



U.S. Department
of Veterans Affairs

Accreditation & Discipline (022D)
Office of General Counsel

810 Vermont Ave, NW
Washington, DC 20420
ogcaccreditationmailbox@va.gov

April 15, 2019

In Reply Refer To:
022D-75634

(b)(6)

Dear (b)(6)

The Department of Veterans Affairs (VA) has received information that (b)(6) (b)(6) may be engaged in illegal activities, which include the unauthorized representation of claimants for VA benefits and charging them for your services. The purpose of this letter is to provide you notice of the law and the opportunity to respond before we take further action.

Chapter 59 of title 38, United States Code, and sections 14.626-14.637 of title 38, Code of Federal Regulations, govern the representation of claimants seeking VA benefits. The purpose in regulating who may provide claims assistance to Veterans is to ensure that they "have responsible, qualified representation in the preparation, presentation, and prosecution of claims for veterans' benefits." 38 C.F.R. § 14.626.

Under 38 U.S.C. § 5902, VA is authorized to recognize organizations to assist claimants with their VA benefit claims. VA regulations require organizations to apply for VA recognition, demonstrate that the organization satisfies the legal requirements for recognition, and then certify to VA that each of the organization's representatives who will assist Veterans in the preparation, presentation, and prosecution of claims before VA meets the legal requirements for accreditation. 38 C.F.R. § 14.628(d)(1)(i). Please note that one of the requirements for recognition is that the primary purpose of the organization must be to serve veterans. In determining whether this primary purpose exists, the Secretary takes into account, and weighs, all of the organization's activities including other possible business interests. Our records indicate that (b)(6) (b)(6) does not hold VA recognition. Accordingly, as an organization, (b)(6) (b)(6) is prohibited by law from assisting Veterans in the preparation, presentation, or prosecution of their VA benefits claims.

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VA is further authorized to accredit individuals as claim agents or attorneys to assist in the preparation, presentation, and prosecution of a claim for VA benefits. 38 U.S.C. § 5904; 38 C.F.R. § 14.629. It is unclear whether (b)(6) is associated with any VA-accredited claims agents or attorneys. That said, even if (b)(6) does have claims agents or attorneys associated with the organization, such associations would not authorize (b)(6) to advertise that "the organization" provides VA claims assistance services. The law requires VA-accredited claim agents and attorneys to represent claimants in their individual capacity. See 38 U.S.C. § 5904; 38 C.F.R. § 14.629. Thus, if an organization is going to rely on the accreditation of an individual claims agent or attorney, the organization must be transparent in its advertising of who will be providing such services. To the extent that (b)(6) has any VA-accredited claims agents or attorneys associated with the organization, we recommend that you revise (b)(6) website to clearly state the names of individual(s) that will be providing VA claims assistance, and make sure that (b)(6) is not misleading the public into thinking that the organization as a whole provides VA claims assistance services.

Within 30 days of the date of this letter, please inform us of the measures you are taking to address our concerns. Your response should be mailed to the following address:

Attn: Christa A. Shriber
Office of the General Counsel (022D)
Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

In the alternative, you may email your response to ogcaccréditationmailbox@va.gov.

If we do not hear from you or if, based on your response, we determine that you have not taken appropriate measures to cease any and all illegal activities, we will refer the matter to the appropriate law-enforcement authorities.

Sincerely yours,

(b)(6)

Christopher O. Adeloye
Staff Attorney

Enclosure