

August 16, 2010

Honorable Stephanie Herseth Sandlin, Chair
Subcommittee on Economic Opportunity
Committee on Veterans' Affairs
U.S. House of Representatives
335 Cannon House Office Building
Washington, DC 20515

Dear Chair Herseth Sandlin:

Thank you for allowing The American Legion to participate in the Subcommittee hearing on pending legislation, including *H.R. 4765* on June 10, 2010. I respectfully submit the following in response to your additional questions:

- 1. Regarding H.R. 4765 (DeFazio), you are concerned that in order to represent a veteran in a disability claim a representative must be accredited by the VA. If a veteran participating in the work study program gives advice without being accredited, that veteran would be liable.**

- a. Can you clarify your concern?**

The veterans' benefits system is a complex system which has undergone extensive revision by changes in law, internal regulatory change, and which has been altered by precedential decisions of the courts over the last 20 years. By VA's own estimates, it can take up to two years or more to become fully conversant with the system. There exists a danger in providing advice if the advice does not carry a fully developed understanding of these regulations. Veterans may miss out on benefits that their advisor is unaware of, or may hamper their future success chances with a claim as a result of bad advice.

For this reason, The American Legion and other service organizations that assist veterans with their claims require their professional service officers to undergo extensive training to ensure that the advice given to veterans in the prosecution of their claims is accurate and provides the best possible chance for winning those claims. Furthermore, the training ensures that the service officers are aware of all benefits to which the veteran may be entitled, and therefore there is a reduced chance of the omission of benefits for the veteran.

b. Should veterans participate in the work-study program be accredited by the VA?

If a work study participant is going to be providing advice on filing for and obtaining benefits, they certainly should undergo some sort of certification process. Accreditation by VA would be helpful towards that end.

c. Should a veteran participating in the work-study program be restricted from giving any advice?

If the process of accrediting work study participants proves to be unwieldy, then those participants can be limited from giving advice. It is possible to use this resource solely to provide veterans with basic information about VA programs and benefits, and to refrain from providing advice on the successful execution of a claim. VA provides information to veterans when they file their claims including a list of service organizations which can provide more technical assistance. Work study participants could direct veterans seeking more specific and technical information to that list, which would be non-preferential, but still provide the veteran with a list of qualified resources to get them the help they need with their claim.

Thank you for your continued commitment to America's veterans and their families.

Sincerely,

Catherine A. Trombley, Assistant Director
National Economic Commission