



Greetings, Chair and members. My name is Dr. Kristy Janigo. I am the legislative chair of The American Legion Department of Minnesota and the Minnesota Association of County Veterans Service Officers (MACVSO). The Commander's Task Force has unanimously chosen this anti-fraud bill as one of their five key legislative priorities this year.

The accreditation part of SF 1894 bill was removed in a previous committee session. The eight CTF organizations do not support this bill without it. The original version of SF 1894 modifies the veteran benefits disclosure statute to require VA accreditation for those who want to represent veterans on federal VA benefits matters. It also makes it possible for veterans to recoup damages through legal means, if they are taken advantage of by bad actors who made promises they did not keep, as well as preserving the Minnesota Attorney General's ability to take action, with civil penalties deposited into the Support Our Troops account.

We are asking for greater accountability from those charging veterans for representation and more protection for veterans. Examples of shady tactics unaccredited parties have used include gaining access to veterans' VA login and password, gaining access to their direct deposit information, promising a 100% rating, stating they can speed up a claim. That is unequivocally false. No matter who represents a veteran on federal benefits matters, it is not possible to speed up the VA or guarantee a 100% combined rating. Other schemes include sending veterans to a private physician for a medical opinion while advising them not to see a VA provider and even submitting an intent to file to establish an effective date while holding back the claim itself until as close to the year deadline as possible to maximize the backpay the agent will take a cut from.

There has been much misunderstanding regarding the contents of this bill since its introduction. That is predictable since veteran benefits matters are not straightforward. Federal VA benefits claims require many forms that must be filled out in a specific way, using certain terminology. Veterans are rarely successful representing themselves on their claims. It is why there is an "industry" of parties representing veterans on federal VA claims matters. In Minnesota, there is a large community of parties which always provide services for free: county veterans service officers (CVSOs), at least one in all 87 counties (county employees), Minnesota Department of Veterans Affairs (MDVA) claims representatives (state employees), Veteran Benefits Administration (VBA) claims agents (federal employees), and accredited service officers for veterans service organizations such as VFW, DAV, and Legion (nonprofit employees). These individuals routinely help veterans with initial claims, supplemental claims where new and relevant evidence is required to reopen a previously denied claim, higher level reviews, and Board of Veterans' Appeals (BVA) cases. Accredited lawyers and accredited individual claims agents sometimes provide services for free as well. For example, The American Legion has an agreement with the law firm Bergmann & Moore to represent their veteran clients at U.S. Court of Appeals for Veterans Claims (CAV-C) without charge.

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Certain parties do charge for veteran benefits services, and it is lawful for them to do so with VA accreditation, and after the initial claim has been adjudicated. However, it is currently against federal law for anyone to charge veterans for filing an initial claim. Unaccredited parties known by the US Department of Veterans Affairs as “claims predators” have skirted federal law by stating their high-priced services are “advising” and “consulting” on VA benefits but not actual representation. However, according to the USDVA, this is representation and it is against the law. As recently as mid-January 2025, USDVA sent letters to veterans warning them about this unlawful activity (an example is attached). But because Congress repealed meaningful enforcement mechanisms in 2006, these parties have not been held accountable.

Those of us who do this work at no cost to the veteran are not motivated by profits. It is a calling for many of us. To be good at this job, you have to have a keen interest in people and their stories. CVSOs walk with a veteran on the journey of their claim. We also help veterans in need apply for emergency funding through MDVA or VSO programs such as the Minnesota Veterans and Family Assistance Fund with The American Legion Department of Minnesota. We do not file a claim and walk away. We aim to surround the veteran with supports for as long as they need it or until all the available possibilities are exhausted.

We recognize that some veterans may choose to pay an attorney or a claims representative after the initial claim is adjudicated. We support veterans’ choice, as long as it is not accompanied by a side of fraud, broken promises, and steep, unreasonable fees that cheat veterans out of the benefits they earned through sacrifice and service to their country. Thank you.

-Dr. Kristy Janigo

A handwritten signature in cursive script, appearing to read "Kristy Janigo".

