



VETERANS GUARDIAN
VA CLAIM CONSULTING

March 19, 2025

The Honorable Ron Latz, Chair
Judiciary and Public Safety Committee
Minnesota State Senate
75 Rev Dr Martin Luther King Jr Blvd
St Paul, Minnesota 55155

Dear Chairman Latz and Members of the Committee,

On behalf of Veterans Guardian VA Claim Consulting LLC (Veterans Guardian), the largest Veteran-owned and operated Veteran disability benefits company in the country, we write respectfully in **support, with amendments to Minnesota SF 1894.**

Attempting to protect Veterans is an honorable endeavor that we all share; unfortunately, SF 1894 falls short and can do more to protect Minnesota veterans. The bills as sold also fail to address critical issues including: providing additional oversight and protections for the Veteran while preserving their Constitutional rights to petition their government in a manner they see fit, and ensuring Veterans have access to diverse options and effective solutions for decades to come.

Veterans Guardian is a private Veteran disability claim consulting company owned and operated by Veterans, spouses of Veterans, and spouses of active-duty service members. We fully support the goal of ensuring Veterans have access to a diverse set of options to help them secure the benefits they have earned. We proudly serve more than 30,000 Veterans annually. We assist Veterans with receiving the disability benefits they have earned through their honorable service, achieving a success rate of greater than 90%, in an average of 85 days. This is far below the Veterans Administration average processing time of 150 days.

Trapping Veterans in a backlogged appeals system only benefiting a handful of attorneys is something Veterans Guardian aims to avoid by focusing on getting claims done correctly the first time. The current US Department of Veterans' Affairs (VA) disability benefits system is at best cumbersome and adversarial, and at worse broken to a point where it harms the Veterans for the benefit of a small number of powerful boutique law firms. In fact, in recent US Congressional testimony, Kenneth Arnold, Acting Chairman of the Board of Veterans' Appeals testified under oath:

"The [VA] courts clerk annually approved 6,500 to 7,300 attorney fee requests each year, almost all for remanded cases. **This generates \$45 to \$50 million in attorney's fees each year, with the majority going to a small number of boutique law firms with relatively few Veterans receiving any increase in their monthly compensation.**"

According to the VA's publicly available data on accredited service officers and agents, the entire state of **Minnesota has only 288 VSO representatives to provide assistance to the over 285,734 Veterans** who currently reside in the state. This equates to **each representative being responsible for handling the affairs of 992 Veterans**. Even the hardest working and most efficient volunteer would be pressed to give the best possible service to that many Veterans. This further demonstrates how SF 1894 should be amended to provide a pathway of security and increased assistance for Veterans.

This is why over 70% of Veterans Guardian clients have turned to us for help after trying the other options available – they, not us, are telling you they prefer our expertly trained professional staff and the services we offer.

There is momentum building at the federal level in the United States Congress to reform the accreditation process for third party actors, like Veterans Guardian, that help Veterans achieve the full disability benefits they have earned. There are more than 18 million Veterans in America, but only 5 million have a disability rating. While actors such as VSOs and law firms also serve Veterans, more options, not less, are needed to effectively meet the demand of American Veterans.

SF 1894 would better serve Veterans by implementing necessary reforms to ensure the integrity of the systems and to protect Veterans from potentially bad actors. Some of these reforms include, but are not limited to:

- o Mandating any fees are purely contingent upon a successful outcome and are not to exceed 5x the monthly increase;
- o Prohibiting any initial or non-refundable fees;
- o Mandating that presumptive period Veterans be referred to a VSO of their choice;
- o Getting written confirmation from the Veteran they have been informed of their free options;
- o Prohibiting private companies from having doctors on the payroll performing secondary medical exams;
- o Prohibiting the use of international call centers or data centers for processing Veteran's personal information.
- o Prohibiting aggressive and direct solicitation;
- o Prohibiting advertising or guaranteeing a successful outcome.

These are true protections that will ensure the Veteran is not taken advantage of, while still preserving their rights to seek expert claims support.

The demand for current services in this space is far too vast for the government and VSOs to handle on their own. This highlights the need for an enhanced system that provides an expanded pathway for accreditation and enhanced oversight. SF 1894 can allow this pathway, and give Veterans a choice in the care they receive.

We are neutral on the bill as amended in the 1st engrossment, but remain open to further discussion to strengthen protections for Veterans against bad actors while preserving their right to choose.

I would encourage you or your staff to contact me at Brian.Johnson@vetsguardian.com to set up a meeting to discuss this matter further.

Sincerely,



Brian M. Johnson
Vice President, Government & Public Affairs
Washington, DC Office





March 19, 2025

The Honorable Ron Latz, Chair
Judiciary and Public Safety Committee
Minnesota State Senate
75 Rev Dr Martin Luther King Jr Blvd
St Paul, Minnesota 55155

Dear Chairman Latz and Members of the Committee,

On behalf of Purple Heart Homes (PHH), a North Carolina-based 501(c)(3) nonprofit dedicated to serving Veterans across the nation, we are writing to express our support, with amendments, to Minnesota SF 1894.

Purple Heart Homes was founded in 2008 by Veterans John Gallina and the late Dale Beatty, both of whom served together in Iraq and returned with life-altering injuries. Inspired by the unwavering support of their community, they established PHH to honor fellow Veterans. Today, PHH provides housing solutions to service-connected, disabled, and aging Veterans of all eras across the United States, reflecting our core commitment to supporting Veterans and their rights.

