterans Border Patrol Training Act

PVA supports this bill which uses the Department of Defense's SkillBridge program to connect transitioning servicemembers with open positions at U.S. Customs and Border Patrol. However, it is important to note that not all eligible servicemembers are able to enroll in the SkillBridge program. Approval for entry into SkillBridge is left to the command structure and they can use operational tempo as an excuse to deny transitioning servicemembers access to this critical transition resource. Additionally, if a servicemember is being medically retired, they are ineligible for participation in the program, despite potential eligibility, due to the uncertainty of medical appointment availability. PVA believes that commands should be encouraged to allow every eligible servicemember to enroll in the SkillBridge program.

S. 897, the Expedited Veteran Appeals Act of 2023

Veterans are filing VA claims at higher numbers than ever before and as of April 17, 2023, the number of pending claims totaled 801,295. Resolving these claims and the thousands expected to come after them will trigger an increased workload at VA's Board of Veterans Appeals (BVA) and the United States Court of Appeals for Veterans Claims. BVA already hired more judges in order to address its increased volume of cases. PVA supports this bill, which would raise the maximum number of judges presiding over the U.S. Court of Appeals for Veterans Claims by two in order to allow the court to do the same.

Senate draft, the Student Veterans Transparency and Protection Act

PVA supports this legislation, which will restore benefits to students who were using their VA education benefits at an institution of higher learning that was closed due to civil enforcement. Veterans rely on information provided by the GI Bill Comparison Tool when making decisions about their education. When bad actors remain on the Comparison Tool, that essentially means that the VA has deemed that campus a legitimate school to attend. The responsibility of oversight and due diligence falls on VA to ensure information available on the GI Bill Comparison Tool is updated and accurate so that veterans know they are researching a reputable and respectable campus. Veterans should not be penalized if they enrolled in a predatory school that VA kept on the Comparison Tool. The provisions within this bill will improve the GI Bill Comparison Tool and will correct a wrong experienced by student veterans.

Senate draft, the Love Lives On Act of 2023

When a military member or veteran dies, their spouse is eligible to receive a number of survivor benefits, but current law strips many of them if the spouse remarries again before age 55. This arbitrary age limit often prevents many surviving spouses from remarrying out of concern for the financial stability of their surviving children. These surviving spouses should be freed from the fear of losing the benefits owed to them through their late spouse's military sacrifice. PVA supports the Love Lives On Act, which would ensure they retain many benefits from both the VA and the Department of Defense, regardless of their age at the time of remarriage.

PVA would once again like to thank the Committee for the opportunity to submit our views on some of the legislation being considered today. We look forward to working with the Committee on this legislation and would be happy to take any questions you may have.

**STATEMENT FOR THE RECORD OF
THE HONORABLE MARGARET BARTLEY, CHIEF JUDGE
U.S. COURT OF APPEALS FOR VETERANS CLAIMS**

**FOR SUBMISSION TO THE
UNITED STATES SENATE
COMMITTEE ON VETERANS' AFFAIRS**

APRIL 26, 2023

CHAIRMAN TESTER, RANKING MEMBER MORAN, AND DISTINGUISHED MEMBERS OF THE COMMITTEE:

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 S. 897, 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 impact this expanded judicial capacity would have on the Court's operations and our ability to best serve veterans would be significant, and we wholeheartedly support 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 S. 897 – 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 S. 897 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 judgeships.

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

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

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 S. 897 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 S. 897. Thank you for the opportunity to provide this statement, and on behalf of the Court, thank you for your past and continued support.

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/>.



How to Protect Veterans From Financial Exploitation of Their VA Benefits:

April 26, 2023

Dear Chairman Tester and Ranking Member Moran,

A veteran disabled in the service of our country deserves our respect, guidance, and support. Sadly, the VA currently provides none of these. It must change. Here's why.

The VA disability system is stacked against a veteran from the moment they decide to apply for VA benefits. Veterans lack the expert guidance and support they need from the very beginning of the process. And the current law isn't helping. For example, VA accredited claims agents and attorneys are **not** allowed to help a veteran until **after** an initial claim has been denied. Why is that? This is too late for the veteran. It has created an unlevel playing field designed to put the veteran in a losing position on their very first VA benefits application. It forces them to endure a complex system and bureaucracy to try to correct the errors in that first decision without sufficient help and guidance. Simply put, our country's disabled veterans deserve improved access to their rightfully earned VA disability benefits from the very beginning of the process.

I personally know all too well the confusing and frustrating process of applying for and obtaining VA disability benefits. As an Air Force service-disabled veteran myself, my own journey took me **seven years**. Why? Because of the archaic and broken VA disability claim process that's riddled with system problems, process issues, legal, regulatory, medical jargon, and human error. Just like me, millions of veterans around the world need expert help and guidance to successfully receive the VA disability benefits they've earned for their service to our county. **Our veterans deserve better. That's why I founded VA Claims Insider.**

VA Claims Insider supports an **altered** version of the GUARD VA Benefits Act of 2023—one that is properly scoped to protect veterans and the VA from fraud and financial exploitation while improving access for veterans to obtain their rightfully earned VA disability benefits from a broken system.

I'm very much in favor of the free services offered by VSOs. I recommend all veterans seek the assistance of an "accredited" representative to help them prepare and file their VA disability claim and interact with the VA on a veteran's behalf. However, **there aren't nearly enough accredited representatives to help all the veterans who desperately need it.** The market demands more VSOs ... but it also demands an improved VA disability benefits process for our veterans. The system is broken, but I'm hopeful we can fix it together.

Below you'll find some simple recommendations for how we can fix the VA disability system.

What Needs to Change Immediately:

VA Claims Insider sees three main problems with the current system:

- First, there are far too few accredited VSOs to help the millions of veterans who desperately



need it. For example, the VA asserts there are 91 Veteran Service Organizations (VSOs) with tens of thousands of representatives available to assist veterans with VA disability claims. The reality is very different: only 5 of the 91 VSO organizations have a true national capability. Of the tens of thousands of representatives identified; many are counted against multiple organizations resulting in only ~8,000 unique representatives to serve 18M+ veterans. That's a ratio of roughly **1 accredited representative per 2,250 veterans**. Is that an acceptable ratio of accredited representatives to serve our nation's heroes? I say no. There are simply not enough VSOs to serve veterans. And that must change now.

- Second, VA accredited claims agents and attorneys are *not* allowed to help a veteran until *after* an initial claim has been denied, which is too late for the veteran—they need expert guidance and support at the beginning of the VA disability claim process, not just after a denial. If anyone deserves a fair shake from the federal government, and a more level playing field, it is the veteran disabled because of his/her service to our country. For example, the federal government requires only a name, Medicare number, and a physician signature to pay Medicare benefits. The federal government requires only a name and date of birth to send tax refunds. But disabled veterans must fight for their rightfully earned benefits against an unfair and broken system, without expert guidance and support. Why?
- Third, because of this gap in a veteran's ability to get help with their VA disability claims, non-accredited entities have filled the void and provide our disabled veterans with the expert guidance and support that they so desperately need. To the extent there are concerns with non-accredited entity services, an honest and clear-minded evaluation is necessary. Just because a non-accredited entity is for-profit does not mean it is "predatory." We understand that there are stories about non-accredited entities that may have taken advantage of veterans. However, that does not mean that the entire profession should be outlawed. The vast majority of our veteran clients express great appreciation for the expertise and guidance they received.

Because of these three main problems, VA Claims Insider supports the following changes to both strengthen enforcement against bad actors potentially taking advantage of veterans and their benefits and to allow for-profit companies to continue helping veterans:

- Allow for new federal funding to help strengthen non-profit VSO organizations—specifically, their claims and benefits departments—so they can hire more accredited VSOs to help veterans. In my opinion, the number of accredited VSOs should quadruple over the next four years, bringing the total to around 32,000 accredited representatives (currently there are around 8,000). With 32,000 VSOs, this would bring the ratio of accredited VSOs to veterans to roughly 1 accredited representative per 563 veterans.
- Change the current law so both accredited and non-accredited entities, claims agents, and attorneys can help a veteran with a VA disability claim *prior* to a denial; presently, claims agents and attorneys can't help a veteran until *after* their VA disability claim has already been denied. This is way too late. Veterans deserve a more level playing field and should be permitted expert help with initial claims. Further, allowing the right decision to happen initially would likely avoid the resulting appeals from improper claim denials and re-evaluations that are bogging down the current system. Veterans need expert help at the



beginning of the VA disability claim process. The law must change now.

- Pass the bi-partisan GUARD VA Benefits Act of 2023 with two minor verbiage changes. Specifically, change the words “*with respect to*” to “*for*” and the “*or*” to an “*and*.” With these minor proposed revisions, the statute would read:

Except as provided in sections 5904 or 1984 of this title, whoever directly or indirectly solicits, contracts for, charges, or receives, or attempts to solicit, contract for, charge, or receive, any fee or compensation ~~with respect to~~ **for** the preparation, presentation, ~~or~~ **and** prosecution of any claim for benefits under the laws administered by the Secretary shall be fined as provided in title 18, or imprisoned not more than one year, or both.

These minor changes would allow for enforcement actions against bad actors, to include criminal penalties, but still allow for-profit companies to continue serving veterans by educating and assisting veterans with the VA disability claim process.

- Create and pass a new bi-partisan bill specifically aimed at new enforcement actions against VA “pension poachers.” There are bad actors taking advantage of elderly disabled veterans and their pension benefits. This is unacceptable and must stop now. **Note:** VA pension benefits and VA disability benefits are *not* the same thing, they’re separate benefits programs offered by the VA.

Once again, I must reiterate the need for all of us to work together: non-profits, for-profits, and the government to help veterans get the benefits they deserve for serving our country while protecting them from financial exploitation.

Thank you for your time and consideration in this matter.

