

SUBMITTED TESTIMONY OF MARK CHRISTENSEN, LTC, US ARMY

CHIEF OF STAFF

VETERANS GUARDIAN VA CLAIM CONSULTING, LLC

BEFORE THE 131st MAINE LEGISLATURE

COMMITTEE ON VETERANS AND LEGAL AFFAIRS

MARCH 12, 2024

OPENING STATEMENT

I. Introduction

Thank you for the opportunity to provide testimony expressing Veterans Guardian's views on an important piece of legislation, Maine LD 2259, which I think has great intentions, but if executed, would ultimately harm Veterans.

My name is Mark Christensen and I am the Chief of Staff at Veterans Guardian VA Claim Consulting, and a Veteran of the US Army. My career concluded in 2019 and included eight deployments to Afghanistan, Iraq, the Balkans, Haiti and the most contentious parts of East and West Africa. I've held positions from platoon leader to Battalion Commander and several staff positions at the 3 and 4-star level commands. The vast majority of my 25 year career was spent in the Special Operations community and I was fortunate enough to spend several years in an Army Special Mission Unit. I am proud to be part of one of the largest Veteran owned and operated companies assisting my fellow Veterans with their disability claims. Unfortunately, the VA disability process is a bureaucratic and difficult system to navigate that presents challenges to most Veterans, often resulting in deserving Veterans not receiving the benefits to which they are entitled. I am proud of the work my company has done to assist Veterans with this process.

Veterans Guardian employs a staff of more than 75% Veterans, spouses of Veterans, spouses of active-duty service members or immediate family members of Veterans. We have been recognized by the Department of Labor by receiving the HIRE Vets platinum or gold award four years in a row. We have received the BBB Torch Award for Marketplace Ethics in 2020, 2021, 2022, and 2023. We were most recently recognized for hiring Veterans and spouses and named a Military Friendly Company of the year. We are the national presenting sponsor for Irreverent Warriors and support more than 100 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.

II. Veterans Guardian's Mission and Work

Our mission is to provide the best possible service to our Veteran clients to ensure that they receive all the benefits that they are entitled to based on injuries that occurred during their time of honorable service to our nation. I am incredibly proud of the work we do every day to offer a transparent, effective, and efficient option to help Veterans navigate a complex and oftentimes

failing system. Our capabilities are complementary to the other services available to Veterans. My trained and expert staff inform every Veteran that there are free options¹ and services available to them in the form of county and state Veteran Service Officers, the Veteran Service Organizations, and their local Congressional offices, and we connect them directly to these services if they choose.

Given the difficulty that many Veterans face when trying to navigate the VA disability process, as well as the sheer volume of Veterans that need assistance, there continues to be a backlog of nearly 400,000 Veteran disability claims. Contrary to common belief and statements from the VA, the current systems alone do not provide enough representatives or caliber of services to meet the needs of Veterans seeking assistance. Veterans need more options for assistance, not less. To address Veterans' pressing and time sensitive needs, they 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.

Veterans make a fully informed choice to use our services for a multitude of reasons: easy access and responsiveness, our experience and knowledge developed and refined over tens of thousands of claims, our expertise utilizing a team method with team members becoming experts in all stages of the process, our ability to help develop medical and lay evidence with a network of independent external doctors, our understanding of the regulations, and our competence in developing claims for secondary conditions. Based on all of this, I am proud that we have assisted tens of thousands of Veterans with a success rate of more than 90% and have achieved an average 85 days for a VA decision. The Veterans themselves have made clear that we are providing an important and necessary service, as we have thousands of positive reviews and many personal referrals from our clients. In fact, 50% 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 recognition for our work, including 11 awards from various organizations, including: AMVETS North Carolina, National AMVETS, Department of Labor HIREVETS – Gold and Platinum Medallion awards, the Better Business Bureau – Ethics Awards, Military Friendly Employer, and Military Spouse Friendly Employer.

We are transparent about our process and fee structure, and up-front about who we are and who we are not. We do not aggressively solicit any Veteran, the Veteran comes to us informed and ready to receive the benefits they have earned. We do not have doctors on our payroll doing medical exams, nor do we have automated or international call centers. Our fee structure reflects our mission and is clearly communicated to Veteran clients throughout each step in the process. We do not collect any fee unless the Veteran achieves an increase in their VA benefits, and we do not 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.

¹ See Attachment 1, "Your Claim, Your Choice" Document

Veterans Guardian has helped hundreds of veterans in Maine, generating over \$1.5 million in additional benefits per year for veterans in Maine.

III. 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."²

According to the VA's publicly available data on accredited service officers and agents, **the entire state of Maine has only 35 unique VSO representatives to provide assistance to the 105,658 Veterans who currently reside in the state.** This equates to **one representative being responsible for handling the affairs of 3,019 Veterans.** Even the hardest working and most efficient volunteer would be pressed to give the best possible service to that many Veterans.

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

² See Attachment 2 for the full quote from BVA Acting Director Kenneth Arnold.

day to help Veterans secure the benefits they are owed as a result of their honorable service.

IV. LD 2259

LD 2259 would compromise those efforts. We expect that some individuals and entities who benefit from the broken system in which Veterans are denied the benefits they are owed for years as appeals wind through the VA's backlog would argue that LD 2259 forces my business to close its doors. Those actors would make that argument based on a reading of federal law that is unfaithful to its text and raises significant First Amendment concerns. But they would make it nonetheless and that alone is reason for us to seek critical change of this bill.

Although apparently well-intended, LD 2259, is fundamentally misguided. The Bill would prohibit the services of reputable companies like Veterans Guardian, and infringe the First Amendment rights of the company and its clients.

LD 2259 appears designed to add an enforcement mechanism to the federal statutory scheme governing assistance to veterans by accredited agents and attorneys. But the bill in fact deviates from the federal statutory scheme in material and damaging ways. Under federal law, the restrictions on providing assistance to veterans apply only to those who "act as an agent or attorney." That qualifier appears in the foundational rule set out in section 5901 of title 38, which provides that "no individual may act *as an agent or attorney* in the preparation, presentation, or prosecution of any claim under laws administered by the [VA] unless such individual has been recognized for such purposes by the Secretary." 38 U.S.C. § 5901(a) (emphasis added). And it appears in the provision establishing the fees that may be charged for assistance with claims. See *id.* § 5904(c)(1) ("[I]n connection with a proceeding . . . with respect to benefits under laws administered by the Secretary, a fee may not be charged, allowed, or paid *for services of agents and attorneys* with respect to services provided before the date on which a claimant is provided notice of the agency of original jurisdiction's initial decision . . .") (emphasis added). The same section goes on to say that fees may be charged by "[a] person who, acting *as agent or attorney* . . . represents a person before the Department or the Board of Veterans' Appeals after a claimant is provided notice of the agency of original jurisdiction's initial decision . . ." *Id.* § 5904(c)(2) (emphasis added). The implementing regulations are no different. See 38 C.F.R. § 14.629(b)(1) ("No individual may assist claimants in the preparation, presentation, and prosecution of claims for VA benefits *as an agent or attorney* unless he or she has first been accredited by VA . . ."); *id.* § 14.636(a) (rule governing fees "appl[ies] *to the services of accredited agents and attorneys* . . . in all proceedings before the agency of original jurisdiction or before the Board of Veterans' Appeals . . ."); *id.* § 14.636(c) ("*agents and attorneys* may only charge fees" in particular circumstances, including "for representation provided after an agency of original jurisdiction has issued notice of an initial decision on the claim . . .") (emphasis added).

