

FILING A VA CLAIM, THE WHO, WHAT AND WHERE IN THE PHILIPPINES

The past week or so has been a whirlwind of questions and sometimes misinformation on filing a VA claim here. This was brought about by the withdrawal of accreditation of two former Veteran Services Officers (VSO's).

Also adding to the confusion are the laws governing who can charge for assistance and when. The answer to that is written in legalese and is sometimes very difficult to decipher. But in layman's terms is quite simple when it comes to claims- and VSO's- "Under 38 U.S.C. § 5902(b)(1)(A), no individual shall be recognized as a VSO representative "unless the individual has certified to the Secretary that no fee or compensation of any nature will be charged any individual for services rendered in connection with any claim." VA regulations contain a similar restriction. See 38 C.F.R. § 14.628(d)(2)(i) (requirements for VSO recognition include, in relevant part, "[a] statement that neither the organization nor its accredited representatives will charge or accept a fee or gratuity for service to a claimant").

Rules on charging are a little more convoluted when addressing attorneys and agents. SEE BELOW (FEES.) Adding to the mix was a lack of a concise listing of VSO's and Accredited Agents on the VA OGC site. A search of the site <https://www.va.gov/ogc/apps/accreditation/accredpeople.asp> revealed typos and missing/incorrect information on individuals who are in fact accredited. Thankfully, the Veteran Services Organizations have come to the rescue, by providing info on those they sponsor. Below is a list of those who are accredited to assist in preparing a claim, with their available contact information.

John Dibble (VSO- VFW Angeles City and Subic Bay)
Telephone Number: 045-321-0084
Cellphone Number: 0939-286-5314
Email Address: dsodpa@vfwpacific.org.

Ray Slayton (VSO-A/L Subic Bay)
Telephone Number: 047-222-2071

Bobby Reyes (VSO La Union)

Kimball Jones (Agent- Butuan City)
Cellphone Number: 0948-534-194

Don Cupp (Agent)
Cellphone Number: 0920-250-4855

I am told there are a few others who are either in training or awaiting accreditation. Please be aware until such time as they are accredited, they are not legally permitted to assist in claims.

WHO CAN ASSIST IN CLAIMS?

The federal law is clear. No one is allowed to help a veteran in the preparation, presentation, and prosecution of an initial claim for VA benefits unless that person is accredited under the law. (38 USC § 5901). The only exception to the rule is a provision allowing one person to assist one veteran one time only. Any effort to assist with a second claim requires accreditation. Helping with a claim is very broadly defined under the law and as that law is interpreted by the VA's General Counsel. In addition to preparing paperwork and presenting a claim, the prohibition on assistance includes things like gathering documents, discussing financial needs, reviewing the service record, discussing the claims process, and giving advice on a claim to a veteran, surviving spouse, or dependent. The following 3 types of agents are recognized by the VA:

- Accredited Attorneys
- Accredited Agents
- Accredited representatives at Veterans Service Organization.
- (FEES)

Under current law, fees may not be charged by an agent or an attorney for work performed in connection with the filing of a claim for VA benefits. An agent or attorney may assist a veteran or a claimant without charge in the initial presentation of an application for benefits. Once VA makes its initial decision and a notice of disagreement has been filed, only then may a fee be charged for services provided after the filing of a notice of disagreement. All agreements for the payment of fees for services of agents and attorneys must be in writing and signed by both the claimant or appellant and the agent or attorney. 38 C.F.R. § 14.636(g). <https://www.vetadvocates.org/.../fees-which-may-be...> for other pertinent info on claims and appeals:

- <https://www.va.gov/decision-reviews/supplemental-claim/>
- <https://www.va.gov/decision.../get-help-with-review-request/>

Bottom line is, do not use anyone other than accredited VAOGC individuals. Even with that accreditation there may be individuals who skirt the law or flat-out file false or fraudulent claims. If you become aware of those who do, you should report them to VA, you may save yourself or a brother some real troubles. Please do not be drawn in by the false claims they make and the lure of a bunch of easy money. There are severe penalties for false or fraudulent claims, to include imprisonment, loss of entitlements and fines. Money is not easy when you get caught and are sitting in jail while paying it back. Like in the old show Barretta, "don't do the crime if you can't do the time".