Very Respectfully,

A handwritten signature in blue ink that reads 'B. T. Reese'.

Brian T. Reese
 USAF Disabled Veteran (2003-2012)
 Founder @ VA Claims Insider



ABOUT VA CLAIMS INSIDER

[VA Claims Insider](#), LLC (VACI) is an education company for disabled veterans who are exploring eligibility for increased VA disability benefits and who wish to learn more about that process. VACI was founded in 2016 by Brian Reese, Air Force service- disabled veteran and former U.S. Air Force Academy NCAA Division I hockey player, and is based in Austin, TX.

AT A GLANCE

- 25,000+ disabled veterans served in VACI membership programs since 2016
- Approximately 500,000 veterans per month utilize VACI's free educational resources
- Currently employs 175 teammates; comprised of 56 veterans and 14 military spouses
- Better Business Bureau (BBB) accredited
- 4.7/5.0 average rating out of 4,000+ total reviews; 3,000+ 5-star reviews

VACI [serves](#) approximately 500,000 unique veterans per month across its websites and membership programs via Military Disability Made Easy and VA Claims Insider. VACI's mission is to make the VA claim process easy through the power of community, personal coaching, and best-in class-education.

VACI offers disabled veterans a suite of digital products and services inside its education-based membership programs. VACI also connects veterans with medical professionals in an independent referral network for medical examinations, disability evaluations, and credible medical nexus letters for a wide range of disability conditions.

VACI is not an accredited agent, veterans service organization (VSO), attorney, or entity recognized by the Department of Veterans Affairs (VA) and is not

affiliated with the VA in any way. VACI does not assist veterans with the preparation, presentation, or prosecution of VA disability claims for VA benefits. Veterans prepare and file their own claim or may work with an accredited representative, many of which offer services for free. Each veteran is responsible for the truth and accuracy of his/her own claim for benefits.

VA Claims Insider is an [accredited member](#) of the Better Business Bureau and holds to a [code of conduct](#) that reflects the integrity of its clients and their military service.



TESTIMONIALS

My coach guided me through the whole process and provided valuable tips for me so that my claim was streamlined and complete by the time I needed to submit all of my documents to the VA. The process took a little longer due to COVID-19, but the result was worth the wait. Through the help of VA Claims Insider and my coach I was able to increase my previous 10 percent disability to now 60 percent disability. —Allan G.

To be able to [have] received what we deserve is a right, not a privilege. Brian Reese and his team of VA Claims Insider understand the process, and take us to the right percent with honesty, integrity and compassion. During COVID-19, his help was a blessing that I will always be grateful [for]. —Pedro J.

Very helpful on understanding the correct way to submit a claim. They have great resources to make it smooth. Everyone that works with their network cares for all soldiers. I felt like they were actually listening to what I had going on, and truly cared about what has happened. — Jessie G.

VACI's knowledge base and access to resources is immense. I waited for many years to file for a number of reasons [so] when I decided to file, I wanted the straightest line possible. VACI proved to be a considerable asset..... They don't do it for you. However, with them as your partner, you are more likely to prevail, possibly get a higher rating, avoid costly mistakes and cross the finish-line faster. —Dennis M.

See more [client testimonials](#).



LEADERSHIP



Brian Reese, founder, is a former active-duty Air Force officer with extensive experience leading hundreds of individuals and multi-functional teams in challenging international environments, including a combat tour to southern Afghanistan in 2011 in support of “Operation Enduring Freedom.” He was honorably discharged in 2012.

Brian’s frustration with the VA disability claims process led him to create VA Claims Insider, which provides disabled veterans with tips, strategies, and lessons learned to win their VA disability compensation claim in less time. As the founder and VA Claims Insider and CEO of Military Disability Made Easy, he has helped serve more than 6 million military members and veterans since 2016 through free online educational resources.

Brian is a Distinguished Graduate of Management from the United States Air Force Academy in Colorado Springs, Colorado, and is the author of a [book](#) about veteran benefits, which has been read by over 100,000 veterans since 2021. He also holds an MBA from Oklahoma State University’s Spears School of Business, where he was a National Honor Scholar.



**STATEMENT FOR THE RECORD
SUBMITTED TO THE
SENATE COMMITTEE ON VETERANS AFFAIRS
118TH CONGRESS, FIRST SESSION**

April 26, 2023

Chairman Tester, Ranking Member Moran, and Members of the Committee:

We thank you for the opportunity to share this statement for consideration during this hearing, which includes many notable bills addressing topics in higher education and veterans education benefits. Veterans Education Success is a nonprofit organization with the mission of advancing higher education success for veterans, service members, and military families, and protecting the integrity and promise of the GI Bill and other federal education programs.

In this statement, we address the following topics: the establishment of a Veterans Economic Opportunity and Transition Administration (S. 291), a technical adjustment of eligibility for the Fry Scholarship (S. 350), reauthorization of grant-making for Student Veteran Centers (S. 498), and a draft proposal addressing transparency of information and restoration of benefits for student veterans. We applaud the Committee's dedication to our Nation's veterans, and look forward to working closely with the staff members on the advancement of many of these important topics for broader consideration.

S. 291, A bill to amend title 38, United States Code, to establish in the Department the Veterans Economic Opportunity and Transition Administration, and for other purposes

This measure proposes the creation of a "Veterans Economic Opportunity and Transition Administration" within the U.S. Department of Veterans Affairs (VA), and that this new Administration would be overseen by a newly established Under Secretary. The purpose of this Administration would be to manage and administer various programs focused on delivering economic opportunity benefits to veterans and their dependents and survivors.

The bill would also require the Secretary to provide an annual report to Congress on the programs administered by the Under Secretary for Veterans Economic Opportunity and Transition.

Various versions of this legislation have been proposed over more than the past decade. Notably, several iterations of this proposal have passed the House of Representatives, but none have been successful in passing the Senate.¹ One previous sticking point had been the inclusion of a provision which would have moved the U.S. Department of Labor (DoL) Veterans' Employment and Training Service (VETS) program under the proposed new Administration within the VA. *This current legislation makes no such proposal.*

Historical support for various iterations of this legislation have included the Veterans of Foreign Wars (VFW), Disabled American Veterans (DAV), Vietnam Veterans of America (VVA), American Veterans (AMVETS), Paralyzed Veterans of America (PVA), and Student Veterans of America (SVA).² The concept has also been previously endorsed in the annual Independent Budget produced by DAV, PVA, and VFW.³ We believe this support stems from the overall recognition that the Veterans Benefits Administration (VBA) continues to struggle in its competing missions of delivering disability compensation benefits and a wide variety of economic opportunity benefits such as the GI Bill.

In 2018, VBA established the Office of Transition and Economic Development (TED), now referred to as Outreach, Transition and Economic Development (OTED), in response to previous proposals similar to this legislation.^{4, 5} The establishment of that office represented an acknowledgement that VBA had been structurally unprepared to respond to the modern needs of veterans when it comes to transition and economic opportunity. We believe much of OTED is geared towards transition more so than

¹ Six iterations of this legislation have been proposed over the past 15 years, including HR 2494 (117th Congress), HR 2045 (116th Congress), HR 5644 (115th Congress), HR 2327 (113th Congress), HR 2481 (113th Congress), and HR 3719 (111th Congress); on three occasions, the legislation passed the U.S. House of Representatives unanimously, including HRs 2494, 2045, and 2481. <https://www.congress.gov/>. Accessed Apr. 20, 2023.

² Hubbard, William, "Testimony of Mr. William Hubbard, Chief of Staff, Student Veterans of America," Apr. 30, 2019, <https://www.congress.gov/116/meeting/house/109320/witnesses/HHRG-116-VR10-Wstate-HubbardW-20190430.pdf>.

³ Independent Budget, <https://www.independentbudget.org/wp-content/uploads/2023/02/TIB-EAE1-Create-an-Economic-Opportunity-Administration-Within-The-Department-of-Veteran-Affairs-VA.pdf>

⁴ Devlin, Margarita, "Statement of Margarita Devlin, Principal Deputy Under Secretary for Benefits, Veterans Benefits Administration, Department of Veterans Affairs, before the House Committee on Veterans' Affairs Subcommittee on Economic Opportunity," Apr. 9, 2019, <https://www.congress.gov/116/meeting/house/109258/witnesses/HHRG-116-VR10-Wstate-DevlinM-20190409.pdf>.

⁵ U.S. Department of Veterans Affairs, "Outreach, Transition and Economic Development," <https://benefits.va.gov/transition/index.asp>. Accessed Apr. 20, 2023.

economic opportunity and tools of empowerment such as the GI Bill.⁶ Despite the existence of this office for the past five years, significant barriers remain when it comes to economic opportunity for veterans.

As recently as last month, VBA publicly announced a technical flaw that resulted in more than 280,000 student veterans being delayed on their monthly housing allowance (MHA) GI Bill payments.⁷ For nearly 4,000 of these veterans, VBA had to work with the U.S. Department of the Treasury (USDT) to mail hard-copy checks to the individuals to ensure continuity of on-time payments.⁸ We applaud the VBA leadership for ultimately finding solutions to this challenge, but believe it indicates broader systemic issues; veterans should never be exposed to doubt whether or not they will be able to pay rent in a given month.