Veterans Guardian does not act as an "agent or attorney," it simply provides advice and assistance to veterans as they file *their own claims*. For that reason, the Company's services are not affected by the federal restrictions on claims assistance, and its activities are fully compliant with federal law.

LD 2259 eliminates the "agent or attorney" qualifier and therefore goes beyond federal law to prohibit *all* advice and assistance to veterans by unaccredited entities. In particular, as amended by LD 2259, section 2599 (a)(4) prohibits advice and assistance to veterans prior to a notice of

disagreement being filed, under the threat of substantial civil penalties (see section 2599A, as amended). That means that reputable companies like Veterans Guardian, which consistently help their clients to achieve a successful result the first time around, and therefore obviating any need for a notice of disagreement, are precluded from charging for their services. Accordingly, Veterans Guardian and other reputable companies will cease to exist in Maine, leaving veterans at the mercy of a backlogged system where their claims can languish for years before they might see relief.

By putting Veterans Guardian (and other companies) out of business in Maine and preventing veterans from working with consultants they believe will give them the best chance of vindicating their rights before the VA, LD 2259 violates the First Amendment. The Supreme Court and the Third Circuit have made clear that the advice Veterans Guardian provides *is speech*. See *Holder v. Humanitarian Law Project*, 561 U.S. 1 (2010); *King v. Governor of New Jersey*, 767 F.3d 216, 225–26 (3d Cir. 2014). And the fact that LD 2259 prohibits the Company from receiving compensation rather than restricting speech directly doesn't excuse the constitutional violation. As then-Judge Alito has explained, "If government were free to suppress disfavored speech by preventing potential speakers from being paid, there would not be much left of the First Amendment." *Pitt News v. Pappert*, 379 F.3d 96, 106 (3d Cir. 2004).

LD 2259 also infringes veterans' right to petition the government. Veterans undoubtedly have a First Amendment right to petition the VA for benefits owed them. *Borough of Duryea v. Guarnieri*, 564 U.S. 379, 387 (2011) ("This Court's precedents confirm that the Petition Clause protects the right of individuals to appeal to courts and other forums established by the government for resolution of legal disputes."). Moreover, the First Amendment protects the "right to associate for the purpose of engaging in those activities protected by the First Amendment" *Roberts v. U.S. Jaycees*, 468 U.S. 609, 618 (1984). LD 2259 would deprive the Veterans Guardian's clients of effective claims-assistance services, thereby undermining the veterans' likelihood of success before the VA and infringing their right to associate with an entity they believe will help them vindicate their rights.

Veterans Guardian and two of its clients have challenged a similar law passed in New Jersey in August 2023. That lawsuit is pending before the Third Circuit and Veterans Guardian is confident that the court will recognize the constitutional infirmity in the law and strike it down.

LD 2259 is well intended, but poorly executed. Instead of giving Veterans more options, LD 2259 limits them to ONLY VSOs and attorneys. Instead of preserving Veteran choice, LD 2259 denies the Veteran the use of private claims experts. Similar bills to LD 2259 have been either defeated, withdrawn, or tabled in Arizona, Florida, Hawaii, Kansas, Kentucky, Nebraska, South Dakota, Virginia (turned into a "work group"), Washington, West Virginia, and Wyoming.

Therefore, we write in opposition to LD 2259 as drafted, however we are committed to working with the sponsor and this Committee to make necessary changes.

Attempting to protect Veterans is an honorable endeavor that we all share; unfortunately, LD 2259 misses the mark: It fails to address the full spectrum of issues at hand, which are pending at the federal level, and would be weaponized by some actors intent on denying veterans their right to choose how they pursue their own claims.

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.

Rather than handing a weapon to those who would restrict a Veteran's right to choose how they pursue their claim, as LD 2259 does, a better approach is to implement necessary reforms that must take place 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. LD 2259 does the exact opposite, and we encourage you to amend this legislation to protect Veteran choices and options.³

V. Conclusion

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

³ See Attachment 3, draft alternative legislation for consideration



VETERANS GUARDIAN PROCLAMATION

THE VETERAN'S RIGHT TO CHOOSE

Your Claim, Your Choice

Veterans Guardian VA Claim Consulting * 75 Trotter Hills Circle * Pinehurst, North Carolina 28374

I, _____, acknowledge that there are free services available to veterans to support the filing of claims for Veterans Administration (VA) benefits and for the services that Veterans Guardian will provide.

_____ I understand that I have the option to utilize the free services provided by entities such as the VA, National Service Organizations (e.g. VFW, DAV), Local Service Organizations, State Sponsored Veteran Service Officers, and/or the paid services of VA accredited agents or lawyers.

_____ I understand that utilization of Veterans Guardian consulting services is not required to submit a claim for VA benefits and I may achieve a positive VA benefit claim outcome with any of the free services or organizations.

_____ I understand that the Veterans Administration provides a search tool to find representatives who may assist with filing VA claims free of charge. I also understand that by choosing Veterans Guardian, I will receive enhanced assistance and a high level of service from dedicated and specialized professionals serving an organization with proven results.

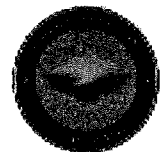
_____ I understand that Veterans Guardian is not an accredited agent or entity recognized by the Department of Veteran Affairs and is not affiliated with the Department of Veterans Affairs in any way.

By signing this acknowledgement, I am certifying that I am aware of free services available and that I have exhausted all the free services or I have determined that the free services do not meet my personal needs. I am also certifying that I am choosing to use Veterans Guardian VA Claim Consulting, a contingent fee based pre-filing agency, to provide consulting services and that I will submit the claim to the VA on my own behalf.

Thank you for your service in support of a grateful nation and thank you for your trust in Veterans Guardian.



Employer of the Year



THE VA ADMITS SYSTEM IS BROKEN



THE VA ACKNOWLEDGES A FLAWED SYSTEM THAT FAILS TO
ADEQUATELY SUPPORT VETERANS, INSTEAD FAVORING A SELECT
FEW LAW FIRMS THAT PROFIT SUBSTANTIALLY WHILE VETERANS
THEMSELVES SEE MINIMAL BENEFITS.

Under Oath and on the Record
November, 29th, 2023

"The whole truth is that over 92% of the board's 100,000 decisions each year are not even appealed to the court. When court judges do rule on the merits, they overwhelmingly affirm board decisions, an average of 500 performances each year versus only one to two dozen reversals. Unfortunately, 78% of the appeals filed at the court each year get remanded without ever being seen by a court judge.