Appendices: USDVA Claim Predator Letter to Veterans; USDVA Office of Inspector General Fraud Alert September 2023; AG Ellison Scam Stopper November 8, 2024; USDVA Fact Sheet “How to Apply for Accreditation”

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**Department of  
Veterans Affairs**

EVIDENCE INTAKE CENTER  
PO BOX 4444  
JANESVILLE WI 53547-4444



January 16, 2025

In reply, refer to file number:  
XXX XX XXXX

Dear VETERAN

The Sergeant First Class Heath Robinson Honoring Our Promise to Address Comprehensive Toxins Act of 2022, known as the PACT Act, expands and extends eligibility for health care and benefits to Veterans exposed to burn pits and other toxic substances. The law enables the Department of Veterans Affairs (VA) to provide generations of Veterans and their survivors with the care and benefits they have earned and deserve. Unfortunately, since the PACT Act was passed, claims predators have increasingly targeted Veterans – via emails, phone calls, or text messages – and tried to take some portion of their PACT Act-related and VA benefits. VA defines claims predators as "bad actors" who try to unlawfully charge Veterans to "help" process their claims with VA. These claims predators are not accredited by VA and are charging Veterans improper and exorbitant fees to help prepare, consult on, or file their initial benefits claims. VA claimants should **never** pay a fee to file or receive help in filing an initial claim for benefits. It is **unlawful** for these bad actors to charge fees for preparing, or helping to prepare, an initial claim. VA employees, as well as Veterans Service Organizations (VSOs) and VA accredited representatives, are available to help Veterans file their initial claims.

**What Are Some Signs an Entity May Be a Claims Predator?**

- **They Are Not Accredited by VA:** Beware of claims predators asserting they don't need to be accredited by VA or they are qualified to help in some other way. Don't believe them!
- **They Downplay VA Accreditation:** Beware of claims predators downplaying the quality of help Veterans and their family members can receive from VA accredited VSOs for free.
- **They Charge High Fees:** Beware of claims predators charging absurd fees or requesting a portion of your VA benefits payments. Never pay anyone a fee to file an initial claim for benefits.
- **They Make Dishonest Promises:** Do not trust anyone who claims they can help accelerate the claims process and obtain a 100% disability benefits evaluation. Only VA has the authority to determine disability evaluations.
- **They Require Contracts:** Never sign a contract agreeing to pay an unaccredited individual or company a fee in exchange for assistance in filing a VA initial claim, to include a percentage of or flat fee from future benefit payments.



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### **What Is VA Doing?**

Fraud poses a real threat to benefits and services, as fraudsters' schemes are constantly evolving. VA is committed to safeguarding your benefit payments by employing industry-leading fraud prevention techniques and partnering with federal agencies and other stakeholders to create a united front in protecting Veterans. There is a devoted team within VA that works diligently to proactively stop fraud before it occurs, create robust educational communication tools, and remediate financial losses if fraud does occur.

### **Where Can You Find More Fraud Prevention Information?**

You can protect your benefits against claims predators by either applying for benefits in person at any VA regional office or securely online at: [www.benefits.va.gov/BENEFITS/Applying.asp](http://www.benefits.va.gov/BENEFITS/Applying.asp). VA will help gather the evidence needed to support your claims. If you choose to seek assistance outside of VA, you can find a VA accredited representative by visiting [www.va.gov/get-help-from-accredited-representative/find-rep/](http://www.va.gov/get-help-from-accredited-representative/find-rep/). If your claim is denied and you want a further review without submitting additional evidence, you can request a higher-level review. If your claim is denied and you want to submit new evidence, you can either file a supplemental claim or appeal the decision to the Board of Veterans' Appeals.

For more information about claims predators fraud prevention resources, scan the below QR code or go to [www.digital.va.gov/outreach-toolkits/claims-predators](http://www.digital.va.gov/outreach-toolkits/claims-predators).



### **How To Report Fraud?**

If you suspect a representative has acted unlawfully or unethically while helping file a VA benefits claim, you can report these claims predators at [www.vsafe.gov](http://www.vsafe.gov) or by calling 833-38V-SAFE.

Our goal is to empower you with tools to recognize claims predators and avoid their deceptive tactics. Every day at VA, we are working to fulfill our mission and our duty to honor the sacrifices you and your families have made.

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# FRAUD ALERT



US DEPARTMENT OF VETERANS AFFAIRS  
OFFICE OF INSPECTOR GENERAL

## Public Disability Benefits Questionnaire (DBQ) Fraud Schemes

The VA Office of Inspector General (OIG) seeks your help in preventing DBQ fraud schemes targeting veterans.

Public DBQs are medical forms that veterans submit to their healthcare provider (within VA or in the community). The information from the healthcare provider helps VA evaluate disability benefit claims from veterans. DBQ fraud schemes include attempts to obtain payment from veterans for assistance with getting DBQs completed by physicians and filing the related claim, even though **free services are offered through VA and its accredited individuals**.