Furthermore, VA's attention to implementing critical consumer protection laws has been inconsistent, or entirely lacking in certain instances, over the past several decades. For example, the Vietnam Era Veterans' Readjustment Assistance Act of 1974 added 38 U.S. Code 3696 to the requirements governing the administration of veterans educational benefits. Section 3696 prohibits schools from participating in the GI Bill if they utilize "advertising, sales or enrollment practices of any type which are erroneous, deceptive, or misleading either by actual statement, omission or intimation."⁹

VA's inadequate implementation of Section 3696 (1) prevents GI Bill beneficiaries from making an informed choice when deciding where to use their hard-earned benefits, and (2) undermines the integrity of the GI Bill by allowing schools that engage in fraud to receive taxpayer support. Even more troubling, schools including Alta (Westwood College), Corinthian, ITT, and former EDMC brands (Argosy, Art Institutes, South University) which engaged in deceptive advertising and enrollment tactics have closed precipitously, leaving beneficiaries without a degree after having wasted some or all of their benefits.¹⁰

⁶ Rawls, Cheryl, "Statement of Ms. Cheryl Rawls, Executive Director, Outreach, Transition and Economic Development Service Department of Veterans Affairs before the Subcommittee on Disability Assistance and Memorial Affairs Committee on Veterans' Affairs U.S. House of Representatives," Feb. 8, 2022, <https://docs.house.gov/meetings/VR/VR09/20220208/114386/HHRG-117-VR09-Wstate-RawlsC-20220208-U1.pdf>.

⁷ U.S. Department of Veterans Affairs, "Important Update About GI Bill Monthly Payments for Students," Mar. 31, 2023, <https://content.govdelivery.com/accounts/USVAVBA/bulletins/3522215>.

⁸ U.S. Department of Veterans Affairs, "Update on Post 9/11 GI Bill MHA Delayed Payment for March 2023," Apr. 19, 2023, <https://content.govdelivery.com/accounts/USVAVBA/bulletins/355e1e1>.

⁹ U.S. Code, Section 3696, <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title38-section3696&num=0&edition=prelim>. Accessed Apr. 20, 2023.

¹⁰ Veterans Education Success, "VA Still Not Enforcing 1974 Ban on Schools that Engage in Deceptive Advertising and Recruiting," Oct. 2019, <https://vetsedsuccess.org/va-still-not-enforcing-1974-ban-on-schools-that-engage-in-deceptive-advertising-and-recruiting/>.

We remain deeply concerned about the continued ability of predatory schools to defraud veterans out of their hard-earned GI Bill benefits. More recent examples of VA failing to provide adequate responses have included:

- **House of Prayer.** This past summer, the public widely learned about the shocking allegations associated with a system of schools misleadingly called *House of Prayer Christian Church*.¹¹ This case culminated in a raid by the Federal Bureau of Investigation, a case we had reported to VA over two years prior.^{12, 13}
- **Perdoceo.** In 2021, we alerted VA to law enforcement's concerns about the Perdoceo Education Corporation, formerly known as the Career Education Corporation, encompassing American Intercontinental University, Colorado Technical University, California Southern University, and Trident University International.¹⁴ Despite calling VA's attention to enforcement actions and investigations by Federal and State authorities, these schools remain eligible for GI Bill funding. In 2019, 36 veterans and military service organizations wrote to VA over similar concerns, and despite years of community-wide concerns, no meaningful action has been taken to date.¹⁵
- **School Closures.** In August 2021, we wrote a memorandum to VA to establish our concern over the language on its GI Bill Restoration Page.^{16, 17} Under the VETS Credit Act, veterans simply have to sign a declaration that they understand that if they transfer 12 or more credits they are ineligible to receive

¹¹ Beynon, Steve and Novelly, Thomas. "How a Church Allegedly Scammed Millions in VA Money from Vets." *Military.com*, Jul. 19, 2022, <https://www.military.com/daily-news/2022/07/19/how-church-allegedly-scammed-millions-va-money-vets.html>.

¹² Koch, Alexandra, "FBI raids Georgia churches near military bases, sources say church was targeting soldiers," *USA Today*, Jun. 24, 2022, <https://www.usatoday.com/story/news/nation/2022/06/24/fbi-raids-house-prayer-churches/7724801001/>.

¹³ Veterans Education Success, "Our Letter to VA and Georgia SAA Regarding House of Prayer Christian Church," Aug. 1, 2020, <https://vetsedsuccess.org/letter-to-va-and-georgia-saa-regarding-house-of-prayer-christian-church/>.

¹⁴ Veterans Education Success, "Summary of Veteran and Servicemember Student Complaints about Perdoceo Education Corporation," September 1st, 2021, <https://vetsedsuccess.org/summary-of-veteran-and-servicemember-student-complaints-about-perdoceo-education-corporation/>.

¹⁵ Letter from Veterans and Military Service Organizations to the Secretary of the U.S. Department of Veterans Affairs, Feb. 14, 2019, <https://static1.squarespace.com/static/556718b2e4b02e470eb1b186/t/5c6db4db1905f4690dd06f6f/1550693596300/VSO+Letter+to+VA+Secretary-1.pdf>.

¹⁶ Hubbard, William, "Memorandum From William Hubbard to Department of Veterans Affairs on Changes to VBA Webpage," Aug. 17, 2021, <https://vetsedsuccess.org/memorandum-from-william-hubbard-to-department-of-veterans-affairs-on-changes-to-vba-webpage/>.

¹⁷ U.S. Department of Veterans Affairs, "Restoration of Benefits After School Closure or if a School is Disapproved for GI Bill Benefits," <https://www.benefits.va.gov/GIBILL/Restoration.asp>. Updated March 15, 2023.

their full GI Bill restoration.¹⁸ Despite this new law, VA continues to present logistical hurdles for veterans to use the benefits they earned.

- ***FastTrain and Retail Ready Career Center.*** It is unacceptable that veterans should have to wonder why obvious scams like *FastTrain College* and *Retail Ready Career Center* were approved in the first place.¹⁹ The VA's statutes governing program approval are seriously outdated, referencing classes taught "by radio," and they continue to allow a low standard of entry. Veterans should be able to count on VA's "stamp of approval" as the level of quality they – and taxpayers – expect.

Our testimony is in no way intended to take away from the incredible work of the many hardworking VBA teams. In fact, quite the opposite. We believe these teams should be further empowered to achieve even greater outcomes, and have seen that the current system in place does not set up for maximum success the dedicated staff of VBA. When these professionals are provided with the full opportunity to succeed, the end result is a more reliable and higher quality set of opportunities for the ultimate customer of VA: our Nation's veterans.

It's possible a new Administration and Under Secretary could help to address these issues, though the premise remains untested. We encourage this Committee and Congress to heavily deliberate over the long-term implications of continuing with the current system, which is clearly inadequate. We believe this legislation is worth serious consideration and debate, so there may be progress towards providing all veterans with quality programs they deserve.

S. 350, Fry Scholarship Enhancement Act of 2023

This legislation proposes to amend Title 38 to expand the eligibility for the Fry Scholarship. Specifically, the proposed amendment would include the spouses and children of individuals who die from a service-connected disability within the 120-Day "Release from Active Duty" (REFRAD) period. The bill also specifies that the person must have been discharged with an honorable discharge or characterized by the Secretary concerned as honorable. The amendments would apply to deaths occurring before, on, or after the enactment and for terms commencing on or after August 1, 2024.

¹⁸ Veterans Education Success, Our Press Release: Senate Passes Important "VETS Credit Act" Unanimously, Bill Heads to the President for Signature," <https://vetsedsuccess.org/our-press-release-senate-passes-important-vets-credit-act-unanimously-bill-heads-to-the-president-for-signature/>.

¹⁹ Ayala, Eva-Marie, "Hundreds of veterans scramble after Garland for-profit college closes," The Dallas Morning News, Sep 28, 2017, <https://www.dallasnews.com/news/education/2017/09/28/hundreds-of-veterans-scramble-after-garland-for-profit-college-closes/>.

The families of those who pass away during the 120-day REFRAD period would be made eligible for the Fry Scholarship. At present, this is the sole benefit from which they are excluded. If a veteran passes away from a service-connected injury or illness within the 120-Day REFRAD period, they are considered to have died while on active duty, and should be entitled to all benefits that come with an active-duty death. This bill would extend eligibility to these deserving families. Under this legislation, families would finally qualify for the Fry Scholarship instead of Chapter 35. We strongly support the passage of this legislation.

S. 498, Veteran Education Empowerment Act

This proposal would reauthorize and enhance a grant program that supports institutions of higher education in establishing, enhancing, and operating Student Veteran Centers. The bill amends Part T of Title VIII of the Higher Education Act of 1965 to provide grants to institutions or consortia that meet specific criteria, including programs or activities that assist veterans in the local community, the hiring of veterans at the Student Veteran Center, mental health counseling services, and the development of a student veteran retention program. Grants would be equitably distributed to institutions of various sizes and in diverse geographic locations. The bill would also allow a portion of the grant to be used for supportive instruction services for student veterans.

The bill recognizes the unique difficulties faced by veterans in transitioning from military service to the classroom and workforce, including age differences, family obligations, time away from academics, and service-related disabilities. The bill also acknowledges that Student Veteran Centers, which offer support and resources, have a significant impact on the success of veterans attending institutions of higher education. We support the passage of this legislation.

DRAFT, Student Veterans Transparency and Protection Act

This legislation would require the Secretary of Veterans Affairs to improve how VA discloses to individuals entitled to educational assistance from the Department risks associated with using such assistance at particular educational institutions and to restore entitlement of students to such assistance who are pursuing programs of education at educational institutions that are subject to Federal or State civil enforcement action, and for other purposes.

We strongly encourage the Committee to support this bill, with consideration of the recommended changes we offer below. Section two modifies the information about educational institutions to be included in the GI Bill Comparison Tool and provides additional specifics relating to veteran complaints in the Feedback Tool. Section three restores veterans' education benefits if a veteran (or veteran's dependent beneficiary)

is unable to complete a course or program of education due to a Federal or State enforcement action against the educational institution or an action taken by the Secretary. Below we outline specific technical recommendations for consideration:

Section Two Discussion and Recommendations

Tuition Disclosures. The bill revises 38 USC 3698(c)(1)(C)(v) to remove “tuition and fees” from the disclosures required on the GI Bill Comparison Tool. Instead, the bill proposes to require disclosure of the “average annual cost to earn an associate’s degree and a bachelor’s degree with available cost information on any other degree or credential the institution awards.”