These remands operate like legal settlements between the attorneys and most often require a board decision to be re-adjudicated with more explanation for why something could not be granted. The 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 ATTORNEYS' 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.*

Kenneth A. Arnold
Acting Chairman, Board of Veterans' Appeals

Denies Veteran Claims Choice
Maintains Broken Status Quo
Incentivizes Lengthy Appeals Process
No Protections for Veterans

HR 1822 PLUS Act

→ Preserves Veteran Choice
→ Increases Accredited Agents
→ Expanded Options for Veterans
→ VA Oversight & Protections

HR 1822, PLUS Act, is supported by 20 non-profits and VSOs, and 30 think tanks & policy organizations.
For more information visit www.vetsknowthefacts.com

Preserving Lawful Utilization of Services for Veterans Act of 2024

(aka PLUS Act)

Bill _____

(1) For the purposes of this section:

(a) "Compensation" means any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by himself or herself or another;

(b) "Person" means any natural person, corporation, trust, partnership, incorporated or unincorporated association, or any other legal entity; and

(c) "Veterans' benefits matter" means the preparation, presentation, or prosecution of any claim affecting any person who has filed or expressed an intent to file a claim for any benefit, program, service, commodity, function, status, or entitlement to which is determined to pertain to veterans, their dependents, their survivors, or any other individual eligible for such benefits under the laws and regulations administered by the United States Department of Veterans' Affairs or the **[State]** Department of Veterans' Affairs.

(2) No person shall receive compensation for referring any individual to another person to advise or assist the individual with any veterans' benefits matter.

(3) No person shall receive any compensation for any services rendered in connection with any claim filed within the one (1) year presumptive period of active-duty release unless the veteran specifically acknowledges in writing at the initiation of the services agreement that the veteran is within the 1-year presumptive period.

(4) A person seeking to receive compensation for advising, assisting, or consulting with any individual in connection with any veterans' benefits matter shall, before rendering any services, memorialize the specific terms under which the amount to be paid will be determined in a written agreement signed by both parties. Compensation must be purely contingent upon an increase in benefits awarded, and if successful, compensation shall not exceed five (5) times the amount of the monthly increase in benefits awarded based on the claim. No initial or nonrefundable fee shall be charged by a person advising, assisting, or consulting an individual on a veterans benefit matter.

(5) A person seeking to receive compensation for advising, assisting, or consulting with any individual with any veterans' benefits matter shall not utilize a medical professional with whom it has an employment or business relationship for a secondary medical exam.

(6) No person shall guarantee, either directly or by implication, a successful outcome or that any individual is certain to receive specific veterans' benefits or that any individual is certain to receive a specific level, percentage, or amount of veterans' benefit.

(7) No person shall advise, assist, or consult for compensation with any individual concerning any veterans' benefits matter without clearly providing at the outset of the business relationship the following disclosure both orally and in writing:

"This business is not sponsored by, or affiliated with, the United States Department of Veterans' Affairs or the **[State]** Department of Veterans' Affairs, or any other federally chartered veterans' service organization. Other organizations including but not limited to the **[State]** Department of Veterans' Affairs, a local veterans' service organization, and other federally chartered veterans' service organizations may be able to provide you with this service free of charge. Products or services offered by this business are not necessarily endorsed by any of these organizations. You may qualify for other veterans' benefits beyond the benefits for which you are receiving services here."

The written disclosure shall appear in at least twelve (12) point font and shall appear in a readily noticeable and identifiable place in the person's agreement with the individual seeking services. The individual shall verbally acknowledge understanding of the oral disclosure and sign the document in which the written disclosure appears to represent understanding of these provisions. The person offering services shall retain a copy of the written disclosure while providing veterans' benefits services for compensation to the individual and for at least one (1) year after the date on which the service relations terminate.

(8) Businesses engaging in the preparation of an initial claim for a fee shall abide by the following:

- Shall not utilize international call center or data centers for processing veterans personal information;
- Shall not gain direct access to any personal medical, financial, or government benefits log-in, username, or password information.

(9) A violation of the provisions of this section shall constitute an unfair, false, misleading, or deceptive act or practice in the conduct of trade or commerce under **[State Consumer Protection Law Reference]**.

VA DISABILITY CLAIMS CAPACITY

VetsKnowTheFacts.com

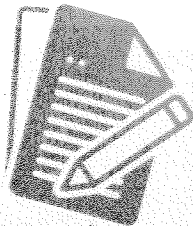


105,658

ESTIMATED NUMBER OF
VETERANS IN MAINE

4,705

PENDING CLAIMS (02/05/24)



35

ACTUAL NUMBER OF VSO
REPRESENTATIVES

3,019

VETERANS PER 1 VSO
REPRESENTATIVE IN
MAINE

152

85

AVERAGE # OF DAYS FOR THE VA
TO MAKE A CLAIMS DECISION VS.
VETERANS GUARDIAN'S CLIENTS'
CLAIMS TURNAROUND TIME

37%

OF LISTED REPRESENTATIVES HAVE
NO CONTACT INFORMATION



41.8%

OF CLAIMS HAVE BEEN
PENDING OVER 125 DAYS



VA Claim
Consulting

VETERANS GUARDIAN

UPDATED 2024

CONTACT

BRIAN JOHNSON, VP GOV & PUBLIC AFFAIRS

BRIAN.M.JOHNSON@VETSGUARDIAN.COM

BUSINESS CONFIDENTIAL

GLOBAL IMPACT

OUR MISSION

To help veterans achieve the disability rating they are medically and ethically eligible for as a result of their honorable service to the nation.



**+100
LOCAL &
NATIONAL
CHARITIES
SUPPORTED**



**+63K Veteran Clients
Around The World**



220 Jobs Nationwide



**We Serve Veterans
Wherever They Are
Located**

”

*I've worked with
many VSOs and
have only been
disappointed
tremendously
every time.*

*-Veteran Rollins
Facebook Review*

HOW WE ARE DIFFERENT

Our top priority is to provide the best support, with personalized service and attention to our clients. We have assembled an elite team of veterans, veteran spouses, and veteran family members that can relate to our clients and their experiences. These team members are former VA employees, medical professionals, and military leaders with the experience, knowledge, and dedication to guide our clients through this challenging process.