Attempting to protect Veterans is an honorable endeavor that we all share; unfortunately, SF 1894 falls short of protecting a Veteran and also fails to address the full spectrum of the issues at hand. The bill as sold also fail to address critical issues including: providing additional oversight and protections for the Veteran while preserving their Constitutional rights to petition their government in a manner they see fit, and ensuring Veterans have access to diverse options and effective solutions for decades to come.

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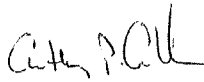
- o Mandating any fees are purely contingent upon a successful outcome and are not to exceed 5x the monthly increase;
- o Prohibiting any initial or non-refundable fees;
- o Mandating that presumptive period Veterans be referred to a VSO of their choice;
- o Getting written confirmation from the Veteran they have been informed of their free options;
- o Prohibiting private companies from having doctors on the payroll performing secondary medical exams;
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- o Prohibiting aggressive and direct solicitation;
- o Prohibiting advertising or guaranteeing a successful outcome.

These are true protections that will ensure the Veteran is not taken advantage of, while still preserving their rights to seek expert claims support.

PHH also supports Veterans' rights to choose reliable and expert assistance, whether through private entities or traditional Veterans Service Organizations. Veterans deserve the freedom to access the support they need without undue restriction or compromise, and these amendments serve as an important step in that direction.

The demand for current services in this space is far too vast for the government and VSOs to handle on their own. This highlights the need for an enhanced system that provides an expanded pathway for accreditation and enhanced oversight. SF 1894 can allow this pathway, and give Veterans a choice in the care they receive.

Thank you for your dedication to Minnesota's Veterans.

A handwritten signature in black ink, appearing to read "Paul Cockerham".

Paul Cockerham
Chief Development Officer
Purple Heart Homes



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www.United-Veteran.com
(573) 412-5100

The Honorable Ron Latz, Chair
Judiciary and Public Safety Committee
Minnesota State Senate
75 Rev Dr Martin Luther King Jr Blvd
St Paul, Minnesota 55155

March 19, 2025

Dear Chairman Putnam and Members of the Committee,

As one of the founding members of United Veteran Benefits Agency, LLC a majority-Veteran owned and operated organization, I am writing in support, with amendments, of Minnesota SF 1894.

Attempting to protect Veterans is an honorable endeavor that we all share; unfortunately, SF 1894 falls short of protecting a Veteran and also fails to address the full spectrum of the issues at hand. The bill as sold also fails to address critical issues including: providing additional oversight and protections for the Veteran while preserving their Constitutional rights to petition their government in a manner they see fit, and ensuring Veterans have access to diverse options and effective solutions for decades to come.

United Veteran Benefits Agency LLC, as I mentioned above, is a Veteran owned and operated organization. Our staff is comprised 100% of Veterans, Veteran spouses and family, and spouses and family members of active-duty service members who understand the medical and mental health difficulties Veterans live with and the complexities of the VA disability process. We have a success rate of 90%, which means fewer appeals bogging down the system. Our goal is to do it right the first time, keeping the process moving through the VA system efficiently, preventing appeals and providing the Veteran with the benefits they have earned in a timely fashion. Passing MN SF 1894 will only inflate the backlog that occurs within the VA system and as stated before, strip away a Veteran's choice in how they pursue their VA disability claims.

As a consulting firm, our goal is to assist every Veteran who comes to us requesting help in a manner that is tailored to them and their family. We ensure the Veterans we work with understand their options including free services. And, if they choose to go in that direction, but aren't sure where to go, we help provide them with the service that is nearest to them. Since the inception of our business, we have served over 3500 Veterans. Many of them have called us crying from joy and relief after receiving their new VA disability rating stating

they've been trying to navigate the system for months with no success. Others have written to us stating we "changed their lives".

SF 1894 would better serve Veterans by implementing necessary reforms to ensure the integrity of the systems and to protect Veterans from potentially bad actors. Some of these reforms include, but are not limited to:

- o Mandating any fees are purely contingent upon a successful outcome and are not to exceed 5x the monthly increase;
- o Prohibiting any initial or non-refundable fees;
- o Mandating that presumptive period Veterans be referred to a VSO of their choice;
- o Getting written confirmation from the Veteran they have been informed of their free options;
- o Prohibiting private companies from having doctors on the payroll performing secondary medical exams;
- o Prohibiting the use of international call centers or data centers for processing Veteran's personal information.
- o Prohibiting aggressive and direct solicitation;
- o Prohibiting advertising or guaranteeing a successful outcome.

These are true protections that will ensure the Veteran is not taken advantage of, while still preserving their rights to seek expert claims support.

UVBA also supports Veterans' rights to choose reliable and expert assistance, whether through private entities or traditional Veterans Service Organizations. Veterans deserve the freedom to access the support they need without undue restriction or compromise, and these amendments serve as an important step in that direction.

The demand for current services in this space is far too vast for the government and VSOs to handle on their own. This highlights the need for an enhanced system that provides an expanded pathway for accreditation and enhanced oversight. SF 1894 can allow this pathway, and give Veterans a choice in the care they receive.

Thank you for your dedication to Minnesota's Veterans.

Sincerely,

A handwritten signature in cursive script that reads "Connie Jones".

Connie Jones
A Founding and Managing Member



VETERANS GUARDIAN VA CLAIM CONSULTING

Chairman Latz and Members of the Judiciary and Public Safety Committee. Thank you for allowing me to submit testimony regarding Veterans Guardian's views on several important pieces of legislation.