- *Recommendation:* The Comparison Tool should disclose the “full-time tuition”, rather than “average annual cost.” “Average annual cost” would include the costs of part-time students and could result in giving the false impression that the tuition is less than it actually is. Further, the language needs to be clarified so that the full-time tuition costs and fees for each credential level (i.e., undergraduate/graduate) and program (if the institution charges different tuition) awarded by the educational institution are to be disclosed.

Median Debt. The bill revises 38 USC 3698(c)(1)(C)(vi) so that the GI Bill Comparison Tool disclosure for median amount of debt for federal student loans (already required to be disclosed) is disaggregated by individuals who received a credential and individuals who did not, and by individuals who received VA educational assistance and individuals who did not receive VA educational assistance. While the median amount of debt for federal student loans is already required to be provided by VA in 38 USC 3698(c), the current GI Bill Comparison Tool is not providing this information.

- *Recommendation:* We are in favor of parsing the information on the GI Bill Comparison Tool so that prospective student veterans can see the median federal student loan debt for veterans. The median debt for federal student loans needs to be based on individuals who did and did not complete within 150% of normal time so that the data is not cumulative.

Transfer Out Rates. Subsection (b)(3)(B)(xvi) of the bill requires disclosure of the “transfer out rates,” but definitive data on students who transfer out of an institution may not be known to that institution, since neither the students nor the school to which they may have transferred is under any obligation to inform the sending school.

- *Recommendation:* Amend the language to read, “transfer out rates, to the extent practicable.”

Employment Rate & Median Income. Subsection (b)(3)(B)(xviii) of the bill requires disclosure of employment rate and median income of graduates, generally, and disaggregated by individuals receiving VA educational assistance and individuals not receiving VA educational assistance. It is unclear if VA has access to this data at present.

- *Recommendation:* Confirm this capability with VA staff, or require VA to collect this data if known to the educational institution, so that it may be worded in such a manner as to be feasible.

Completion Disclosures. The bill adds a disclosure of “credentials available and the average time for completion of each credential.” This would commingle part-time and full-time students.

- *Recommendation:* Schools should disclose the graduation rate of individuals who earn the credential within 150% of normal time-to-degree for the credential level they seek, adjusted for enrollment intensity.

Government Actions Disclosures. The bill requires a list of each civil settlement or finding resulting from a Federal or State action in a court of competent jurisdiction for a violation of Federal or State law “that materially affects the education provided at the institution or is the result of illicit activity, including deceptive marketing...”

- *Recommendation:* As drafted, it seems unnecessarily complicated and specific and may not capture government actions that are important for student veterans to know. The GI Bill Comparison Tool should list any settlement, finding, or judgment resulting from government action against the institution, which information should be provided by the educational institution to VA and the applicable SAA.

Response Period. The bill provides institutions with 90 days to review and respond to student feedback (complaints). This is too long for veterans to wait for a response from the school about their complaints. Ninety days is almost an entire semester. VA's current practice is to give institutions 30 days to respond, which may even be too long. For comparison, the Better Business Bureau allows businesses 14 days to respond to consumer complaints with one follow-up attempt before the complaint is closed usually within 30 days.

- *Recommendation:* Institutions should be required to respond to an individual's complaint within 30 days.

Section Three Discussion and Recommendations

We strongly encourage the Committee to support this provision in particular, which restores veterans' education benefits if a veteran (or veteran's dependent beneficiary) is unable to complete a course or program of education as a result of a federal or state civil enforcement action against the institution or as the result of an action taken by the Secretary.

Currently, the U.S. Department of Justice (DoJ) is seizing the bank accounts of the House of Prayer – a bible school we exposed and brought to VA's attention because veterans were being cheated out of their GI Bill and abused by an alleged religious cult leader.^{20, 21} But even when the federal government recovers their GI Bill funds, the veterans who earned those GI Bill benefits will get nothing.

In another example, DoJ recouped more than \$150 million from Retail Ready Career Center and sent the owner to jail for 19 years, after he had swindled thousands of veterans, taking their GI Bill but not educating them and taking their housing allowance but then forcing them to live in substandard migrant housing.²² But when the federal government recovered \$150 million, the veterans got nothing and did not get their GI Bill benefits back. Currently, when federal law enforcement recovers GI Bill funds obtained fraudulently or Veteran Readiness and Employment (VR&E) funds, veterans get nothing back.

We are confident that members of the Committee agree that veterans who are defrauded out of their hard-earned GI Bill, having already invested their time and effort into programs that later prove to have been fraudulent, should not be doubly penalized by also losing their chance at education to improve their career prospects.

This is also a parity issue. Student loans are forgiven by the U.S. Department of Education (ED) if fraud is evident, but student veterans have no parity with regard to their education benefits at VA. Student veterans should have parity with, and be at least as equally protected as, students at ED. Below we outline additional recommendations and technical suggestions to improve the legislation to include all veterans who were defrauded, and not just those who were unable to complete the course or program.

²⁰ "United States of America v. \$115,800.00 in U.S. Currency Funds," <https://vetsedsuccess.org/us-attorney-action-against-house-of-prayer-bible-seminary-january-2023/>.

²¹ Veterans Education Success, "Our Letter to VA and Georgia SAA Regarding House of Prayer Christian Church," Aug. 2020, <https://vetsedsuccess.org/letter-to-va-and-georgia-saa-regarding-house-of-prayer-christian-church/>.

²² United States Attorney's Office, "Northern District of Texas Press Release, For-Profit Trade School Sentenced to Nearly 20 Years for Defrauding VA Student Veterans," Sept. 22, 2021, <https://www.justice.gov/usao-ndtx/pr/profit-trade-school-sentenced-nearly-20-years-defrauding-va-student-veterans>.

Federal or State Actions. The proposed legislation amends 38 USC 3699(b)(1). Section 3699(b)(1) provides restoration when the Secretary determines that an individual "was unable to complete such course or program as a result of" (A) closure of the institution or (B) disapproval of the course due to a change in the law, regulations or policies. The proposed legislation amends 38 USC 3699(b)(1) to include a new subparagraph (C)—Federal or State civil enforcement action against the educational institution. Thus, restoration in the event of a Federal or State civil enforcement action is limited to when the student veteran is unable to complete the program as a result of the enforcement action.

- *Recommendation:* Create a new Section, rather than amending subsection 3699(b)(1). Creating a new Section would eliminate a current drafting problem wherein the legislation inadvertently limits restoration to the impossible situation of a Federal or State civil enforcement action somehow stopping a veteran from completing a program. Of course, such actions do not directly cause veterans not to complete programs.

This technical correction would enable the legislation to cover all veterans who were defrauded, not just those who were "unable to complete" the program, including, for example:

- Veterans who voluntarily drop out of a program because of fraud but who don't fall within one of the enumerated situations for being "unable to complete" a program;
- Veterans who do complete a program but discover later that they have been defrauded. For example, the U.S. Federal Trade Commission's lawsuits against both DeVry (settled for \$100 million) and University of Phoenix (settled for nearly \$200 million) were specifically about the schools' having defrauded students about their graduates' job placement possibilities – which students might not discover until after they finish the program.^{23, 24} Similarly, ED's determination to provide federal loan forgiveness to defrauded students (under "borrower defense to repayment") does not depend on whether the student was able to complete the program – but instead on the nature of the deceptive conduct and harm to the students. Student veterans and military connected students deserve the same protection; and

²³ U.S. Federal Trade Commission, DeVry University, <https://www.ftc.gov/legal-library/browse/cases-proceedings/132-3278-x160024-devry-university>.

²⁴ "U.S. Federal Trade Commission, \$191 Million FTC Settlement with University of Phoenix Addresses Deceptive Employment Claims," Dec. 10, 2019, <https://www.ftc.gov/business-guidance/blog/2019/12/191-million-ftc-settlement-university-phoenix-addresses-deceptive-employment-claims>.

- Veterans who did complete the program but whose program has been determined by the Secretary of Education to have defrauded students who are therefore eligible for student loan discharge under ED borrower defense to repayment regulations. A veteran should be entitled to restoration if, but for using veterans' education benefits, the veteran is in the same position as student loan borrowers who are receiving federal student loan forgiveness under a group discharge determination by the Secretary of Education.

Applicability. We also believe it is important to clarify and expand the types of fraud covered for benefits restoration.

- *Recommendation:* Incorporate provisions that address instances of a risk-based survey finding by VA or a State-Approving Agency that results in the institution not receiving affirmation of approval; when there has been a Borrower Defense to Repayment determination by the Secretary; when there has been a DoJ or Federal Trade Commission (FTC) determination that the institution engaged in fraud; and when there has been a Federal or State civil or criminal investigation that resulted in financial relief to students

Recoupment. In addition to making student veterans whole, we feel taxpayers should not be left to bear the burden of bad actor schools when it is possible to recoup funds paid to the educational institutions. To the maximum extent possible, we believe this legislation should authorize VA to seek recoupment of funds from the educational institution in the instances the Secretary has restored benefits.

