

UNAUTHORIZED ASSISTANCE IN VA CLAIM PREPARATION IS ILLEGAL

WARNING: They call themselves “Coaches” or “Consultants” and advertise their ability to assist you with your VA benefits claim but may not be accredited to practice before the VA Consumer Financial Protection Bureau

Congress recently passed the Honoring our Promise to Address Comprehensive Toxics Act of 2022, (PACT Act), to extend VA health care and expand benefits eligibility to veterans who were exposed to burn pits and other toxic substances during their military service. The PACT Act added over 20 medical conditions which will now be presumed to be connected to military service dating back to the Vietnam Era, Gulf War, and Post 9/11. Unfortunately, there has been an influx of predatory advertisements, which purport to help veterans— often through the guise of “medical consulting” or “benefits coaching”—submit their initial claims to the Department of Veterans Affairs (VA) for a fee. But **unauthorized assistance in claim preparation is illegal: only VA-accredited representatives are permitted to assist veterans with their benefits claims, and VA-accredited representatives are not permitted to charge a fee for their assistance on a veteran’s initial benefits claim.** We have heard reports that unscrupulous actors have misled some veterans into paying hundreds of thousands of dollars in illegal fees. There have also been advertisements and commercials aimed at veterans who were stationed at Camp Lejeune seeking to represent them in litigation related to section 804 of the PACT Act, which is referred to as the Camp Lejeune Justice Act (CLJA) . Although private litigation is not subject to the VA accreditation process (attorneys are subject to the rules governing attorneys in their respective states and courts), any attorney seeking benefits on behalf of a veteran directly from the VA under the CLJA must still be accredited by the VA. Know your Rights You have the right to select your own representation in pursuing your benefits claim with the VA so long as the organization or individual that you select has been authorized to practice before VA. **Anyone who prepares benefits claims without proper authorization is breaking the law.** VA accredits representatives of Veterans Service Organizations (VSOs), attorneys, and claims agents to help VA claimants pursue their benefits claims before VA. The VA accreditation process is designed to provide you with certain protections ensuring you receive competent assistance throughout the VA claim process and are not charged excessive fees. If you believe the fee charged by your VA-accredited attorney or claims agent was unreasonable, VA provides a process for you to file a motion with VA’s Office of General Counsel (OGC) for review of the fee. Moreover, if a VA-accredited attorney or claims agent charges you a fee merely for assisting in filling out a VA form or for preparing an initial claim for VA benefits, you can file a complaint with OGC and they could lose their VA accreditation. **Only VA-accredited attorneys and claims agents may charge you a fee to represent you, and only after VA has issued its initial decision on your claim. VSO representatives may never charge a fee for their assistance on your VA benefits claim.**

Unfortunately, unaccredited individuals and organizations are aggressively soliciting veterans and attempting to coerce them to pay illegal fees—often requesting that veterans sign a

contract for a percentage of their retroactive or future benefits in exchange for the preparation of their initial claims. Not only are these fees unlawful, but the payment terms can leave Veterans with unaffordable bills for extended periods of time. These unscrupulous actors often insist that they are not bound by the laws governing practice before VA because they are merely “coaches” or “consultants.” We have even heard reports that these illegal bills are being sent to third-party debt collectors if the veteran does not pay. The Fair Debt Collection Practices Act (FDCPA) applies to the activities of third-party debt collectors and is subject to enforcement by the CFPB as well as other regulators and consumers themselves. Tools and Resources Veterans have several tools at their disposal to ensure they are being treated fairly by any person or organization offering assistance applying for VA disability benefits:

1. Seek a VA-accredited attorney, claims agent, or VSO representative. The VA Office of General Counsel (OGC) maintains a list of all attorneys, claims agents, and VSO representatives accredited by VA to assist veterans in preparing, presenting and prosecuting claims for VA benefits. You can search this list by name, state, or zip code. We recommend you use the list to confirm and validate VA accreditation before signing any contact or appointing someone to represent you on your VA benefits claim.

2. Ensure that a VA Form 21-22 or 21-22A, which officially appoints your representative, is on file with VA. This form is how VA knows who is assisting you with your claim. If the individual or organization that you appoint using one of these forms is not authorized to represent you, VA will promptly notify you. No person or organization may represent you before VA without submitting one of these forms. There is a one-time exception provided under the law whereby a non-accredited individual may be authorized to provide representation to one Veteran on a single benefit claim so long as the individual is doing it free of charge and has filed a VA Form 21-22a with VA. Be on the lookout for individuals or agents who insist they are “coaches” or “consultants” and are therefore not required to submit these forms to VA.

3. Report frauds and scams; If you believe an individual or organization is misrepresenting themselves as a VA accredited attorney or claims agent, or a VA-recognized VSO qualified to assist veterans with their claims for VA benefits, or misrepresenting their affiliation with VA or a VA-recognized VSO, you may: Report attorneys misrepresenting their VA-accreditation status to their respective state attorney disciplinary commission

- Contact your state Attorney General for possible violations of state laws
- File a complaint with VA’s OIG’s hotline
- File a complaint with VA’s Accreditation, Discipline, and Fees program
- File a report with the Federal Trade Commission to report a fraud or scam.
- Submit a complaint to the Consumer Financial Protection Bureau (CFPB) if you have an issue with debt collection or other consumer financial products and services.