Thank you for the opportunity to provide testimony on SF 1894, a bill that would significantly impact how Veterans in Minnesota can access support for their VA disability claims.

My name is John Blomstrom, and I serve as the Manager of Government and Public Affairs for Veterans Guardian VA Claim Consulting, LLC. I am also a United States Marine Corps Veteran who proudly served in Operation Enduring Freedom and Operation Iraqi Freedom.

Like many service members, when I transitioned out of the Marine Corps, I struggled to navigate the VA disability benefits system. The process was cumbersome, confusing, and inaccessible. Unfortunately, too many Veterans still face these same challenges today. This is why organizations like Veterans Guardian exist—to help Veterans receive the benefits they are entitled to while navigating a complex, inefficient, and often failing system.

Veterans Guardian's Mission and Impact in Minnesota

For these reasons and more, we founded Veterans Guardian. I am proud of the work that we do and the way that we do it. Veterans Guardian employs a staff of veterans, spouses of veterans, or spouses of active-duty service members. We have been recognized by the Department of Labor by receiving the HIRE Vets platinum or gold award five years in a row. We have received the BBB Torch Award for Marketplace Ethics every year since 2020. We were most recently named the Military Family Brands company of the year in 2023. 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.

Veterans Guardian's mission is to provide the best possible service to our veteran clients to ensure that they receive all the benefits that they are owed based on injuries that occurred during their time of honorable service to our nation. We do that by offering a transparent, effective, and efficient option to help veterans navigate a complex and oftentimes failing system.

We are a complimentary capability to the other services available to veterans, and we make sure that our clients know that. 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. We also connect them directly to these services if they choose.

We are up front about our process and fee structure, and about who we are, and who we are not. We tell our clients 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. Because of these policies, we can be confident that our veterans are choosing to utilize our services from a position of knowledge. In fact, our data shows that over 70% of the time, our veteran clients come to us after having used some of the free services at their disposal. That tells me that veterans are not unaware of the free services available to them, they are coming to Veterans Guardian because those free services are not meeting their needs or their standards.

Veterans make a fully informed choice to use our services for a multitude of reasons, including easy access and responsiveness; our experience and knowledge developed and refined over tens of thousands of claims; our specific method, in which experts are involved at each stage of the process; our ability to help develop medical and lay evidence with a network of independent external doctors; and our competence in developing claims for secondary conditions. Those skills and capabilities translate to results for our veterans. I am proud to say that we have assisted tens of thousands of veterans with an over 90 percent success rate in an average of 85 days or less. And the veterans themselves have made clear that we are providing an important and necessary service—veterans consistently give us positive reviews and refer their friends, loved-ones, and fellow veterans to us to assist with their claims. In fact, over 50 percent 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. We have also received extensive outside validation for our work, including eleven awards from AMVETS NC, 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.

Those accolades reflect what we don't do as well as the services we provide. We don't have doctors on our payroll doing medical exams, nor do we have automated or international call centers. We don't collect any fee unless the Veteran achieves an increase in their VA benefits, and we don't 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.

Given the enormous volume of veterans that need assistance, it should be no surprise that there continues to be a backlog of more than 350,000 disabled veterans seeking benefits. Although the VA says otherwise, that number proves that the current system is not working. We simply do not have enough representatives or a level of service sufficient to meet the needs of our veterans. To address those shortcomings, we should be giving our veterans more options and more help, not less. In short, veterans 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.

In short, at Veterans Guardian:

- We do not solicit the Veteran, they come to us; 50% of our clients are referrals,
- We never promise or guarantee an increase,
- We never gain access to the Veteran's VA E-Benefit log in or bank account log in information,
- We do not have overseas call or data centers, or other employees,
- We do not have doctors on our pay-roll performing medical examinations,
- We do not charge up-front or initial consultation fees,
- We inform every Veteran of their free options (in fact, 70% of our clients have tried the VSOs and choose to hire us),
- We ensure every Veteran knows we are not accredited currently by the VA (we are working with Congress, HR 1656, to provide a pathway to accreditation for our company and our operations model – one currently does not exist),
- We inform every client of our fee structure, up front, in writing, with their signed consent, before we even begin the onboarding process,
- We are transparent, ethical, and our results speak for themselves.

The Problem

The perversely incentivized federal system permits accredited agents and attorneys to accept compensation only after the agency issues an initial decision in a veteran's case. Veterans Guardian focuses on getting claims right the first time around, so no appeal is needed. Accordingly, Veterans Guardian cannot be accredited under the current system. Veterans Guardian conducts its business in a way that comports with federal law because it limits its activities to consulting services and does not act as a veteran's "agent." We are transparent with our clients that we are not accredited, and our clients acknowledge their understanding of our status as well as the free options available to them.

But we know that the system could work better. The current US Department of Veterans' Affairs (VA) disability benefits system is at best cumbersome and adversarial, and at worst broken to a point where it harms the veterans for the benefit of a small number of powerful boutique law firms. In fact, in recent US Congressional testimony, Kenneth Arnold, Acting Chairman of the Board of Veterans' Appeals testified under oath:

"The [VA] courts clerk annually approved 6,500 to 7,300 attorney fee requests each year, almost all for remanded cases. This generates \$45 to \$50 million in attorney's fees each year, with the majority going to a small number of boutique law firms with relatively few veterans receiving any increase in their monthly compensation."

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 on the federal level, including increasing knowledge requirements and scrutiny of applicants for accreditation.