- *Recommendation:* Include a recoupment provision directing the Secretary to conduct a review and make a determination as to any amounts to be refunded to the Department.
- *Recommendation:* Include funding mechanisms to cover instances when recoupment of funds does not occur. Funding mechanisms for the Committee to consider may include:
 - Authorizing VA to require at-risk or underfunded schools to obtain a financial guarantee through a "Letter of Credit" from a bank, as is required at ED to protect Title IV funds when the Department determines a school is of financial risk.²⁵ Having such letters of credit on file enables ED to recoup millions of dollars in student aid when a school commits fraud or suddenly shuts. The banks have pledged the money and ED

²⁵ U.S. Department of Education, "Financial Responsibility Standards Requiring a Letter of Credit," <https://studentaid.gov/data-center/school/loc>.

is able to recover taxpayer funds, easily without a legal battle and without worrying about a school's ability to pay if it declares bankruptcy; and

- o Requiring all schools or all at-risk schools to contribute to a "GI Bill recovery fund" – like the student tuition recovery funds operated by many States, akin to Unemployment Insurance funds for employers – which would be available for defrauded students' restoration of VA education benefits.²⁶

Program Disapproval. Finally, we believe an additional technical fix would afford benefits restoration under additional reasons VA might disapprove a program. This is something Republican professional staff have suggested previously – and we strongly supported – as a technical fix because (b)(1)(B) inadvertently limits benefits restoration to students at programs closed or disapproved by a reason of change of law or policy, and not to programs disapproved by VA for any other reason (including, for example, VA's termination of a school because it stole GI Bill funds or otherwise broke VA eligibility rules – which the Committee would want to cover).

- *Recommendation:* Amend 38 U.S. Code 3699(b)(1)(B) by adding a new section (iii) that states "or for any other reason." While the proposed legislation includes a general "any action taken by the Secretary" as a reason an individual may not be able to complete a program, we further recommend adding a general provision for reasons a program may be disapproved.

Lastly, but most importantly, we want to thank Senator Schatz and his incredible staff for their ongoing partnership on these important topics. This bill reflects a tremendous amount of work over the past several years, and would not have been possible without that committed effort and demonstrated dedication to America's veterans.

Conclusion

Veterans Education Success sincerely appreciates the opportunity to express our views before this Committee. As the higher education industry continues to evolve in these very dynamic times, we emphasize the importance of maintaining high standards of quality. Student veterans, taxpayers, and Congress must expect the best outcomes from the use of hard-earned GI Bill benefits. We look forward to the discussion and review of these proposals, and we are grateful for the continued opportunities to collaborate on these topics.

²⁶ Dozens of States have student tuition recovery funds. Examples are available at Veterans Education Success, "State Tuition Recovery Funds and Other State Programs," <https://vetsedsuccess.org/wp-content/uploads/2018/09/state-tuition-recovery-programs.pdf>.

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

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

SUBMITTED 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. SENATE

COMMITTEE ON VETERANS' AFFAIRS

APRIL 26, 2023

OPENING STATEMENT

I. Introduction

Chairman Tester, Ranking Member Moran, and Members of the Committee, thank you for the opportunity to provide testimony expressing Veterans Guardian's views on several important pieces of legislation.

My name is William Taylor and I am a 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 Fort Bragg, North Carolina. 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 system to navigate 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 more than 75% Veterans, spouses of Veterans, spouses of active-duty service members or immediate family members of veterans. 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 recognized for hiring veterans and spouses and named a Military Friendly Company of the year. 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 entitled to 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. Our capabilities are complementary 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 more than 70% of the time, our Veteran clients come to us after having used some of the free services available to them; which tells us that Veterans are not unaware of the free services, and that they are looking for something different.

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 240,000 veteran disability claims. 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, our understanding of the regulations, 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 a success rate of more than 90%. See Exhibit 2. 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, 50% 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 11 awards from various organizations, including: AMVETS North Carolina, 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 up-front 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 reflects our mission and is clearly communicated to Veteran clients throughout 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, timely assistance; and to provide our Veterans the freedom to make an informed decision regarding how they want to pursue their disability claims. We have continued to be strong supporters of accreditation reform, including increasing knowledge requirements and scrutiny of applicants for accreditation.

We are Veterans helping Veterans. My clients tell all of us my services are needed, and one of the bills we are here to discuss today, S.740, Governing Unaccredited Representatives Defrauding (GUARD) VA Benefits Act ("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 Veterans with no other options than the VSOs.

We believe that the 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). Aside from threatening the way 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, without the necessary accreditation reform, many Veterans will not receive the benefits to which they are entitled. Our Veterans deserve more.

The fact that Veterans are choosing to use our services from a position of knowledge is proof that other options are not meeting their needs. Veterans Guardian will continue to be strong supporters of accreditation reform and 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 encourage Congress to pass holistic reform, such as the legislation that Congressman General Bergman (R-MI) is leading in the U.S. House of Representatives, HR 1822, the Preserving Lawful Utilization of Services for Veterans Act of 2023 ("PLUS Act"), which allows companies like Veterans Guardian to become accredited. Such reform provides Veterans with the widest range of options to help 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 the VA with the enforcement tools necessary to pursue bad actors. While we support the intentions of the GUARD Act, the execution is deeply flawed. We implore the Committee to engage all stakeholders in the process of accreditation reform to ensure the system works for, not against, Veterans.

IV. Conclusion

I look forward to remaining engaged and working with you and your staffs as we continue to develop solutions for this and other important issues facing our nation's Veterans. Thank you for the opportunity to submit this testimony.

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.

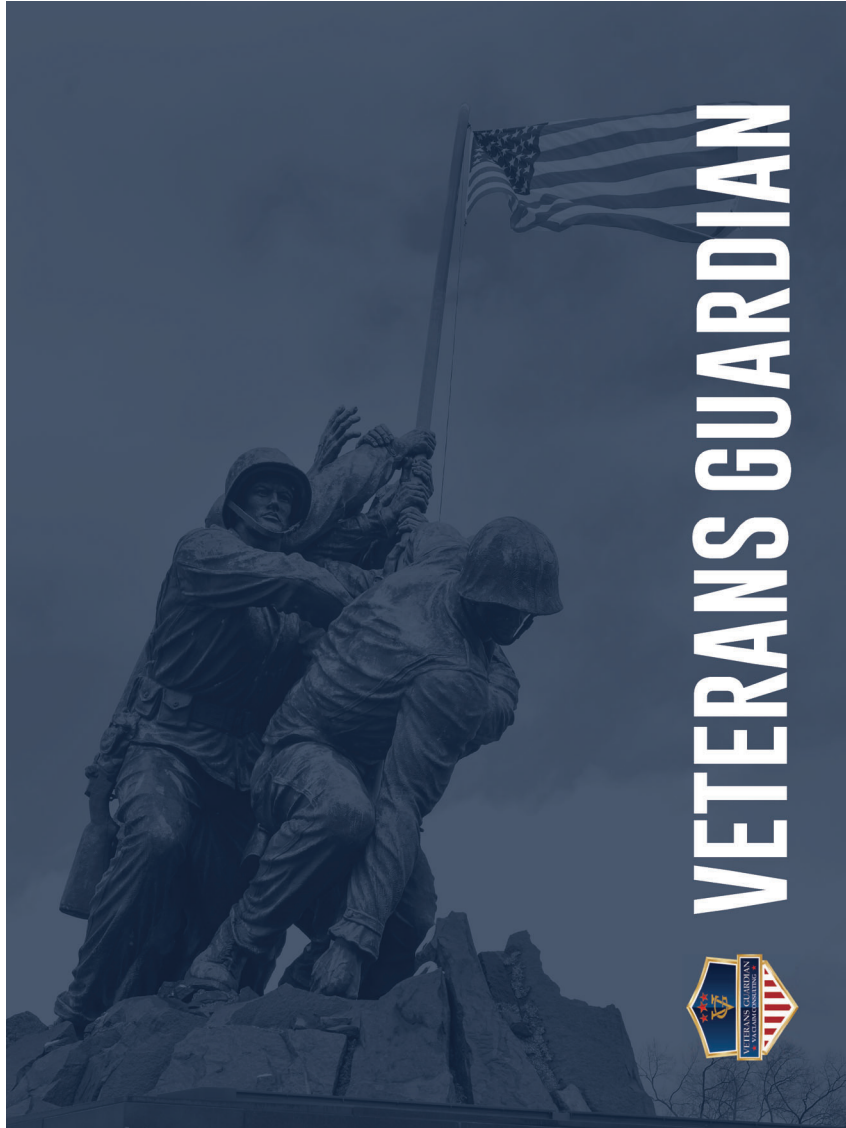
By signing this acknowledgement, I am certifying that I am aware of free services available and that I have exhausted all the free services or I have determined that the free services do not meet my personal needs. I am also certifying that I am choosing to use Veterans Guardian VA Claim Consulting, 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.

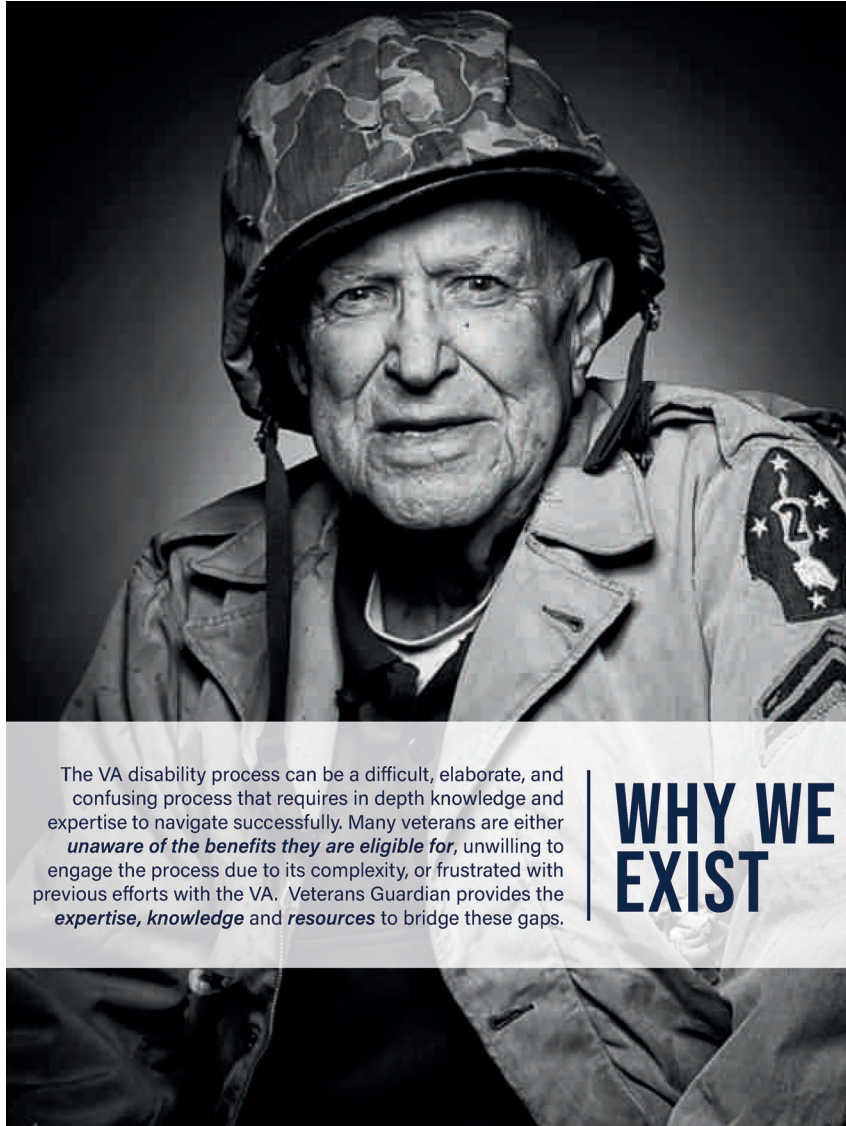
Veterans who choose to utilize Veterans Guardian understand that by choosing Veterans Guardian, they will receive enhanced assistance and a high level of service from dedicated and specialized professionals serving an organization with proven results.