THE POWER OF COLLECTIVE ACTION

TOP 5 STATES



90% Of The Veterans We
Support See An Increase In
Their Disability Benefits



85 days Average VA Decision
Time



Average Increase of \$1000
A Month In disability
Benefits



+16K Claims Pending
Decision



Supporting an Average of
2000+ New Clients a Month



+3500 Positive Client
Reviews

TEXAS

-9629 Clients
-Over \$96M In
Additional
Benefits Per Year

FLORIDA

-5715 Clients
-Over \$51M In
Additional
Benefits Per Year

CALIFORNIA


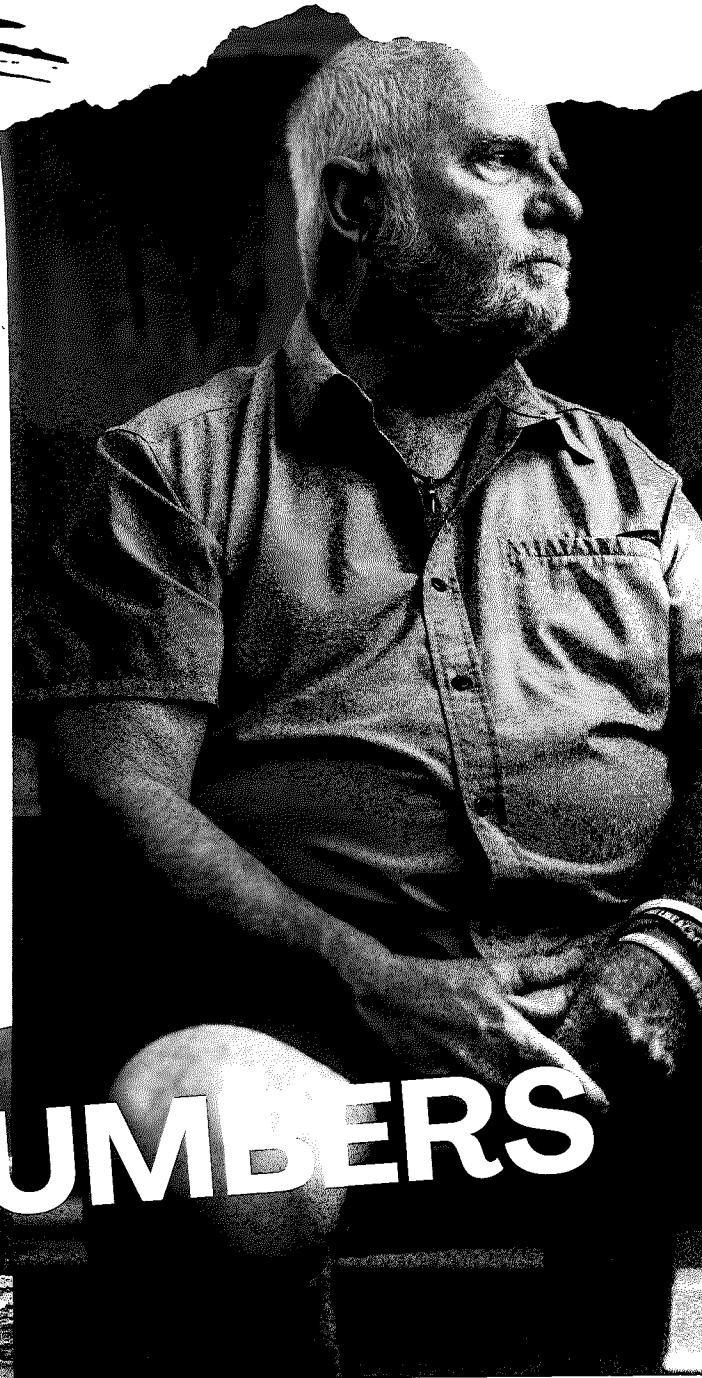
-3800 Clients
-Over \$38M In
Additional
Benefits Per Year

NORTH CAROLINA

-6984 Clients
-Over \$83M In
Additional
Benefits Per Year

VIRGINIA

-4403 Clients
-Over \$44M In
Additional
Benefits Per Year



BY THE NUMBERS

AWARDS

Veterans Guardian was a 2020 AMVETS NC Employer of the Year

Veterans Guardian was a 2020 BBB torch award winner

Veterans Guardian was a 2020 HIREVETS Platinum Medallion Winner

Veterans Guardian won an award for 2021 Military Spouse Friendly Company

2022

Veterans Guardian was a award for 2022 Military Spouse Friendly Company

Veterans Guardian won the award for 2022 Military Friendly Company

Veteran Bittle

"I did what I could with my VSO, but VSOs are so overwhelmed and therefore can only do so much."



2019

Veterans Guardian was awarded the 2019 AMVETS NC Employer of the Year and the 2019 National AMVETS Employer of the Year

Veteran Mitchell

"An unbelievable experience with this company! Went from 70% to 90% in just over a month!"



2021

Veterans Guardian won an award for 2021 Military Friendly Company – Top 10 designation



Veterans Guardian was a 2021 HIREVETS Platinum Medallion Winner

**AWARDED
2021 BBB
TORCH
WINNER**



2023

Veterans Guardian won the award for 2023 Military Spouse Friendly Company

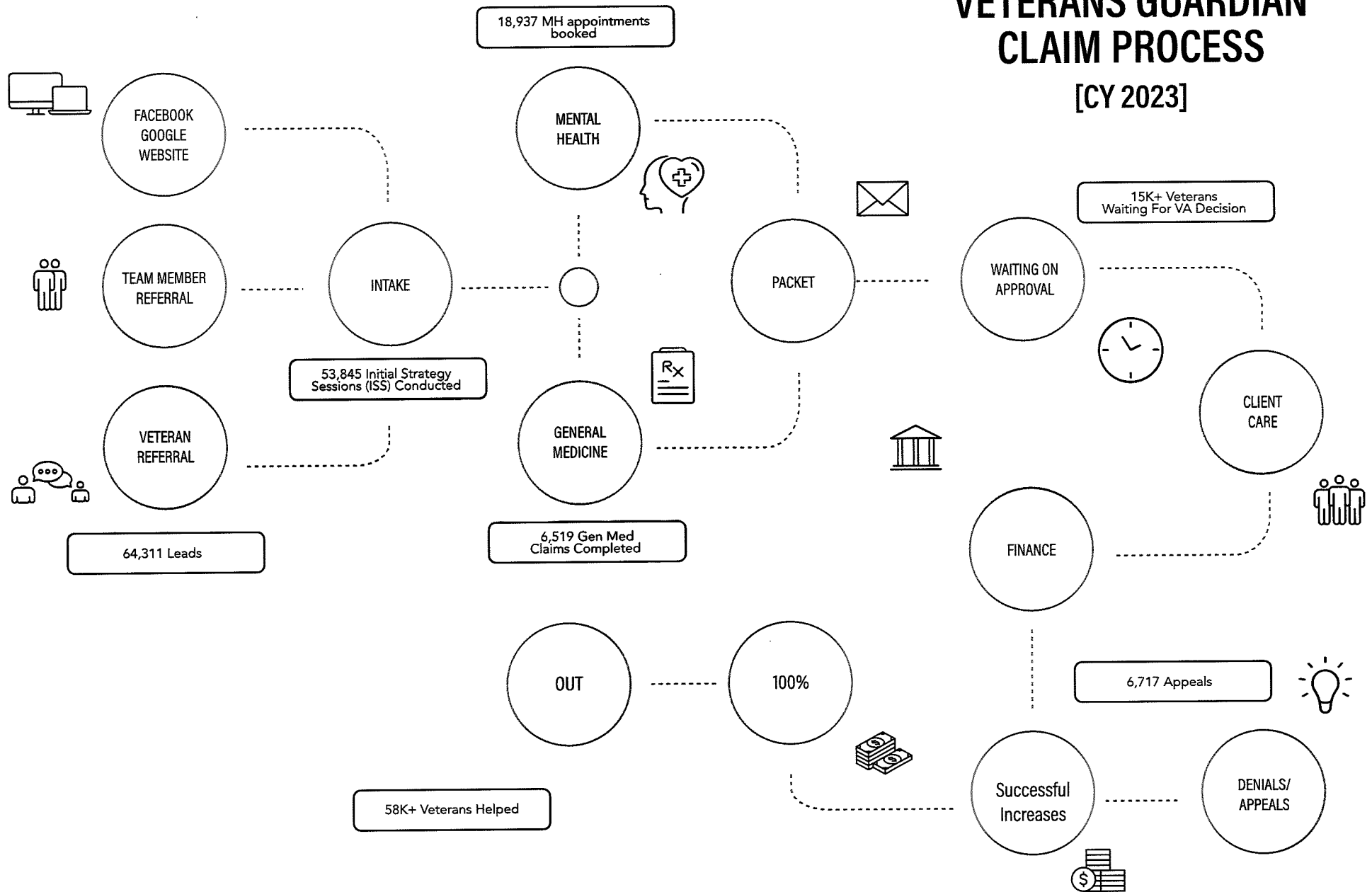
Veterans Guardian was a 2023 HIREVETS Platinum Medallion Winner