Those efforts are underway, and we expect that they will result in bi-partisan legislation that opens the tent to accreditation for companies like Veterans Guardian, which endeavor every day to help veterans secure the benefits they are owed as a result of their honorable service.

A Path Forward

There are more than 18 million veterans in America, but only 5 million have a disability rating. While actors such as VSOs and law firms also serve veterans, more options, not less, are needed to effectively meet the demand of American veterans.

• There are 285,734 Minnesota Veterans with only 288 Accredited Veteran Service Officers (VSOs) meaning there is 1 VSO for every 992 Veterans (a significant caseload, making it difficult for VSOs to assist every Veteran in a timely manner).

Our alternative proposal is law in Louisiana, is being sent to the Governor in South Dakota to sign, and has passed at least one Committee or Chamber in at least a dozen states.

SF 1894 would better serve Veterans by implementing necessary reforms to ensure the integrity of the systems and to protect Veterans from potentially bad actors. Some of these reforms include, but are not limited to:

- Mandating any fees are purely contingent upon a successful outcome and are not to exceed 5x the monthly increase;
- Prohibiting any initial or non-refundable fees;
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- Getting written confirmation from the veteran they have been informed of their free options;
- Prohibiting private companies from having doctors on the payroll performing secondary medical exams;
- Prohibiting the use of international call centers or data centers for processing veteran's personal information.
- Prohibiting aggressive and direct solicitation;
- Prohibiting advertising or guaranteeing a successful outcome.

These are true protections that will ensure the veteran is not taken advantage of, while still preserving their rights to seek expert claims support.

The demand for current services in this space is far too vast for the government and VSOs to handle on their own. This highlights the need for an enhanced system that provides an expanded pathway for accreditation and enhanced oversight. SF 1894 can allow this pathway, and empower Veterans a choice in the care they receive.

Conclusion

Veterans Guardian stands neutral on this bill as amended in the 1st engrossment, but remains open to further discussion to strengthen protections for Veterans against bad actors while preserving their right to choose.

I look forward to remaining engaged and working with you and your staff 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.



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833-577-8387



support@vetsguardian.com



BLACK VETERANS EMPOWERMENT COUNCIL INC.

909 Rose Ave. Suite 400 North Bethesda, Maryland 20852

www.bvecinc.org

The Honorable Ron Latz, Chair
Judiciary and Public Safety Committee
Minnesota State Senate
75 Rev Dr Martin Luther King Jr Blvd
St Paul, Minnesota 55155

March 19, 2025

Dear Chairman Latz and Members of the Committee,

On behalf of Black Veterans Empowerment Council (BVEC), one of the Nation's largest Black Veterans groups, I am writing to respectfully express **support with amendments to Minnesota SF 1894.**

Attempting to protect Veterans is an honorable endeavor that we all share; unfortunately, SF 1894 falls short of protecting a Veteran and also fails to address the full spectrum of the issues at hand. The bill as sold also fails to address critical issues including: providing additional oversight and protections for the Veteran while preserving their Constitutional rights to petition their government in a manner they see fit, and ensuring Veterans have access to diverse options and effective solutions for decades to come.

SF 1894 would better serve Veterans by implementing necessary reforms to ensure the integrity of the systems and to protect Veterans from potentially bad actors. Some of these reforms include, but are not limited to:

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These are true protections that will ensure the Veteran is not taken advantage of, while still preserving their rights to seek expert claims support.

The demand for current services in this space is far too vast for the government and VSOs to handle on their own. This highlights the need for an enhanced system that provides an expanded pathway for

accreditation and enhanced oversight. SF 1894 can allow this pathway, and give Veterans a choice in the care they receive.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Deadwiler', with a large, stylized loop at the end.

Shawn L. Deadwiler
Chairman of the Board and President



Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters

Tony D. Cardwell
President

Dale E. Bogart, Jr.
Secretary-Treasurer

March 19, 2025

The Honorable Ron Latz, Chair
Judiciary and Public Safety Committee
Minnesota State Senate
75 Rev Dr Martin Luther King Jr Blvd
St Paul, Minnesota 55155

Dear Chairman Latz and Members of the Committee,

On behalf of The Teamsters Rail Conference, the Brotherhood of Maintenance of Way Employees (BMWED-IBT), and our Veteran members in Minnesota, I write today in support, with amendments, of **SF 1894**.

The BMWED-IBT is proud to offer and encourage private expert support to our Veteran members. Our members are armed with all the information available to them and appreciate the ability to make the best choice for them and their families. We have been working closely with Veterans Guardian to educate our members on the full range of options available free of charge and for a fee. We are proud to ensure that our Minnesota Veteran members and brothers and sisters nationwide are well-informed and choose the best options for them.

As a Veteran myself and the Director of Government Affairs for the BMWED-IBT, I used Veterans Guardian to help me achieve an increase in my rating. Unfortunately, years of navigating the complicated Veterans Affairs process frustrated me. I tried the free services offered by Veteran Service Organizations, but while well-intentioned, they failed to meet my needs. Free doesn't always mean better, and I have the choice to decide who helps me with my claim.

Minnesota SF 1894 is a start, but more can be done to protect the Veteran from bad actors.

Minnesota Veterans deserve a choice, and the BMWED members in Minnesota deserve the option to use companies like Veterans Guardian.

The Teamsters remain neutral on this legislation, but recognize the importance of ensuring that Veterans have access to the resources and support they need to navigate the VA benefits system effectively.