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.



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 JOBS 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

AWARDS



ECONOMIC IMPACT

AS OF APRIL 2022

TOP 5 STATES BY NUMBER OF CLIENTS

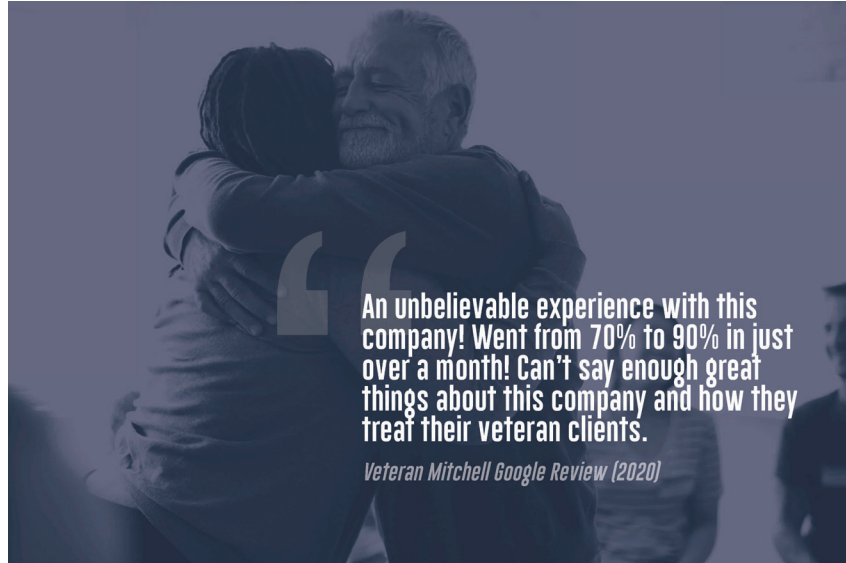
				
TEXAS	NORTH CAROLINA	FLORIDA	CALIFORNIA	GEORGIA
5636 Clients + \$36,000,000 In Benefits Per Year	4776 Clients + \$47,000,000 In Benefits Per Year	2956 Clients + \$17,000,000 In Benefits Per Year	1844 Clients + \$13,000,000 In Benefits Per Year	1765 Clients + \$11,000,000 In Benefits Per Year





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.

“ ★★★★★
This was the best time in my life took me 29 days
from start to finish. And I went from 60 to 100
Veteran Diamond Facebook Review(2020)

★★★★★ ”
I have tried for years to get a rating, could only manage
to get 0%. Used many different agencies for that rating,
Contacted Veterans Guardian, and within 6 months had
a 70% rating. wish I would have found you years ago.
Veteran Rhodes Google Review (2019)



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

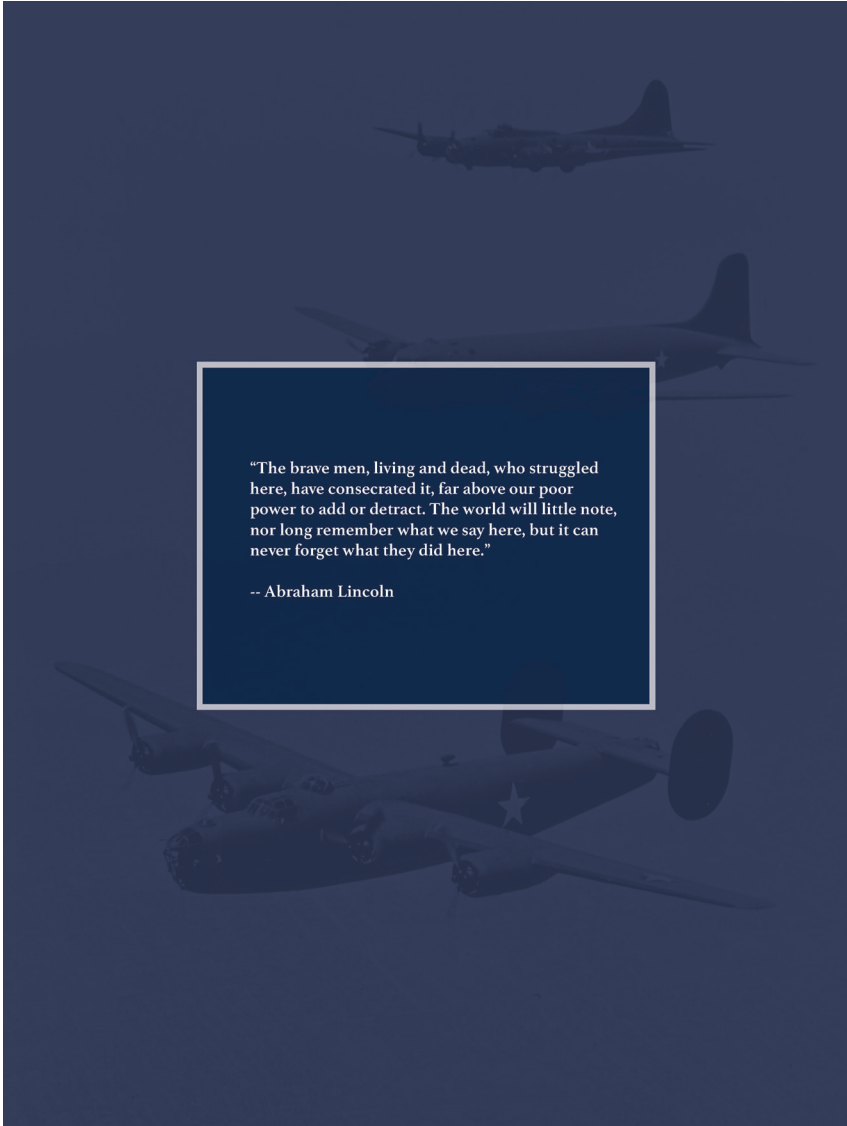
"Veterans Guardian VA Claim Consulting is a five-star sponsor of Irreverent Warriors. With the donation of \$20,000, the donation will support Irreverent Warriors in their mission to prevent veteran suicide and improve mental health."

"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





★★★★★
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 Plymale 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



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



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 ·  Veterans Guardian

I can't thank Veterans Guardian enough! When I retired from active duty, I felt like the claim process was going pretty smoothly compared to the horror stories I had heard. My initial meeting with a VSO seemed promising and I thought I may be one of those exceptions that breezed through the VA system without issue. Upon my 2nd visit to my VSO, I realized that they new how to fax in my paperwork, but they did not have a lot of answers to my questions and they did not even remember what we were supposed to be working on during the 2nd visit. One of team members from YG that I knew from my active duty days reached out to me a few weeks before my 1-year mark for appeals. They answered all of my questions for me and were able to navigate the final appeals for me in the nick of time. They increased my rating from 90% to 100%. Later when the VA gave me issues regarding back pay, VG was able to help me through all of that confusion as well. I highly recommend using Veterans Guardian to assist you with your VA claim or increase. I am glad I did not have to do it alone or I would have definitely not received everything I was entitled to. At. [« less](#)



★★★★★ 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






Veterans Guardian
VA CLAIM CONSULTING



 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.



 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 reliable, 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 until 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 · 


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 Stickle · Aug 5, 2020 · 

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. 

  Ricardo Balcazar · Aug 20, 2020 · 

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!

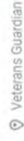


 **Recommended**
Eric Woody · Aug 1, 2019

 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 gunshot 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.




The logo for Veterans Guardian is a shield-shaped emblem. The top half is blue with a white anchor and a white caduceus. The bottom half is red and white striped. The text "VETERANS GUARDIAN" is written in white on a blue banner across the middle, with "A CLAIM CONSULTANT" in smaller white text below it.


★★★★★ 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.






 Veterans Care
 
 Veterans Guardian

★★★★★
 Peter Llaguno Jul 25, 2019

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.