2023 BBB Torch Award Finalist



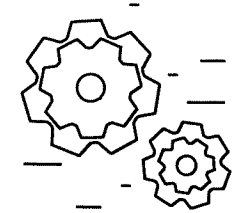
VETERANS GUARDIAN CLAIM PROCESS

[CY 2023]



VETERANS GUARDIAN CLAIM PROCESS

[CY 2023]



LEAD GENERATION

FACEBOOK /GOOGLE
WEBSITE

TEAM MEMBER
REFERRAL

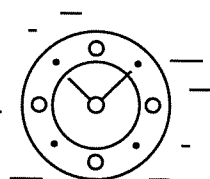
VETERAN
REFERRAL

INTAKE

INITIAL STRATEGY SESSION

BRANCH OF SERVICE
SEPARATION DATE
RANK AT DISCHARGE
PREVIOUS FILED OR OPEN CLAIMS
CURRENT DISABILITY RATING
FEE STRUCTURE

4K+ Initial Strategy
Sessions Conducted Jan. 2024



64311 Leads

DOCUMENT COLLECTION

DD214
VA BREAK DOWN LETTER
VA RATING DECISION NARRATIVE OR DECISION LETTER
BENEFITS SUMMARY LETTER



GATHER REQUIRED VG DOCUMENTS

SIGNED - CONSULTING AGREEMENT
SIGNED - YOUR CLAIM, YOUR CHOICE



DEVELOP STRATEGY

MENTAL HEALTH

CHRONIC PAIN
INITIAL PTSD
PTSD INCREASE
MENTAL HEALTH INCREASE
MILITARY SEXUAL TRAUMA

GENERAL MEDICINE

ORTHOPEDIC CONDITIONS NOT
YET CLAIMED
SECONDARY CONDITIONS TO
ALREADY SERVICE CONNECTED
CONDITIONS

VETERANS GUARDIAN PROCLAMATION: THE VETERAN'S RIGHT TO CHOOSE



VETERANS GUARDIAN PROCLAMATION

THE VETERAN'S RIGHT TO CHOOSE

Your Claim, Your Choice

Veterans Guardian VA Claim Consulting ~ 75 Trotter Hills Circle ~ Pinehurst, North Carolina 28374

I, _____, acknowledge that there are free services available to veterans to support the filing of claims for Veterans Administration (VA) benefits and for the services that Veterans Guardian will provide.

_____ I understand that I have the option to utilize the free services provided by entities such as the VA, National Service Organizations (e.g. VFW, DAV), Local Service Organizations, State Sponsored Veteran Service Officers, Local US Congressional office staff (where applicable), and/or the paid services of VA accredited agents or lawyers.

_____ I understand that utilization of Veterans Guardian consulting services is not required to submit a claim for VA benefits and I may achieve a positive VA benefit claim outcome with any of the free services or organizations.

_____ I understand that the Veterans Administration provides a search tool to find representatives who may assist with filing VA claims free of charge. I also understand that by choosing Veterans Guardian, I will receive enhanced assistance and a high level of service from dedicated and specialized professionals serving an organization with proven results.

_____ I understand that Veterans Guardian is not an accredited agent or entity recognized by the Department of Veteran Affairs and is not affiliated with the Department of Veterans Affairs in any way.

_____ I understand that this is a contingent based fee model whereby payment is only required upon successful completion of a claim and that the fee is not to exceed five times any monetary pay increase.

_____ I understand that if successful, I will be given the option to pay the final calculated fee in a lump sum, or over a 5 or 10 month period. I also acknowledge that custom payment plans are available in exceptional circumstances.

By signing this acknowledgement, I am certifying that I am aware of free services available and that I have exhausted all the free services or I have determined that the free services do not meet my personal needs. I am also certifying that I am choosing to use Veterans Guardian VA Claim Consulting, a contingent fee based pre-filing agency, to provide consulting services and that I will submit the claim to the VA on my own behalf.

Thank you for your service in support of a grateful Nation and thank you for your trust in Veterans Guardian.



Veteran Owned - Veteran Operated...The way it should be.

YOUR CLAIM, YOUR CHOICE

FILLING THE GAP IN VETERAN SERVICES

Complementary Support

- We aim to enrich, not replace, traditional VA claims support.
- Offering additional, hands-on, tailored options.
- Understanding the diverse needs of veterans.
- Our average timeframe for claims decisions is 85 days.

Common Misconception

- We educate and inform all veterans of free VSO service options before consultation.
- We only charge for our services if the veteran receives a benefit increase.
- We advocate for stringent regulations and federal accreditation processes.
- We aim to punish bad actors within the VA benefit system.

A Veteran First Company

- Veterans Guardian: A pre-filing consulting firm for VA disability ratings.
- Dedicated mission to help Veterans achieve their maximum entitled VA benefit rating.
- Expertise in navigating the complexities of the VA claims process.
- Committed to honoring veterans' service through professional support.

Veterans Serving Veterans

- A veteran-owned company dedicated to veterans' well-being.
- Our mission is to help Veterans achieve the maximum VA rating.
- 75% of staff are veterans or military spouses.
- We have over a 90% success rate on VA benefit claims and increases.

VA & VSOs OVERSTATE THEIR TRUE CAPABILITY

Transparency and Truth Matter to the Veteran

The VA claims there are 44 Veteran Service Organizations with 15,000+ Representatives available to assist Veterans with claims. **HOWEVER**, the reality is starkly different

National Capability

- Disabled American Veterans
- Paralyzed Veterans of America
- Veterans of Foreign Wars
- American Legion
- National Association of County VSOs

Only **5** of the **44** VSOs have a capability to help nationally

Limited Representatives & Regions

- Fleet Reserve Association
- AMVETS
- Vietnam Veterans of America
- The Retired Enlisted Association
- Marine Corps League
- National Association For Black Veterans
- Wounded Warrior Project
- Catholic War Veterans
- American Ex-POWs
- Blinded Veterans Association

These **10** VSOs have limited representatives with an average of **-230** representatives

Most representatives are **double counted** against other VSOs

These VSOs serve limited regions, on average half the states, ranging **16-33** states

Nominal Assistance

- Jewish War Veterans
- American Red Cross
- African American PTSD Association
- Polish Legion of American Veterans
- United Spinal Association
- Gold Star Wives of America
- Legion of Valor of the USA
- Navy Mutual Aid Association
- Armed Forces Services Corporation

6 of the **9** VSOs in this category have 10 or fewer representatives

These VSOs service very limited regions - in some cases only **1** state and at most **12**

No Longer Exist Or Provide Assistance

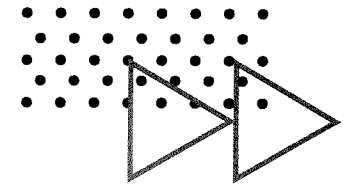
- National Vets Legal Service Program
- MOAA
- United Spanish War Vets
- Swords to Plowshares
- American GI Forum
- Army & Navy Union
- National Vets Org. of America
- Defenders of Bataan & Corregidor
- American Veterans Committee
- AAFMAA
- Association of Vietnam Veterans
- Italian War Veterans
- Eastern Paralyzed Veterans
- Military Order of the Purple Heart
- National Amputation Foundation
- Veterans Assistance Foundation
- Veterans of the Vietnam War
- The Veterans Coalition
- Veterans of World War I
- Vietnam Era Veterans

20 of the **44** VSOs no longer provide claims assistance or no longer exist

Of the remaining **24**, only **5** have a true national capability

Of the **15,000+** representatives identified, many are counted against multiple organizations, resulting in only around **8,000** unique representatives.