Sincerely,

Jeff Joines
Director of Government Affairs



March 18, 2025

The Honorable Aric Putnam
Minnesota Senate Bldg., Room 3215
St. Paul, MN 55155

Dear Senator Putnam,

As the former Acting Secretary and Chief of Staff of the U.S. Department of Veterans Affairs (VA), the current President of the National Association for Veterans Rights (NAVR), and a Veteran myself, I write to you regarding Minnesota Senate File 1894.

NAVR remains neutral on the bill as amended in the 1st engrossment, but remain open to further discussions to strengthen protections for Veterans against bad actors while preserving their right to choose. We want to ensure that Veterans have access to the resources and support they need to navigate the VA benefits system effectively while preserving their ability to seek timely, personalized assistance from trusted advocates.

Many Veterans rely on a range of support options, both within and outside of the accredited system, to help them navigate the complex VA claims process. Ensuring that these options remain available while also maintaining appropriate oversight is essential to achieving the best outcomes for Veterans.

We encourage you to consider approaches that balance accountability with preserving Veteran choice. Strengthening oversight mechanisms, increasing transparency, and promoting best practices can help protect Veterans without limiting their ability to access the services they find most effective.

NAVR appreciates the committee's work on this important issue and remains committed to working collaboratively to advance policies that best serve Veterans. I would be happy to discuss these matters further at your convenience. You may contact me at Peter.ORourke@NAVR.org.

Sincerely,

The Honorable Peter O'Rourke
President, NAVR

FRANCIS WHITE LAW PLLC
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March 18, 2025

VIA E-MAIL ONLY

Minnesota Senate Judiciary Committee
Minnesota State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
Room G-15
St. Paul, MN 55104

Re: **OPPOSITION TO SF 1894 AND REQUEST TO TESTIFY**

Committee Members:

We are a Woodbury, Minnesota, based law firm. The members of our firm practice in veterans claims appeals and military law. Our firm's named partner is a retired U.S. Air Force Master Sergeant. Our other partner is a former Navy Petty Officer Third Class.

Our firm agrees that every person who wants to represent a veteran or assist them with their claim in any capacity should be accredited.¹ The current federal statutes and regulations prohibit organizational accreditation unless such an organization is recognized as a Veterans Service Organization.² Their relief lies with Congress, not the Minnesota Legislature.

Every member of our firm is accredited to practice before the Department of Veterans Affairs.³ Until 2017, this firm retained Minnesota veterans who needed to appeal a decision of the Department of Veterans Affairs denying a claim for benefits. This firm still retains clients outside Minnesota to appeal VA claims decisions. However, due to prior bills passed into law by the Minnesota Legislature, this firm no longer accepts Minnesota veterans who have been wrongly denied their earned VA benefits as clients.⁴

I. Lack of Resources for Minnesota Veterans

¹ See 38 U.S.C. §5904 (2017).

² 38 U.S.C. §5904(a)(1); 38 C.F.R. §14.629(b)(1) (acknowledging only individuals can be accredited unless such an organization is a Veterans Service Organization).

³ MSgt White's VA Accreditation Number is 34156. Mr. Lewis' VA Accreditation Number is 41828.

⁴ See Minn. Stat. §197.6091.

There are currently 49 accredited attorneys and 4 accredited claims agents who list their office address as in Minnesota as of March 17, 2025.⁵ There are 304 accredited VSO's who list their office address as in Minnesota as of March 17, 2025.⁶ As of 2019, the Department of Veterans Affairs listed 321,809 veterans in Minnesota.⁷ Minnesota veterans need more access to accredited representatives in order to access their earned benefits. As Veterans Guardian's testimony before the Veterans Subcommittee noted, excluding licensed attorneys and accredited claims agents, "there is 1 VSO for every 350 Veterans (a significant caseload, making it difficult for VSOs to assist every Veteran in a timely manner)."⁸

The legislation, and SF 1894, are pushing legal resources out of this market and not into this market. If the Minnesota Legislature continues pushing attorneys out of representing Minnesota veterans, the net effect will be to harm Minnesota veterans instead of helping them. In essence, this bill is protectionist. It seeks to establish VSO's as the only legal representation for veterans claims appeals in Minnesota.

II. Issues with SF 1894 and Minn. Stat. §197.6091.

The sole reason our firm no longer accepts Minnesota veterans as clients for VA claims appeals is we cannot ethically make the statement required by statute that VSO's can do the same job as attorneys.⁹ We are also not aware of any other Minnesota attorneys who do accept Minnesota veterans as clients for VA claims appeals for that same reason. The harsh reality is that VSO's cannot perform the same services that a licensed, and VA accredited, attorney can provide. The United States Court of Appeals for the Federal Circuit was very clear in its holding that "the assistance provided by [VSO's] is not the equivalent of legal representation. ... Indeed, even if [a veteran receives] more significant assistance from [a VSO], representation by an organizational aide is not equivalent to representation by a licensed attorney."¹⁰ The reason is very simple: "VSO's are 'not generally trained or licensed in the practice of law.'"¹¹ Indeed, the United States District Court for the District of Minnesota held that Minn. Stat. §197.6091, and potentially this bill amending that statute, "appears to cross the line into compelled advocacy on a controversial

⁵ U.S. Department of Veterans Affairs, Office of the General Counsel, Accreditation Report website showing accredited attorneys and claims agents restricted to Minnesota. Available at: <https://www.va.gov/ogc/apps/accreditation/index.asp> (last accessed Mar. 18, 2025).