 Veteran Care
 
 Veterans Guardian

★★★★★
 Scott Bullard Oct 30, 2018

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



Veteran Care Veterans Guardian

Terry Gaylord Aug 4, 2020

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


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

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 

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 

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 

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 went 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


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

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. I 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*

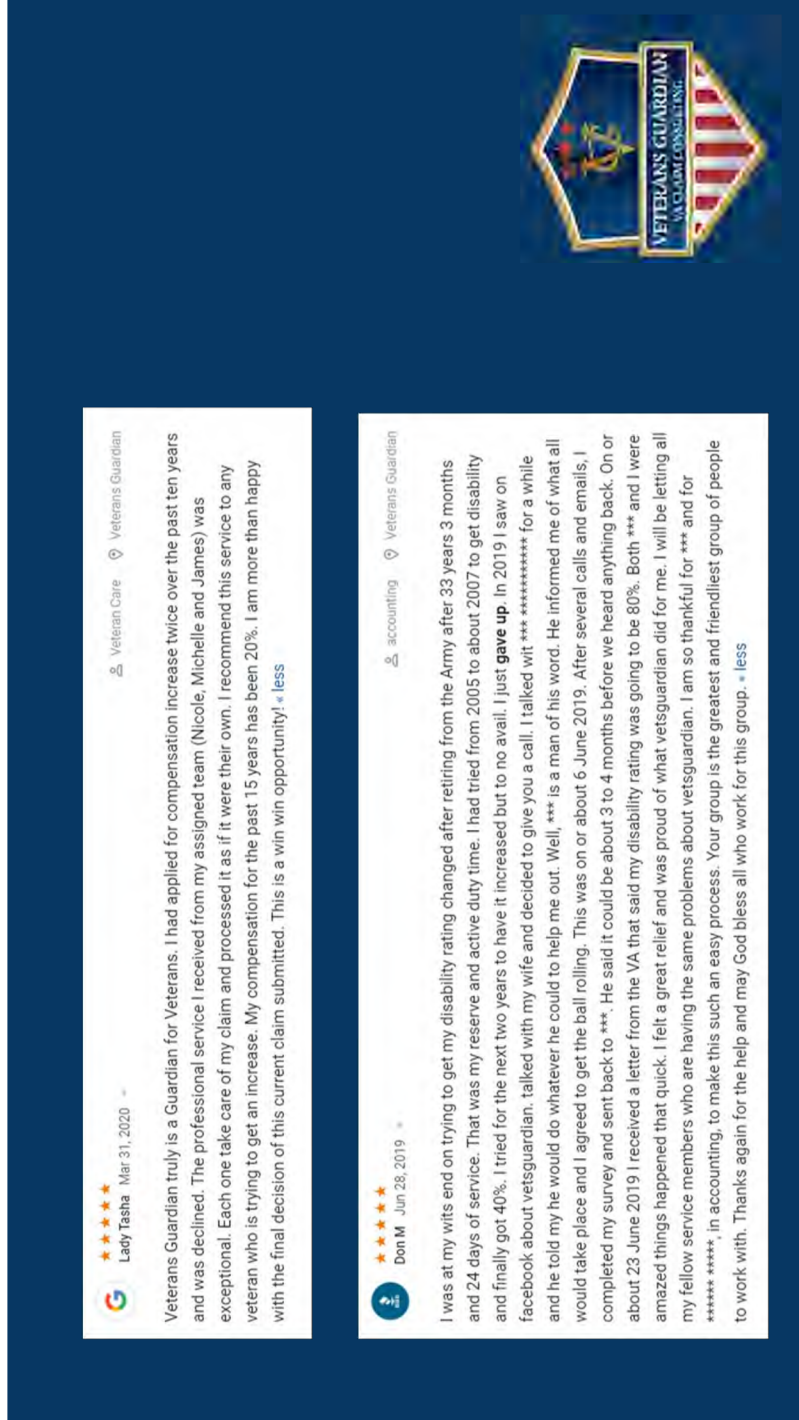




Terry B Aug 13, 2020

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.






f **★★★★★** 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: **◆◆◆◆◆** « less

f **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. « less



David K Feb 28, 2019

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

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

VETERANS GUARDIAN
VA CLAIM CONSULTING, INC.



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






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





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 dont 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.


T Moran Jun 24, 2020

★★★★★

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!!!

Veteran Care Veterans Guardian


Mark S Aug 6, 2020

★★★★★

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.

Veterans Guardian



Veteran Care Veterans Guar...

★★★★★
Jeff Baker Feb 25, 2021


When I first called Veteran 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.

Veteran Care Veterans Guar...


Recommended
Nolan White Mar 4, 2021

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 Guar...

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 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



  **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!!!!




  **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 · Veterans Care · Veterans Guard

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 TDJUI 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 Triefe Dec 29, 2021

Veterans Guar...

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 Guar...

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 Guar...


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

Theyre fast and easy to work with. Ive 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 · Veterans Guard

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 Guard

Couldnt 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!!



The logo for Veterans Guardian VA Claim Consulting is a shield-shaped emblem. The top half is blue with a white outline, containing a stylized figure of a soldier in a dynamic pose. The bottom half is red and white striped, also with a white outline. The text "VETERANS GUARDIAN" is written in white across the top, and "VA CLAIM CONSULTING" is written in white across the bottom.



  **Nathan Z** Aug 25, 2021  Veterans Guar...

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  Veterans Guar...

I cant believe what they accomplished in a month that I have struggled with for decades. I have fought with the VA for decades and got up to 60%. 4 years ago the **American Legion** helped me get to 90% which the VA later knocked down to 80%. Veterans Guardian in weeks helped me get to 100%!

  **scott conrolley** Sep 28, 2021  Veterans Guar...

Over the years I wasted my time with service officers from the **VFW**. Veterans Guardian staff was there to help. I will use them again if the time comes.





 Richard Stump Jun 7, 2021


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



Veterans Guar...

Barry G Shultz just left a new review



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 ·  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 Kreiler · Feb 6, 2022 ·  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



GLOBAL IMPACT



OUR MISSION

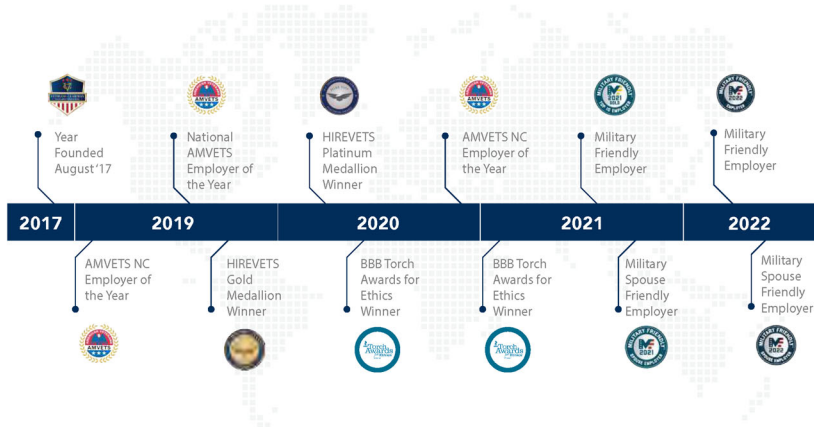
To help veterans achieve the disability rating they are medically and ethically eligible for as a result of their honorable service to the nation.

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

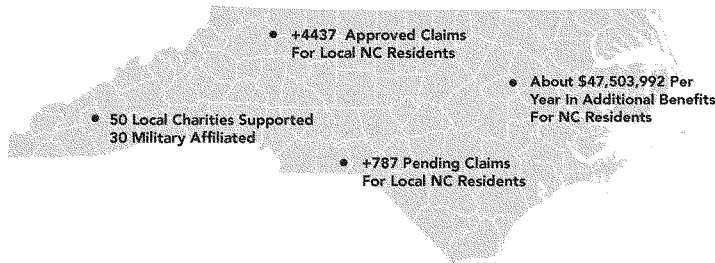


EXHIBIT 5

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.

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STATEMENT OF

KRISTINA KEENAN, DEPUTY DIRECTOR
NATIONAL LEGISLATIVE SERVICE
VETERANS OF FOREIGN WARS OF THE UNITED STATES

FOR THE RECORD

UNITED STATES SENATE
COMMITTEE ON VETERANS' AFFAIRS

WITH RESPECT TO

Pending Legislation

WASHINGTON, D.C.

April 26, 2023

Chairman Tester, Ranking Member Moran, and members of the committee, 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 committee.

S. 280, BEST for Vets Act of 2023

The VFW supports this bill that would ensure only licensed health care professionals furnish medical disability examinations under an existing Department of Veterans Affairs (VA) pilot program. A March 2021 Government Accountability Office study reported a significant increase in the use of Veterans Benefits Administration (VBA) contractors to perform examinations versus Veterans Health Administration (VHA) medical centers. Therefore, the pilot program established in section 504(a) of the *Veterans' Benefits Improvements Act of 1996* for contracted medical disability examinations would mimic VHA's health care professional medical disability examiners. We do want to clarify that even though this would increase the number of medical disability examiners and create parity between VA and the contracted pilot program, each health care professional needs to furnish these examinations within their scope of practice. The VFW wants to ensure that VA's high-quality standards are maintained with contractors as well.

S. 291, A bill to amend title 38, United States Code, to establish in the Department of Veterans Affairs the Veterans Economic Opportunity and Transition Administration, and for other purposes

The VFW supports this proposal to establish the Veterans Economic Opportunity and Transition Administration in the Department of Veterans Affairs. VA is comprised of three administrations—the National Cemetery Administration (NCA), Veterans Health Administration, and Veterans Benefits Administration. VBA is in charge of not only compensation and pension, but also the GI Bill, vocational rehabilitation, housing and business loans, and the broadly defined transition assistance program, which is shared with the Departments of Labor, Defense, and Homeland Security.

The VFW believes our nation's focus on the economic opportunities of our veterans must be permanent. In reality, not all veterans seek VA health care when they are discharged, they do not need assistance from the NCA, and they do not all seek disability compensation. However, the vast majority are looking

for gainful employment and/or education. Congress should recognize the value of these programs by separating them into their own administration focused solely on their utilization and growth.