THE VA ADMITS SYSTEM IS BROKEN



The VA acknowledges a flawed system that fails to adequately support Veterans, instead favoring a select few law firms that profit substantially while Veterans themselves see minimal benefits.



Under Oath and on the Record
November, 29th, 2023

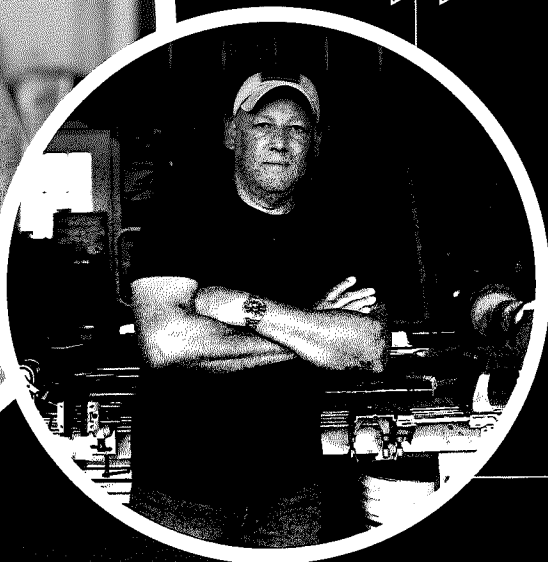
The whole truth is that over 92% of the board's 100,000 decisions each year are not even appealed to the court. When court judges do rule on the merits, they overwhelmingly affirm board decisions, an average of 500 performances each year versus only one to two dozen reversals. Unfortunately, 78% of the appeals filed at the court each year get remanded without ever being seen by a court judge.

These remands operate like legal settlements between the attorneys and most often require a board decision to be re-adjudicated with more explanation for why something could not be granted. The 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 ATTORNEYS' 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.

Kenneth A. Arnold
Acting Chairman, Board of Veterans' Appeals

In their *own words*-VSOs are not meeting the needs of the Veteran.



”

I've worked with many VSOs and have only been disappointed tremendously every time.

*-Veteran Rollins
Facebook Review*

“They wanted to just throw everything together and see what stuck.”

“They advised not to pursue further rating increases due to my employment they though could be terminated over 30%.”

“Never got the claim submitted or even a call back.”

“They stressed on joining the lifetime membership of the [redacted] to build more members.”



“I did what I could with my VSO, but VSOs are so overwhelmed and therefore can only do so much.”

“They made me feel intimidated by the process, as if I should know all the answers already. They simply asked me what do you want to claim, handed me paperwork to fill out then told me I would hear from the VA about their decision in 6 months to a year.”

Veteran Team Members Making a **Meaningful Difference** in *Fellow* Veterans' Lives

"It's on a very personal level because we know what this looks like."

"A lot of us have been through it ourselves or our spouses."

"You're not coming in to work. You're coming in to hear stories of other brothers and sisters that have had a hard time dealing with VA or just life."



"When you can help somebody who thinks the process is just too daunting, it makes you feel good and lets you know you're in the right place."



”

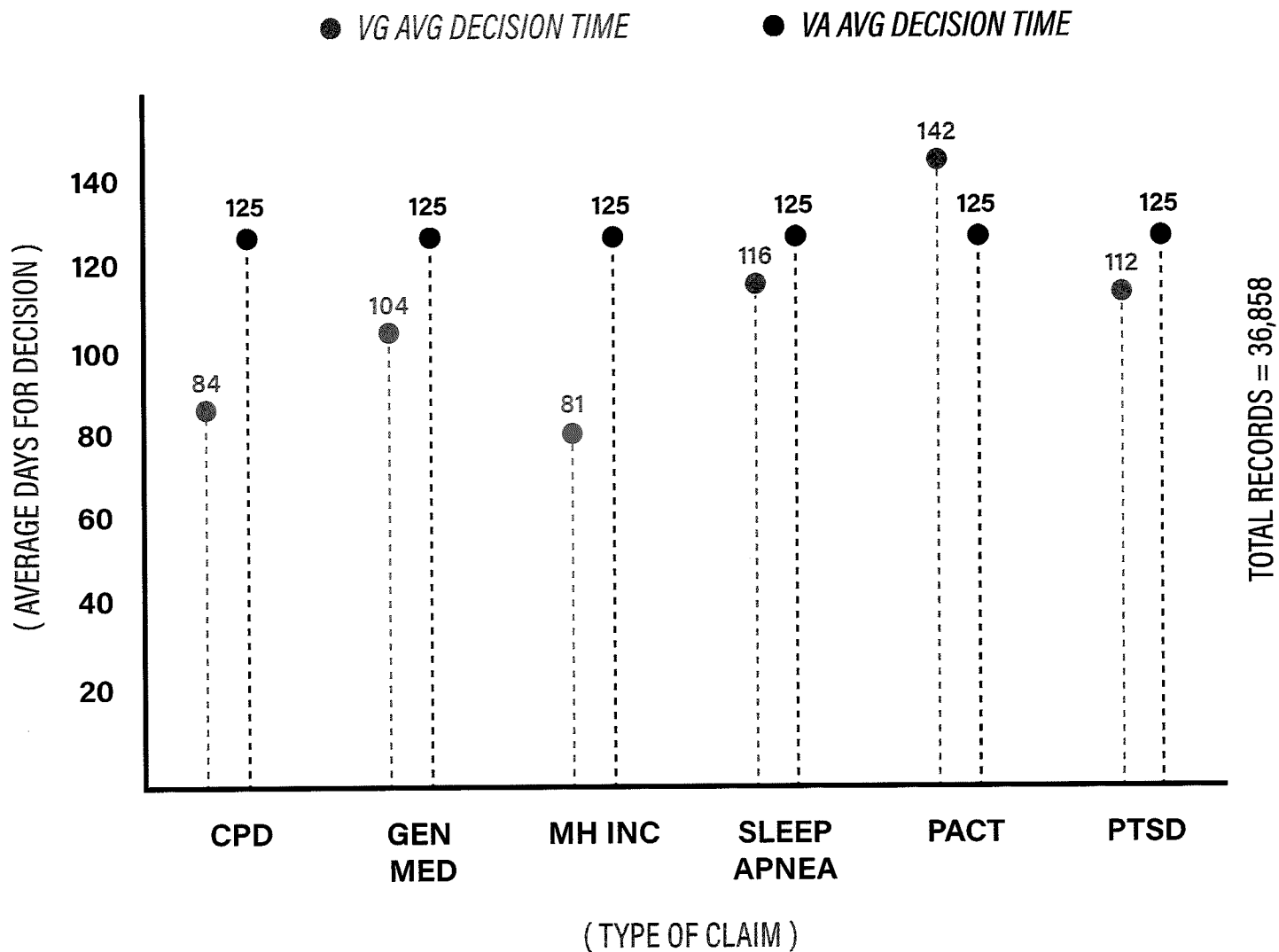


It's very satisfying to know that we are helping Veterans navigate the VA process. It gives me a sense of accomplishment and drive to come to work every day.



