Resolution No. 1: Oppose Claims Filing by Unaccredited Parties
Origin: Veterans Affairs & Rehabilitation Commission
Submitted by: Veterans Affairs & Rehabilitation Commission
(As amended)

WHEREAS, The American Legion supports existing Title 38 CFR § 14.629(b)(1) that prohibits any party from assisting a veteran in the preparation, presentation or prosecution of a Department of Veterans Affairs (VA) claim unless they are accredited through VA for such purposes; and

WHEREAS, Charging a fee to file, help, guide or otherwise consult, in filing an initial application for VA benefits is illegal; and

WHEREAS, The American Legion has deep concerns regarding the protection and security of sensitive personal data and medical information of military veterans; and

WHEREAS, Granting unaccredited parties, particularly those with foreign ownership, access to such data poses a potential risk of unauthorized access, misuse or exploitation, thereby compromising the privacy and well-being of veterans; and

WHEREAS, The review of claims for benefits under laws administered by the VA secretary should remain within the purview and oversight of government entities accountable to the American people; and

WHEREAS, Retaining these processes within government agencies ensures the highest level of expertise, transparency and adaptability to meet the evolving needs of veterans’ care; and

WHEREAS, The American Legion recognizes the potential national security risks associated with outsourcing the process and filing of veteran disability claims to unaccredited parties, particularly those with foreign ownership; and

WHEREAS, The VA-accreditation program exists to ensure that veterans and their family members receive appropriate representation on their VA benefits claims; and

WHEREAS, A claims agent's initial accreditation process consists of application to the Office of the General Counsel (OGC), self-certification of admission information concerning practice before any other court, bar, or state or federal agency, an affirmative determination of character and fitness by VA, and a written examination; and

WHEREAS, An attorney’s initial accreditation process consists of application to the OGC, self-certification of admission information concerning practice before any other court, bar, or state or federal agency, and a determination of character and fitness; and

WHEREAS, A condition of accreditation, for both agents and attorneys, are to complete three hours of qualifying continuing legal education (CLE) during the first 12-month period following the date of initial accreditation, the submission of this certificate will serve as part of the annual certification prescribed by § 14.629(b)(4); and

WHEREAS, To maintain accreditation, an accredited attorney or claims agent must (1) complete three hours of qualifying CLE requirements during the first 12-month period and an additional three hours no later than three years from the date of accreditation, and every two years thereafter; (2) provide a copy of their training certificate or certify in writing to VA’s OGC their completion of the qualifying CLE,
including the CLE title, date, time, and provider; (3) submit an annual certification of good standing for any court, bar, or federal or state agency to which they are admitted to practice; and

WHEREAS, The American Legion identifies bad actors, predatory claims companies, and claim sharks as unaccredited individuals and private companies that prepare, present or prosecute VA benefit and disability claims, and identify themselves as authorized to do so, as they are in violation of federal law; and

WHEREAS, The American Legion maintains that VA is responsible for reviewing the claims process for benefits and has the necessary expertise, understanding and accountability to serve the unique needs and circumstances of military veterans; now, therefore, be it

RESOLVED, By the National Executive Committee of The American Legion in special meeting assembled virtually on December 12, 2023, That The American Legion affirms its stance that only Department of Veterans Affairs (VA)-accredited representatives, properly trained on correct processes and procedures in filing VA claims, should be authorized to file initial claims; and, be it further

RESOLVED, That The American Legion urges Congress to pass legislation to restore criminal penalties for persons or companies, including those with foreign ownership, violating VA rules regarding representing or charging veterans fees to file, prepare or prosecute initial VA claims without VA accreditation; and, be it further

RESOLVED, That The American Legion urges Congress to pass legislation supporting the efforts of VA-accredited organizations, such as The American Legion, who provide appropriate and accurate representation for our nation’s veterans; and, be it further

RESOLVED, That The American Legion urges Congress to fully fund and support VA staffing for the enforcement of criminal penalties against persons and companies who violate federal laws or VA rules, and the approval and oversight of the VA-accreditation process; and, be it further

RESOLVED, That The American Legion urges Congress to oppose any legislation that would allow unaccredited parties to become legal representatives without completing the accreditation process; and, be it further

RESOLVED, That The American Legion urges the VA Office of Inspector General and the Office of General Counsel to work more effectively with the Federal Trade Commission, Department of Justice, state attorneys general, and state bar associations to identify and prosecute unaccredited individuals and private companies operating as legitimate veteran representatives to the fullest extent of the law; and, be it further,

RESOLVED, That The American Legion encourages VA to increase education efforts on accredited options for receiving earned benefits to empower veterans, spouses, dependents, caregivers, and survivors to make the best choice for selecting representation; and, be it further

RESOLVED, That Resolution No. 38: “Predatory Claims Companies” approved at the 2021 National Convention meeting is hereby superseded and rescinded; and, be it further

RESOLVED, That Resolution No. 10: “Oppose Claims Reviews by Private Companies” approved at the October 2023 National Executive Committee meeting is hereby superseded and rescinded; and, be it further

RESOLVED, That Resolution No. 59: “Stopping Non-Attorney Representatives from Charging Fees to Provide Appellate Services to Veterans” approved by the 2016 National Convention is hereby superseded and rescinded; and, be it finally

RESOLVED, That Resolution No. 58: “Department of Veterans Affairs Accreditation of Individual Claims Agents” approved by the 2019 National Convention is hereby superseded and rescinded.