The VFW has long proposed that Congress creates a fourth administration under VA with its own undersecretary whose sole responsibility is the economic opportunity programs. This legislation would permit the new Secretary of Veterans Economic Opportunity and Transition Administration to refocus resources, provide a champion for these programs, and create that central point of contact for Veterans Service Organizations and Congress. This would ensure that the GI Bill, Veteran Readiness and Employment, home loan, and other benefits centered on economic opportunity receive the attention they deserve.

S. 350, Fry Scholarship Enhancement Act of 2023

The VFW supports this proposal to expand the Fry Scholarship. This legislation would enable surviving families of certain veterans who were previously not eligible for this benefit to utilize the incredible Fry Scholarship. Parity of benefits is an important issue for the VFW, and we are glad this is being made a priority.

S. 414, Caring for Survivors Act of 2023

The rate of Dependency and Indemnity Compensation (DIC) paid to the survivors of service members who died in the line of duty or to veterans who died from service-related injuries or illnesses has only minimally increased since the benefit was created in 1993. The VFW supports this legislation to increase DIC payments to survivors, reaching parity with payments made to surviving spouses of other federal employees.

This legislation also addresses the need to protect survivors, who may also be caregivers, in cases where the veteran is totally disabled for less than the arbitrary period of ten years and dies from a non-service-connected condition. Currently, in those cases the survivors would not receive DIC. The VFW supports this legislation to provide benefits in these situations, gradually starting at five years and increasing to the full amount at ten years. This would extend DIC eligibility to more survivors and ease some of the financial burdens with which they suddenly may be faced.

We do, however, have requests for clarification regarding the bill as it is currently written. As it is not explicitly stated, we want to ensure that the increase to DIC is the same for the base pay for all recipients of the benefit, even those receiving added amounts such as the eight-year provision for Aid and Attendance. We would also like clarification that the of January 1, 1993, included in the Individuals Described section would not exclude any current group of eligible DIC recipients from the increase.

Additionally, the VFW recommends making an exception to the ten-year time frame for payments to the surviving spouses of veterans who die from amyotrophic lateral sclerosis (ALS). This is because the average life expectancy for someone diagnosed with ALS is only two to five years.

S. 498, Veteran Education Empowerment Act

The VFW supports this legislation to authorize grants to institutions of higher learning to establish, maintain, and improve Student Veteran Centers. These centers are a critical resource for student veterans as they pursue their degrees, and these grants are essential for institutions unable to prioritize funding for student veteran support. Having a centralized location for networking, tutoring, and resources and programs specific to student veterans may be a lifeline during their educational journey.

We support expanding resources to help create these centers where most needed and maintain them over time while reporting best practices for student success. In prioritizing institutions to receive this support, we recommend that institutions with current Veterans Integration to Academic Leadership (VITAL) programs, as well as minority-serving institutions, be added to other priority considerations. We also support collecting data to help all institutions establish better practices for student veteran support services.

S. 572, Ensuring Access to VA INFO Act of 2023

The VFW supports this proposal to establish timelines for responses to congressional inquiries submitted for the record. Oversight of federal agencies is a critical role of Congress, and it needs timely responses from official inquiries to perform its oversight role effectively. This proposal sets a forty-five day commonsense timeline for responses and seems to allow for flexibility if responses are complex or involve other government agencies.

S. 656, Veteran Improvement Commercial Driver License Act of 2023

The VFW supports this proposal to revise the rules for approval by the Secretary of Veterans Affairs of Commercial Driver License (CDL) education programs. Our country faces supply chain issues and one of the reasons is a lack of commercial transport drivers. Many CDL programs are offered at for-profit institutions that require different approval requirements for new locations and are identified as “branches.” Not-for-profit schools are allowed to open new campuses and receive approval to utilize VA education benefits as soon as a new location opens. For-profit schools that open new branches have different approval requirements, one of which is a wait time of up to two years for students to utilize VA benefits. These same student veterans are able to immediately use these benefits for the same program at the main institution.

This proposal puts safeguards in place to ensure for-profit schools that open second branches for CDL instruction follow VA and State Approving Agency guidelines, and have reporting requirements to verify compliance. Restrictions on second branches were established to prevent certain entities from preying on veterans and pilfering VA benefits. However, in this instance we believe there is enough oversight included in the proposal to allow for the lifting of these restrictions for certain educational programs.

S. 740, GUARD VA Benefits Act of 2023

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 include 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 Office of General Counsel. 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.

S. 774, Veterans Border Patrol Training Act

The VFW supports this legislation. Transition from military service is a pivotal time in each service member's life. Many competing priorities like the need to find housing and health care can make it especially challenging to develop gainful post-service careers. To that end, the VFW places great value in the SkillBridge program, as well as efforts to expand opportunities therein. This proposal would create a SkillBridge pathway for transitioning service members interested in becoming U.S. Border Patrol Agents. Early engagement in such opportunities can promote continued public service of individuals transitioning to civilian life and help them create a well-defined plan.

S. 897, Expedite Veteran Appeals Act of 2023

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 decision making 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.

S. 1090, A bill to direct the Secretary of Veterans Affairs to update the payment system of the Department of Veterans Affairs to allow for electronic fund transfer of educational assistance, administered by the Secretary, to a foreign institution of higher education, and for other purposes

The VFW supports this bill that would make it easier for veterans or those using VA education benefits to attend foreign institutions. There has been concern from overseas universities that the inability of VA to send payments to foreign institutions creates a barrier to their participation. It is unclear if the issue of VA making these electronic payments is regulatory or technical in nature. We urge Congress to not only pass legislation that would allow VA to make electronic payments to foreign institutions, but also fund VA in the event this would require a technological upgrade. We also urge policy changes and potential technological upgrades to be comprehensive of all ways in which VA benefits may more efficiently be transferred, including directly to veterans and their dependents living overseas. Veterans who may be receiving Monthly Housing Allowance or disability compensation, or are utilizing the Foreign Medical Program, rely on these payments and often are forced to make costly and burdensome bank transfers to pay their monthly bills.

S. ____ (Schatz), Student Veterans Transparency and Protection Act

The VFW supports this legislation that would require necessary improvements to the GI Bill Comparison Tool and ensure veterans and individuals using VA education benefits have access to the information they need to make informed choices when selecting institutions. The VFW worked hard with Congress and other veteran organizations to establish the original GI Bill Comparison tool, which is why these measures are so important to us. While steps to combat misrepresentation and aggressive recruiting from predatory institutions are important, it is also critical that individuals have the information and resources they need to accurately research and compare institutions on their own. It is important that this data is not only complete and up to date, but that it is easy to understand and digest for the average individual relying on this information to make important life decisions. Adding clearer and expanded definitions of some of the data the tool shares would allow individuals to see not only what is important, but why it is important. Also, disaggregating the data would more clearly show the outcomes an institution provides for student veterans such as job placement.

Because student veterans and individuals using GI Bill benefits have possibly been affected by school closures, are facing lost VA benefits, or are saddled with student loan debt, we also support measures in this legislation to restore VA education benefits to individuals who used their entitlement at institutions subject to civil enforcement action. Expanding the scope would give these students a lifeline to complete their degrees in the event their institutions close. The VFW wants the GI Bill Comparison tool to provide the most transparent and accurate record of student feedback. Understanding an institution's history with student veterans and others using VA benefits is necessary to make an informed choice. We support measures to require this feedback be shared in perpetuity, provided the information is clear and accurate regarding each individual infraction. We would also recommend a careful review of how feedback is stored and shared through the tool in cases of change of ownership.

We also support measures to require training for VA counselors on all components of the GI Bill Comparison Tool as they advise potential students in making these decisions. As many student veterans are first-time students on active duty and make their institutional decisions while using tuition assistance benefits, it is critical that Department of Defense counselors are trained to provide accurate and meaningful data and have full understanding of use of the comparison tool.

S. ____ (Moran), Love Lives On Act of 2023

As a resolutions-based Veterans Service Organization, the VFW does not have a position on whether survivors should retain their benefits upon remarriage. There are, however, provisions within this legislation that the VFW supports.

We support updating the definition of surviving spouse within title 38 of the United States Code. The last time the definition was updated was in 1962 and much has changed in the last sixty years. The change would remove the currently restrictive language that describes a surviving spouse as a person of the opposite sex to be more in line with current law that allows for same-sex marriages. The change also strikes the wording that states a surviving spouse may not live with another person or hold themselves out to be married. Survivors should not fear that living with another person could cause them to lose their benefits. This is outdated language that should be updated to reflect the marriage requirements of the current era.

The VFW supports eliminating the fifteen-year limit for surviving spouses to use the Fry Scholarship. Following the death of their service members, surviving spouses may not be in the position to use this important education benefit for several years since they may suddenly be faced with finding stable

employment, housing, child care or other critical needs. Survivors should be able to use this benefit without time limits.

The VFW also supports surviving spouses regaining their TRICARE benefits if they remarry and that marriage later ends. Survivors who remarry but later the marriages end can regain their Dependence and Indemnity Compensation and their Survivor Benefit Plan payments. TRICARE benefits to which unmarried survivors are entitled should be reinstated if their future marriages end in order to have parity with their other survivor benefits.

S. ____ (Kennedy), Veterans Second Amendment Protection Act of 2023

The VFW supports this proposal to ensure due process is restored for veterans who are assigned fiduciaries. Veterans who need the assistance of a fiduciary to handle their finances have their names added to the National Instant Criminal Background Check System, potentially preventing them from legally purchasing and possessing firearms. The VFW opposes this practice because veterans should not lose the constitutional rights they have fought for without proper due process. We are also concerned that this practice stigmatizes mental health by forcing veterans to choose between seeking the care they need to cope with injuries and illnesses sustained through military service or keeping their firearms.

Chairman Tester, Ranking Member Moran, thank you for the opportunity to provide our remarks on these bills.