VETERANS GUARDIAN VS VETERAN AFFAIRS

AVERAGE DAYS FOR CLAIM DECISION



VG AVERAGE DAYS TO DECISION = 85

FEE COMPARISON

Veterans Guardian

- Assists with initial / secondary / increase claims
- Contingency based fee
- Holistic approach to vet's service connections

Veterans Guardian Fee Model

One Time Fee = to value of 5x one month's increase

Contingent Based - No fee if claim is not successful

AVERAGE PROCESSING TIME = 85 DAYS

START RATE	END RATE	DISABILITY AMOUNT INCREASE	VG FEE (5X)
0%	100%	\$3621	\$18,105
50%	100%	\$2580	\$12,900
70%	90%	\$509	\$2,545

V
S

Attorneys

- No initial claims - rely on faulty initial claims from VSOs & vets
- No secondary or related claims
- Not concerned with vet's overall service connection
- Benefit most from drawn out claims / TDIU / Long Term errors from VA

Attorney Fee Model

20% - 33.3% of Past Due Benefit (Back Pay)
(Attorneys can charge a fixed fee, hourly rate or contingency fee)

AVERAGE PROCESSING TIME = 36 MONTHS (1096 DAYS)

START RATE	END RATE	DISABILITY AMOUNT INCREASE	36 MO. BACKPAY AMOUNT	ATTORNEY FEE (30%)
0%	100%	\$3621	\$130,356	\$39,107
50%	100%	\$2580	\$92,880	\$27,864
70%	90%	\$509	\$18,324	\$5,498

The Veterans Guardian model is a more cost-effective method for Veterans to obtain as well as increase their VA Disability Ratings.

MYTH VS FACT

"The VA is easy to navigate."

MYTH

Anyone who has filed a disability claim with the VA knows that the system is extremely onerous and time-consuming. Look no further than the VA disability claims backlog: There are over 243,000 pending claims that are backlogged or older than one hundred twenty-five days since the submission. That's over one-third of active claims.

FACT

"The VA is efficient."

MYTH

The VA requires that claimants provide proof of their disability, proof of eligibility for VA disability benefits, proof that their disability is related to military service, and medical evidence of all the above. Many disabled veterans need assistance collecting, vetting, packaging, and providing these materials, ranging from general guidance to medical evaluations, to hands-on preparation of their claims. To argue that the VA is an ally in this process is akin to arguing that the IRS is helpful in tax preparation.

FACT

"VSOs are fast and accessible."

MYTH

While well-intentioned, VSO groups can be understaffed and under-resourced in many areas of the country. This leads to bureaucratic slowdown and limited offerings for veterans. Local representatives and members of VSOs don't solely focus on disability claims or have the time or expertise to focus on individual disability claims.

FACT

"Private companies are not trained or capable of providing quality disability claim services."

MYTH

Veterans Guardian has a success rate of over 90%. Our experience is one of the keys to our success. Many of our staff have personally gone through the disability claims process, and we've successfully processed over 25,000 disability claims in the last two years. VSOs are generalists who help with many different veterans' issues. We specialize in the VA disability process to ensure every claim has the best possible chance of being approved in the continually changing VA disability environment.

FACT

MYTH VS FACT

“Private companies don’t care about veterans.”

MYTH

Most private companies are founded by veterans. At Veterans Guardian, we’re veteran-owned and operated, and our staff is 75% of veterans, spouses of veterans, or spouses of active duty service members. Additionally, with a contingent fee-based model, we’re incentivized to provide the best experience and achieve the best result for each veteran client.

FACT

“Private disability claims companies are operating totally unchecked.”

MYTH

Private disability claims companies are subject to the Federal Trade Commission, Department of Justice, and state Inspector General oversight. Any of these organizations can bring civil and criminal penalties for private companies that break the law.

FACT

“Private disability claims companies took advantage of veterans during the COVID-19 pandemic shutdown.”

MYTH

There is no evidence of widespread abuse of veterans during the pandemic. VSOs made a conscious decision to shut down during the pandemic. Private businesses did not have that luxury.

FACT

“Any unaccredited disability benefits consultant is acting illegally.”

MYTH

Federal and state laws DO NOT prohibit private claims consultants from assisting veterans with their disability claims.

FACT

“Disability claims companies can be accredited; they just don’t want to.”

MYTH

There is no path to accreditation for private disability claims companies. The way accreditation is currently structured, making it impossible for private companies to maintain their independence as consultants and provide their expertise to a wide variety of veteran disability claims needs.

FACT

MYTH VS FACT

“Veterans Guardian is actively avoiding federal accreditation in order to avoid oversight and regulation.”

MYTH

Veterans Guardian is and has been actively seeking federal accreditation. We welcome accreditation and believe the VA process should be more inclusive, with additional oversight.

FACT

“Predatory claims companies are aggressively soliciting veterans for their business.”

MYTH

Most private disability claims companies do what just about every other business in America does - they advertise on social media. Nearly 70% of veterans who use Veterans Guardian have already tried a free service.

FACT

“There is endemic corruption and “claim sharking” in the disability benefits space.”

MYTH

While we acknowledge there are some bad practices, the vast majority of companies, such as Veterans Guardian, are operating in a forthright and transparent manner. Over 50% of our clients are referrals from past satisfied customers, and we never solicit the veteran.

FACT

HR 1139 GUARD ACT

- Denies Veteran Claims Choice
- Maintains Broken Status Quo
- Incentivizes Lengthy Appeals Process
- No Protections for Veterans

VS

HR 1822 PLUS ACT

- Preserves Veterans Choice
- Increases Accredited Agents
- Expanded Options for Veterans
- VA Oversight and Protections

HR 1822, PLUS Act, is supported by 20 non-profits and VSOs, and 30 think tanks & policy organizations.

For more information visit
www.vetsknowthefacts.com

WHAT'S THE DIFFERENCE BETWEEN THE GUARD ACT AND THE PLUS ACT?

LEGISLATIVE PROVISIONS

	GUARD HR 1139	PLUS HR 1822
Well intentioned to protect Veterans	★★★★★	★★★★★
Co-sponsored by multiple HVAC offices	★★★☆☆	★★★★★
Imposes civil & criminal penalties	★★★★★	★★★★★
Preserves Veteran choice by allowing private companies to continue to operate	☆☆☆☆☆	★★★★★
Protects thousands of Veteran & Veteran adjacent jobs	☆☆☆☆☆	★★★★★
Reforms accreditation to allow for free market options	☆☆☆☆☆	★★★★★
Institutes financial protections for Veterans	★☆☆☆☆	★★★★★
Prohibits any fees not associated with a monetary increase in monthly benefits	★★★★☆☆	★★★★★
Mandates disclosure of free and other options to the Veteran	☆☆☆☆☆	★★★★★
Ensures medical protections by prohibiting on-staff physicians from performing medical evaluations	☆☆☆☆☆	★★★★★☆☆
Creates an accreditation process for companies with VA and DOJ oversight	☆☆☆☆☆	★★★★★
Allows the free market to set contingent fees consistent with the legislative fee cap	☆☆☆☆☆	★★★★★☆☆
Ensures Veterans are protected financially from bad actors	☆☆☆☆☆	★★★★★
Prohibits false, misleading and aggressive solicitation of Veterans	☆☆☆☆☆	★★★★★

VG ACADEMY

CREATING AND INTEGRATING A TRAINING PIPELINE THAT DEVELOPS AND EDUCATES VETERANS GUARDIAN EMPLOYEES TO CREATE A MORE PROFESSIONAL, CAPABLE AND EFFECTIVE TEAM.

