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Veterans of Foreign Wars Legislative Priorities

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Cracking Down on Predatory Claims Companies

The VFW's Concern:

The VFW is concerned that bad actors have been preying on veterans by seeking to access their earned Department of Veterans Affairs (VA) benefits. When the COVID-19 pandemic struck, unaccredited consulting groups that the VFW calls "Claim Sharks" viewed the chaos as an exploitation opportunity. Since the passage of the PACT Act they have ramped up their efforts even more.

These groups aggressively advertise online and make promises to increase veterans' disability ratings. Some charge thousands of dollars in fees for their services, and even request VA login credentials to track when veterans receive future ratings increases. If a veteran receives a disability percentage increase years later, often these companies return seeking more money. Furthermore, they routinely obtain medical opinions from affiliated medical providers, which raises ethical concerns.

The VFW believes that penalties need to be reinstated to the already existing law. Anyone who assists veterans with the preparation, presentation, or prosecution of VA claims should adhere to established fee caps or be subject to penalties. A bipartisan coalition of forty-four attorneys general agrees with the VFW and sent a letter to House and Senate leadership expressing support for passage of the *GUARD VA Benefits Act*.

The states and territories that signed the letter are: California, Illinois, Ohio, Tennessee, Alaska, American Samoa, Arizona, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Provisional Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

The VFW opposes the *Plus for Veterans Act of 2023* and any legislation attempting to legalize a pathway for companies to charge lucrative fees in exchange for claims assistance. No veteran should have to pay for earned benefits.

The VFW urges Congress to:

Pass H.R. 1139 / S. 740, *GUARD VA Benefits Act*, to reinstate penalties for charging veterans and survivors unauthorized fees relating to claims for VA benefits.

VA Benefits Data for Suicide Prevention

The VFW's Concern:

The VFW has advocated for years that the Department of Veterans Affairs (VA) must incorporate more Veterans Benefits Administration (VBA) usage data into its suicide prevention efforts. This should include complete information on disability compensation; use of benefits for education, employment, home loans, and foreclosure assistance; and participation in housing and food insecurity programs. VA has recently begun reporting on the convergence of benefits and veteran suicide, but not in any substantive manner. We must identify, study, and utilize information regarding economic opportunity benefits, and leverage that information to successfully prevent suicide among veterans.

Education: A 2020 study of recently transitioned service members found those with fewer years of education had a higher hazard of suicide, with lack of education being a likely factor in difficulty finding post-military employment and possibly leading to financial instability.

Employment: Unemployment can be detrimental to mental health and is associated with an increased risk of suicide. Providing benefits to help veterans swiftly reemploy can moderate mental health issues and potentially mitigate suicidal ideations.

Compensation: Veterans can feel hopeless, unheard, and retriggered by their military trauma during the benefit claims process. They may also face financial hardship paying medical expenses until they receive care through VA. A 2021 study showed that veterans with a service-connected disability designation who utilized services were less likely to attempt suicide.

Housing: Data from one study of veterans who self-reported housing instability between 2012 and 2016 indicated over half of these veterans accessed homeless services, and associated the use of these services with a significant reduction in suicide risk.

Note: All of these programs are administered by VBA, but the VA Office of Mental Health and Suicide Prevention is operated out of the Veterans Health Administration (VHA). It would make more sense for this office to be elevated to the office of the Secretary, and for both VBA and VHA data to be included in its reports on suicide. VA must study all resources from its administrations to effectively combat veteran suicide.

The VFW urges Congress to:

Pass H.R. 4157 /S. 928, *Not Just a Number Act*, to direct VA to incorporate benefit usage data into its annual suicide prevention report, and to examine moving the office of suicide prevention to the enterprise level at VA.

Transition from Service

The VFW's Concern:

Leaving service is often complicated by service-related ailments, family needs, loss of identity and support networks, and the required training to enter a new career field. Sadly, the initial year following discharge also comes with increased suicide risk among veterans, heightening the need to ensure all transitioning service members are connected to post-service benefits and resources as quickly as possible.

One of the best resources to have during this period are accredited representatives who can help file Department of Veterans Affairs (VA) Benefits Delivery at Discharge (BDD) claims. Through BDD, service members can file expedited claims and complete medical evaluations before leaving service, enabling VA to provide disability ratings upon discharge. Receiving accelerated claims decisions means BDD participants are better able to minimize gaps in essential care like mental health counseling and medication management once they officially leave service.

Unfortunately, not all service members going through the Department of Defense Transition Assistance Program (TAP) have access to BDD accredited representatives, resulting in lost opportunities to receive timely care and benefits upon discharge. The VFW believes there is immense value in incorporating these accredited representatives into the TAP curriculum itself. Specifically, we would like to see these representatives physically present in TAP classrooms during VA briefings on resources that can be applied for prior to discharge. Accredited representatives would not only be able to highlight the BDD program, but also help transitioning service members file claims. VA contract employees who largely teach the VA curriculum cannot legally assist with claims.

The VFW firmly believes the BDD program is an underutilized tool in the fight against veteran suicide. Directly connecting transitioning service members to accredited representatives in TAP classrooms has the potential to save lives.

The VFW urges Congress to:

Pass H.R. 3933/ S. 2888, *TAP Promotion Act*, to require accredited representatives from national, state, and local organizations to be included in TAP classes.

Retirement and Military Personnel

The VFW's Concern:

Reform to retirement pay and disability compensation policy is long overdue. Congress has not passed substantive concurrent receipt legislation for military retirees in nearly two decades, leaving scores of service-connected disabled retirees in challenging predicaments. The VFW has long argued that Department of Defense (DOD) retirement pay and Department of Veterans Affairs (VA) service-connected disability compensation are fundamentally different benefits, earned for different reasons. Currently, only those retirees who served at least twenty years and are at least 50 percent service-connected disabled are allowed to receive their full benefits at the same time. All others must forfeit all or part of one to receive the other, which is a practice known as offsetting. It is troubling that veterans who were medically retired under Chapter 61 before serving twenty years, regardless of disability percentage, are required to offset their retiree pay with the amount of VA disability compensation they receive.

Chapter 61 retirees include combat-injured and ill veterans with varying abilities who need to find and maintain gainful employment, as well as those requiring round-the-clock caregiver support resulting in financial strain on themselves and their families. Currently, more than 50,000 Chapter 61 retirees with combat-related disabilities do not have full access to their vested retirement pay and service-connected disability compensation. These veterans are unjustly being denied the benefits they earned and deserve.

Members of the 118th Congress have shown they understand the injustice caused by the retirement pay and disability compensation offset as evidenced by the overwhelming bipartisan and bicameral support for the *Major Richard Star Act*. This legislation has 326 cosponsors in the House and 71 cosponsors in the Senate.

The VFW urges Congress to:

Pass H.R. 1282 / S. 344, *Major Richard Star Act*, either as a standalone bill or via the National Defense Authorization Act for Fiscal Year 2025 to enable Chapter 61 retirees who sustained combat-related injuries to receive their vested DOD retirement pay and VA disability compensation without offset.