All veterans should be aware that no-cost assistance is available for filing an initial application for benefits. (Note, however, that fees may properly be charged for appeals of VA initial decisions.) It is not appropriate for any unaccredited "claims consultants" or representatives to charge veterans a percentage of future payments or fees to assist with filing initial benefit claims. Veterans should decline assistance from anyone proposing such an arrangement. These unaccredited individuals may improperly promise to send veterans to private healthcare providers that will increase the chance for successful decisions or higher benefits, or inappropriately advise veterans to avoid exams from a VA provider. Veterans should never agree to have their VA benefit payments directly deposited into the bank account of a claims consultant.



- Individuals or businesses charge veterans a fee or a percentage of monthly benefits for assistance in getting public DBQs completed by healthcare providers or for submitting the resulting claim for VA benefits.
- Unaccredited individuals guarantee a large increase in the veteran's military service-connected disability rating that would lead to larger monthly monetary benefits. Only VA can determine disability ratings.
- Healthcare providers charge a fee with promises they can find a diagnosis or exaggerate an existing medical condition to secure a successful claims decision or a higher rating than the evidence warrants.

### Take Action:

- Search VA's [database](#) to ensure you are using an accredited representative.
- Work with the identified accredited representative when submitting public DBQs to physicians or claims to VA.
- Verify with accredited representatives in advance any potential charges (such as those related to filing an appeal). Accredited representative fees that seem excessive may be challenged by filing a motion to review with VA ([Accreditation, Discipline, & Fees Program - Office of General Counsel \(va.gov\)](#)).
- Ensure only accurate information regarding your disability claim is provided to VA. Knowingly providing, or having false information provided to VA on your behalf, may be a violation of federal law.



- ✓ [VA OIG fraud toolkit](#)
- ✓ [Accredited Representatives Information](#) (for information on their role in claims process)

### VA OIG

Online: [va.gov/oig/hotline](https://va.gov/oig/hotline)

Phone: (800) 488-8244 | Fax: (202) 495-5861

Mail: VA Inspector General Hotline (53H)  
810 Vermont Avenue, NW  
Washington, DC 20420

**BE A  
VOICE FOR  
VETERANS**  
**REPORT WRONGDOING**

September 2023

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## SCAM STOPPER: Attorney General Ellison warns of claim sharks on Veterans Day

**November 8, 2024 (SAINT PAUL)** — In advance of the upcoming Veterans Day holiday on November 11, Attorney General Ellison today warned Minnesota's veterans about claim shark companies that prey on veterans and family members who are seeking Veterans Affairs (VA) benefits. The warning is part of the Attorney General's monthly *Scam Stoppers* series, aiming to protect Minnesota consumers from common scams.

### How the scams work

A claim shark is an individual or company that illegally charges fees to "assist" or "consult" veterans with filing their VA benefit claims. Claim sharks are *not* VA-accredited as required by federal law. They target veterans or family members of veterans with aggressive and deceptive advertising. They then convince the veteran or family member to sign contracts with deceptive or unfair terms that require payment of large fees or even a percentage of benefit increases from claims, sometimes including claims that were filed with the VA before the contract with the claim shark was even signed. They make dishonest promises that they can accelerate the claims process or guarantee a veteran will obtain a certain disability rating when only the VA can determine disability rating levels.

"It's unacceptable when scammers target any Minnesotan," said Attorney General Keith Ellison. "It's particularly galling when scammers go after Minnesota's veterans, who have risked and sacrificed so much on our behalf. It is important that Minnesota veterans know they have the right to select their own representation in pursuing benefit claims with the VA so long as the organization or individual has been authorized to practice before the VA. Anyone who prepares claims without authorization is breaking the law and taking advantage of veterans."

### How to spot a claim shark

Claim sharks prey on veterans by taking a portion of their benefits or charging up-front fees. There are several common warning signs to look out for when dealing with companies or individuals who claim to provide assistance with veteran services benefits. For example, claim sharks are likely to:

- Claim their services are superior to free services offered by accredited veteran service officers;
- Promise or guarantee increased disability rating or percentage increase;
- Use high pressure sales tactics to convince a veteran to sign a contract;
- Fail to make disclosures required under Minnesota law that require the veteran to acknowledge that they are entitled to free assistance with their benefits;
- Present their services as "coaching" or "consulting" in order to avoid federal laws;
- Require a veteran to provide their VA systems logins and passwords to submit claims on their behalf; or
- Instruct veterans not to inform the VA they are receiving assistance from the company.