VG ACADEMY 101

TEAM SPECIFIC TRAINING
(BEGINNER)

- VG 101 Training
- Introduction to VA Disability Claim Process

TEST OR PE

VG ACADEMY 201

TEAM SPECIFIC TRAINING
(INTERMEDIATE)

- Understanding Eligibility for Benefits and the New Claims Process for Disability Benefits
- Understanding the Authority for Representation before the VA
- Understanding Disability Compensation and How to Apply
- Understanding the Modernized Review System
- Rules for Determining Service Connection (M21-1)
- Discussion of Flaws in the Current Claims Processing
- Resources That Are Useful in Understanding and Preparing Successful Claims
- Character of Discharge General Information
- Priority Processing

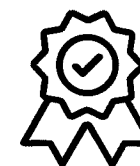
TEST OR PE

VG ACADEMY 301

TEAM SPECIFIC TRAINING
(ADVANCED)

- Understanding Pension and How to Apply
- Understanding DIC and How to Apply
- Legally Charging Fees for Assistance with Claims
- Rules for Evaluating Evidence and Decision-Making
- Compensation Case Study #1
- Compensation Case Study #2
- DIC Case Study #1
- Case Study - Pension with Aid and Attendance
- Case Study - Survivors Pension with Aid and Attendance

FINAL EXAM



**Veterans Guardian
Certified
Disability Claims Specialist**

OUR GOAL

Veterans Guardian employees have a comprehensive understanding of how the company operates and can provide expert disability claims assistance to Veteran clients in accordance with VA policy and law.

*Curriculum is derived from 38CFR, M21-1 manual, accreditation and CLE training materials from the Accredited Agents Exam by the Senior Veterans Service Alliance, and available online materials from the VFW and the American Legion.



**VETERANS GUARDIAN
ACADEMY**

May 23, 2023

RE: Request to Co-Sponsor Bergman-Correa HR 1822, the Preserving Lawful Utilization of Services for Veterans Act of 2023 (aka, "PLUS Act")

The Honorable "Chairman" Jack Bergman
U.S. House of Representatives
Committee on Veterans' Affairs
566 Cannon House Office Building
Washington, DC 20510

The Honorable "Chairwoman" Nancy Mace
U.S. House of Representatives
Committee on Veterans' Affairs
1728 Longworth House Office Building
Washington, DC 20510

The Honorable "Ranking Member" Lou Correa
U.S. House of Representatives
Committee on Veterans' Affairs
2301 Rayburn House Office Building
Washington, DC 20510

Dear Representative,

On behalf of the undersigned, which represent the interests and concerns of well over one million members of the Uniformed Services, their family members, retirees, and survivors, we are writing to express our support for, and encourage you to co-sponsor the bi-partisan, HR 1822, the Preserving Lawful Utilization of Services ("PLUS") for Veterans Act of 2023, introduced by three-star General, Rep. Bergman (R-MI), Rep. Correa (D-CA), and Rep. Mace (R-SC).

This legislation will ensure all veterans retain their right to use third party consultation as they maneuver through the complexities involved in securing disability benefits they are entitled to, while at the same time strengthening the US Department of Veteran Affairs (VA) accreditation process to ensure these actors operate under the highest standards possible.

As veterans serving veterans, many of us have navigated the laborious and unforgiving VA benefit process ourselves. We know many veterans are either not fully aware of the benefits they have earned, have tried to engage the system on their own and either failed or became too frustrated to continue. By the hundreds of thousands, veterans seek professional consultants, whether through registered Veteran Services Organizations ("VSOs") or the private sector, to help them navigate these waters. According to veterans, most VSOs cannot handle the vast demand, leaving veterans with no option but to seek third party assistance. This is especially true for veterans living in rural areas of the US who lack ease of access to federal resources or VSOs.

We believe a veteran's right should not be restricted by limiting how they approach their benefit claims. Rather we need more organizations, not less, to help assist our veterans. This bill

expands the options available to veterans underneath the accredited system, and we should let the veterans decide what works best for them and their families. As organizations dedicated to advocating for men and women who have served our country, we understand the challenges veterans face when seeking aid with their earned benefits. The PLUS for Veterans Act empowers these men and women to choose how they navigate and receive their hard-earned benefits in a manner that works best for them and their families.

On behalf of our members, thank you for your service and advocacy for our nation's Service members, Veterans, and their families. We look forward to working together with your offices to address this important issue. We stand by our veterans and support HR 1822, and we ask you to co-sponsor this important piece of legislation that helps veterans maintain the right to choose how they pursue their VA claim.

Sincerely,

AFG Free
Flanders Fields
Freedom Bird FoundaGon
Heart of an Ace
Joint OperaGon North Star
NMRG Rescue Project
OperaGon 620
OperaGon Recovery
Ops Sacred Promise
Project Exodus Relief
React DC
Rule 20
Special OperaGons AssociaGon of America
Task Force Argo
Task Force Pineapple
The Independence Fund
The Lifeline FoundaGon
The Moral Compass FederaGon
The Veteran's EducaGon Project
Ukraine NGO CoordinaGon Network

OUR FOUNDERS



SCOTT GREENBLATT

Scott is the founder and CEO of Veterans Guardian VA Claim Consulting. Before founding Veterans Guardian in 2017, Scott spent 25 years on active duty as an officer in the Army, serving ten overseas combat deployments. Scott has led a distinguished career in leadership and dedication to duty throughout numerous deployments, in multiple theaters of operation in support of the United States and foreign civilian government leaders.

In the military, he was well-known as a coalition builder and influencer who worked globally across industry lines to deliver results in complex situations. As a veteran and successful entrepreneur, he continues to apply the same grit and ingenuity at Veterans Guardian.

Scott earned a Bachelor's Degree in Criminal Justice from the University of South Florida and a Master's Degree in International Policy from the National Defense University, DC.

BILL TAYLOR

William (Bill) Taylor is the COO of Veterans Guardian VA Claim Consulting. Before joining Veterans Guardian in 2017, Bill served as a commissioned officer in the Army, spending 23 years on active duty. His experience includes six operational deployments and a wide range of commandant staff positions.

Bill is respected as a credible voice in strategic decision-making and has a proven track record of driving operational excellence and strategic growth.

Bill graduated from the United States Military Academy and earned a Master of Policy Management from Georgetown University, and a Masters of Military Arts and Sciences from both CGSC and SAMS.



YOU'RE WORTH MORE
THAN YOU SETTLE FOR



VA Claim
Consulting

CONTACT

BRIAN JOHNSON, VP GOV & PUBLIC AFFAIRS

BRIAN.M.JOHNSON@VETSGUARDIAN.COM

BUSINESS CONFIDENTIAL