⁶ U.S. Department of Veterans Affairs, Office of the General Counsel, Accreditation Report website showing accredited attorneys and claims agents restricted to Minnesota. Available at: <https://www.va.gov/ogc/apps/accreditation/index.asp> (last accessed Mar. 18, 2025).

⁷ https://www.va.gov/vetdata/docs/SpecialReports/State_Summaries_Minnesota.pdf (last accessed Mar. 17, 2025).

⁸ Statement of John Blomstrom before the Senate Subcommittee on Veterans. March 3, 2025. Available at: https://assets.senate.mn/committees/2025-2026/3136_Agriculture_Veterans_Broadband_and_Rural_Development_Subcommittee_on_Veterans/SF-1894-Oppose-VG.pdf (last accessed Mar. 18, 2025).

⁹ See Minn. R. Prof. Cond.4.1.

¹⁰ *Comer v. Peake*, 552 F.3d 1362, 1369 (Fed. Cir. 2009).

¹¹ *Comer v. Peake*, 552 F.3d 1362, 1369 (Fed. Cir. 2009) (citing *Cook v. Brown*, 68 F.3d 447, 451 (Fed. Cir. 1995)).

issue (specifically, whether the free services provided to veterans are equivalent to the services provided for a fee.)”, in violation of the First Amendment to the United States Constitution.¹²

Senator Bruce Anderson asked the Minnesota Department of Veterans Affairs “how many numerous cases that Mr. [Quade] brought up are there? Are there documentations other than the one story that was told? And what court, was it district court, was it supreme court? I don’t know what cases you [are] referencing. You brought up one story, and I’m just wondering, who are the VSO’s that were involved with these numerous cases?”¹³

Mr. Quade responded to that question and testified that:

What I was referring to was one story about an individual in the State of Minnesota that we were referencing to and their experience in engaging with non-accredited individuals, or an individual that was not accredited, an organization or an individual. That example that I gave was one of many, there’s no way for me to put a number on how many individuals that we know at the agency, and I’m also going to step out and speak on behalf of the Minnesota Association of County Veterans Service Officers when I say that we hear these stories also from counties, that individuals are being approached, even in some cases in terms of advertisement in the State of Minnesota, from individuals that are within the state and individuals and organizations that are outside of the State of Minnesota and they’re seeking to engage with those individuals and have them sign agreements, fee agreements, that lock them into paying for these services and the services are subpar, they are just subpar, and these are from individuals that have no access to VA systems, they have no access to VA information, or the case information that would be referenced to, to do even an appropriate job at representing those individuals and their claims with the federal government.¹⁴

Senator Bruce Anderson then noted that the Minnesota Department of Veterans Affairs doesn’t have the statistics to back up the assertion that these supposed things are happening to Minnesota veterans.¹⁵ Thus, this Legislature is legislating at this point with a blank slate and unsupported statements at best.

Mr. Quade is a currently accredited Veterans Service Officer.¹⁶ He is also a State of Minnesota employee who serves as the Minnesota Department of Veterans Affairs Director of Veterans Services. He testified that “[a]ccredited attorneys and claims agents can only take 20% of a

¹² *Jewell v. Herke*, 526 F. Supp. 3d 459, 468 (D. Minn. 2021) (citing references omitted).

¹³ Available at: <https://www.youtube.com/watch?v=EqQPvkwO6qk&t=3180s> (last accessed Mar. 17, 2025).

¹⁴ Ron Quade, Response to Question (available at: <https://www.youtube.com/watch?v=EqQPvkwO6qk&t=3180s> last accessed Mar. 17, 2025).

¹⁵ Sen. Bruce Anderson statement at hearing, March 3, 2025. Available at: <https://www.youtube.com/watch?v=EqQPvkwO6qk&t=3180s> at 59:42-59:50. (last accessed Mar. 18, 2025).

¹⁶ VA Accreditation Number 6983.

backpay of an appeal. Anything more than that is considered an unreasonable fee under 38 C.F.R. §14.636(e) and likewise (f).”¹⁷ That statement is incorrect, and Mr. Quade knew, or reasonably should have known, that such statement was wrong.¹⁸

Mr. Quade also testified that “there are two primary access points that come with VA accreditation that are critical when representing veterans claims before VA. First, systems access to view the veteran’s claims file. All accredited VSOs, attorneys, and claims agents may receive a PIV card or Personal Identification Card, which allows access into VA systems, mainly the Veterans Benefit Management System. There are many VA systems, but the primary one is VBMS. ... Without this access, an individual cannot, cannot, effectively represent a veteran’s claim.”¹⁹ Mr. Quade’s last sentence is wrong. Neither attorney at this firm has a PIV card currently. Yet, we competently represent veterans and have achieved success on many veteran claims. Additionally, a recent decision issued from the United States Court of Appeals for the Federal Circuit that the VA Rules of Behavior that Minnesota Veterans Service Officers apparently routinely sign exceeded the scope of VA’s authority to promulgate.²⁰ Indeed, one of our attorneys signed an affidavit in support of Military-Veterans Advocacy’s challenge to the VBMS access provisions because he could not sign the required VA documents as the VA search provisions would violate his ethical duty to maintain the confidentiality of client documents.²¹ At the minimum, Mr. Quade’s statement highlights a distinct difference between VSOs and attorneys. Attorneys have ethical duties to their clients to maintain the confidentiality of documents.²² A VSO does not.