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## How to protect your veteran benefits from claims predators

Veterans do not have to pay to apply for their VA benefits — they are entitled to free assistance from VA accredited attorneys, claims agents, and VSO representatives. In Minnesota, companies offering veteran benefit services or appeal services are required by law to disclose this fact before accepting payment from a veteran. [The VA provides information online about how to find a VA-accredited representative.](#)

In order to protect VA benefits, veterans should only share sensitive information with VA-accredited attorneys, claims agents, and Veterans Service Organization representatives. They should never provide login credentials to access personal information such as those for VA.gov. Veterans should always review forms and should not work with someone who will not sign a VA representation form (21-22 or 21-22a).

## If a scam happens to you

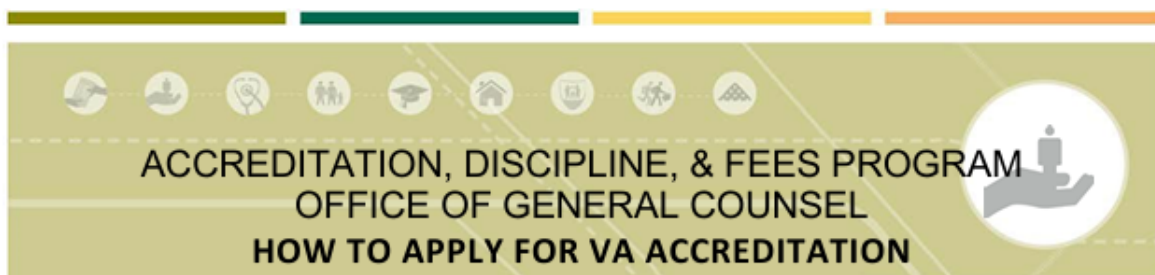
Attorney General Ellison asks that Minnesota veterans report scams to his office immediately. To better assist veterans and service members, [the Minnesota Attorney General's Office has created a form to help veterans, service members, and their families report companies and individuals claiming to provide veterans benefits assistance.](#) If you or someone you know was possibly scammed by a company or individual claiming to assist with securing veterans benefits, please complete this form. Many people feel embarrassed when a scam happens to them, but the truth is that con artists and scammers are professionals with years of experience. They are good at what they do, and they count on people feeling too embarrassed to protect others by speaking out. If a scam happens to you, please report it right away.

## Reporting a scam

If you believe you are the target of a scam, file a complaint with the [Office of the Attorney General Keith Ellison online](#). You can also contact the Attorney General's Office by calling (651) 296-3353 or (800) 657-3787.

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## **WHAT AN APPLICANT SHOULD KNOW ABOUT APPLYING FOR DEPARTMENT OF VETERANS AFFAIRS (VA) ACCREDITATION AS AN ATTORNEY OR CLAIMS AGENT**

### **What is the VA accreditation program?**

- The VA accreditation program exists to ensure that Veterans and their family members receive appropriate representation on their VA benefits claims. VA accreditation is for the sole and limited purpose of preparing, presenting, and prosecuting claims before VA.

### **When is VA accreditation required?**

- An individual generally must first be accredited by VA to assist a claimant in the preparation, presentation, and prosecution of a claim for VA benefits—even without charge.<sup>1</sup> VA accredits three types of individuals for this purpose:
  - Representatives of VA-recognized veterans service organizations (VSO)<sup>2</sup>
  - Attorneys (accredited in their individual capacity, not through a law firm)
  - Claims agents (accredited in their individual capacity, not through an organization)

### **How do I apply to become a VA-accredited attorney or claims agent?**

#### **Step 1: > Complete VA Form 21a**

- Be sure to fill out all portions of the form.

#### **Step 2: > It is recommended that you attach any necessary documents to VA Form 21a**

- We recommend that you attach a recently dated certificate of good standing from all state bars, courts, or Federal or state agencies to which you are admitted. (This applies to both attorneys and claims agents).
- On VA Form 21a, if you answer “yes” to question 13A, 14A, 15A, 16, 17, 18, 20, 22, 23A or 24A, please attach a detailed explanation of the surrounding circumstances.

#### **Step 3: > Submit your VA Form 21a and any attachments to OGC (Please only choose 1 method of submission):**

- Mail: Office of the General Counsel (022D), 810 Vermont Avenue, NW, Washington, DC20420.
- Fax: (202) 495-5457.

<sup>1</sup> VA regulations allow a one-time exception to this general rule, which allows VA to authorize a person to prepare, present, and prosecute one claim without accreditation. The assistance must be without cost to the claimant, is subject to the laws governing representation, and may not be used to evade the accreditation requirements.

<sup>2</sup> To apply for accreditation as a VSO representative, please contact the organization's certifying official.