III. Lack of training

At the Subcommittee on Veterans hearing, Senator (MAJ) Duckworth stated that “I think one of the most interesting questions, probably the most pertinent question we should be asking ourselves is ‘why do these veterans even feel the need to be pursuing these organizations to help them in the first place?’”²³ To partly answer Senator (MAJ) Duckworth’s question, part of the reason veterans are abandoning their VSO’s is the lack of training required for VSOs, including Minnesota County Veterans Service Officers. Dr. Kristy Janigo testified that:

While I do have a terminal degree, I did not go to school for this, because you can’t. My initial eligibility for my current position is the DD 214 I received from my Army service in the early 2000’s. Once hired, I started to take some online VA

¹⁷ See Subcommittee on Veterans Hearing, March 5, 2025 (available at: <https://www.youtube.com/watch?v=EqQPvkwO6qk&t=3180s> at 13:10 – 13:29 (last accessed Mar. 17, 2025)).

¹⁸ See 38 C.F.R. §14.636(f)(1) (“Fees which exceed 33 1/3 percent of any past-due benefits awarded shall be presumed to be unreasonable.”).

¹⁹ Subcommittee on Veterans Hearing Mar. 5, 2025 (available at: <https://www.youtube.com/watch?v=EqQPvkwO6qk&t=3180s> (last accessed Mar. 17, 2025)).

²⁰ *Military-Veterans Advocacy, Inc. v. Sec’y of Vet. Aff.*, 2025 WL 715263 (Fed. Cir. Mar. 6, 2025).

²¹ *Military-Veterans Advocacy, Inc. v. Sec’y of Vet. Aff.*, 2025 WL 715263 at n.3 (Fed. Cir. Mar. 6, 2025).

²² See Minn. R. Prof. Cond. 1.6.

²³ Senator (MAJ) Zach Duckworth, Subcommittee on Veterans hearing (available at: <https://www.youtube.com/watch?v=EqQPvkwO6qk&t=3710s> (last accessed Mar. 17, 2025)).

modules called TRIP training, which takes about two full business days to complete if you're really focused. After that, I had to be sponsored by someone at the Veteran Benefits Administration to come down to the VA Regional Office at the federal building on Fort Snelling to apply for my Personal Identity Verification card, or PIV card. It is how I can access the Veterans Benefits Management System, VBMS, to assist a veteran with tracking their claims. I also receive training from the Minnesota Department of Veterans Affairs, who you just heard from, and my national professional association, the National Association of County Veterans Service Officers.²⁴

Dr. Janigo's statement alone demonstrates a large part of the problem, which is the lack of training provided to organizational aides to assist veterans with their claims. Dr. Janigo's statement that a person cannot go to school to help veterans with their claims is highly incorrect. Dr. Janigo is correct that she has a terminal doctorate, a Ph.D. in Sustainable Design from the University of Minnesota. Our firm's attorneys, by contrast, have a professional doctorate, the Juris Doctor degree, to learn how to help veterans with their legal issues, such as VA claims. Then our firm members received a license to practice law from the Minnesota Supreme Court that demonstrates their proficiency in legal knowledge and application. Our firm's lawyers regularly take Continuing Legal Education in veterans claims from accredited Continuing Legal Education providers. Dr. Janigo next mentioned that she took an online VA training module, called TRIP training, before she started helping veterans in her current position at the Hennepin County Veterans Service Office. So, from her statement, we glean that all it takes to start assisting veterans from the perspective of the Minnesota Association of County Veterans Service Officers position is a 16-hour online training. By contrast, licensed attorneys have three years of graduate education specifically designed to teach interpretation and application of statutes and regulations and case law to factual circumstances. The two are not remotely equivalent.

Indeed, Dr. Janigo's statement is supported by the statement of the Veterans of Foreign Wars at the recent House Committee on Veterans Affairs Disability Assistance and Memorial Affairs hearing regarding federal bills designed to address this problem. Mr. Pat Murray, Acting Executive Director, Washington Office, Veterans of Foreign Wars of the United States, stated that "as VSO's, we have to go through 40 hours of training, a lot of it now can be done self-paced online, need to pass a test with a certain percentage correct, and then pass a background check. That's just the process for Veterans Service Organizations."²⁵ This openly acknowledged lack of training might be a causal factor in why so many cases go on appeal and why so many veterans seek to not use their VSO.

IV. "Guarantee of Benefits"

²⁴ Dr. Kristy Janigo. Subcommittee on Veterans hearing (available at: <https://www.youtube.com/watch?v=EqQPvkwO6qk&t=3710s> (last accessed Mar. 17, 2025)).

²⁵ <https://www.youtube.com/watch?v=vsfwi5YJbaE&t=6914s> 1:30:24 – 1:30:41 (last accessed Mar. 18, 2025).

Part of the reasons people hire attorneys is for our expertise in analyzing and interpreting law. This bill prohibits us from using that expertise. For instance, if one of our firm's attorneys look at a veterans rating decision, compare it to the medical evidence they provide me, then compare that to the VA Rating Table, and then say to a potential Minnesota client "based on what you've given me, I think you should be rated at 70%," did our firm just violate this bill?²⁶

V. Requirement for fee agreements

As was noted in the Subcommittee on Veterans hearing, the Minnesota Bar does not require fee agreements between clients and attorneys before representation can take place. Indeed, the Department of Veterans Affairs only requires a fee agreement be filed with them if the attorney or claims agent wishes to be paid, either by the veteran or by the Department of Veterans Affairs through withholding.²⁷ However, in some situations, our firm has taken clients pro bono. Therefore, neither the veteran nor the Department of Veterans Affairs is paying a fee to an attorney. In that case, Minnesota would be overstepping the U.S. Department of Veterans Affairs by requiring additional documentation over and above what the Secretary of Veterans Affairs has determined is necessary in fact to be provided.²⁸

The fact that the Minnesota Department of Veterans Affairs does not see this bill as a burdensome is irrelevant. The fact that members of the Senate Subcommittee on Veterans did not see this bill, or the existing statute, as driving out options for veterans, is similarly irrelevant. What is happening on the ground is that accredited representatives are refusing to assist Minnesota veterans because we cannot meet the requirements of the existing law or this new bill.

VI. This existing statute and this bill are preempted

Even if this bill, as amended, passes and is signed by Governor Walz, all that is being accomplished is costing Minnesota more money by requiring the Attorney General's Office to defend a piece of legislation that is preempted by federal law. In 2021, United States Chief District Judge Patrick J. Schiltz held that "there is a strong argument that [Minn. Stat. §197.6091] effectively regulate the ability to practice before VA, as they attach substantial conditions to the exercise of federal authorization and back up those conditions with significant financial penalties."²⁹ State statutes can be either conflict preempted or field preempted. Conflict preemption occurs "when it is impossible to comply with both state and federal law or when 'the challenged state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.'"³⁰ Field preemption occurs when Congress "intends [for the field] to be governed exclusively by federal law. Congress's intent to occupy the field may be inferred when there is a comprehensive federal regulatory scheme that leaves no room for state regulation

²⁶ SB 1894, subd. 3b.

²⁷ See 38 C.F.R. §14.636(g).

²⁸ See 38 U.S.C. §511(a).

²⁹ *Jewell v. Herke*, 526 F. Supp. 3d 459, 466-67 (D. Minn. 2021).

³⁰ *Jewell v. Herke*, 526 F. Supp. 3d 459, 465 (D. Minn. 2021) (citing references omitted).

or where the federal interest is ‘so dominant that the federal system will be assumed to preclude enforcement of state laws on the same subject.’”³¹ This bill and this Legislature is attempting to violate both. Congress’s regulation of veterans’ benefits is so pervasive that it demonstrates Congress’s intent for states to stay out of the area. It also becomes impossible for attorneys to comply with both state and federal law on the topic of this bill and this section of state law.

VII. Lack of VA Accredited Attorney Representation

During consideration of this bill, and the attempts to fix the problems with legislation surrounding this issue, one group of stakeholders have been systematically left out of the discussion: VA accredited attorneys.

Indeed, the bill’s author, Senator Aric Putnam, denied another Minnesota based VA accredited attorney, Benjamin Krause, permission to attend a “workshop” held on March 7, 2025, at 3:30 P.M., attended by Dr. Kristy Janigo, Mr. Grady Harn, and Mr. Trent Dilks, among others, to address faults with this bill. None of the people listed as attending are VA accredited attorneys. This may be one reason why the amendment to SF 1894 is ineffectual and does nothing to address the core problems of SF 1894.

Next, SF 1894 was introduced on February 27, 2025. This bill’s initial hearing took place in the Subcommittee on Veterans on March 5, 2025. Senator (MAJ) Zach Duckworth noted the rapidity of action on this bill. Subcommittee Senator Aric Putnam noted that:

“Now, the five days’ notice on this, I think is a little bit curious because I know that you met with people about two weeks ago, two or three weeks ago, about this issue. A lot of us have been talking about this for a lot longer than the bill point of introduction. So, I hesitate to endorse the sense that this is rushed in any sense because we have been having meetings about this for a month and a half, two months now. I appreciate that it still needs some more work, and I’m committed to doing that work. I’ve already discussed this issue with a bunch of advocates today, about going back to work on some of the definitions. And our friends who brought us the bill at MDVA and the Commanders Task Force are totally aware that we have some tweaking to do here and there.”³²

Despite the month or two of “work” on this bill, not a single VA accredited, and Minnesota licensed, attorney appears to have been consulted about this bill. If this Legislature wants to restrict the federal practice of Minnesota licensed, and VA accredited, attorneys, they need a seat at the table.

³¹ *Jewell v. Herke*, 526 F. Supp. 3d 459, 465 (D. Minn. 2021) (citing references omitted).

³² Statement of Senator Aric Putnam Statement, Committee on Veterans Hearing (available at: <https://www.youtube.com/watch?v=EqQPvkW06qk&t=3710s> (last accessed Mar. 17, 2025)).

VIII. Conclusion

Both MSgt White and Mr. Lewis request the opportunity to testify in-person at the Committee hearing scheduled for Friday, March 21, 2025, at 9:00 a.m., during the consideration of this bill. Our firm has unique perspectives due to the nature of our practice and being two of the 46 VA accredited attorneys in this state.

In view of the foregoing, our firm is OPPOSED to SF 1894 as amended. Far better, in our view, would either be an amendment to this bill striking Minn. Stat. §197.6091 in its entirety or an amendment to this bill stating, in subdivision 5, that “the provisions of this section shall not apply to VA claims agents and attorneys accredited pursuant to Title 38 of the United States Code.”

We look forward to answering this Committee’s questions.

Sincerely,

/s/Francis Herbert White, III

Francis Herbert White, III, Esq.

MSgt, USAF (Ret.)

MN Atty. Reg. No. 0396779

/s/Brian K. Lewis

Brian K. Lewis, Esq.

MN Atty. Reg. No. 0398886

cc: (1) Sen. Aric Putnam