

**FOR IMMEDIATE RELEASE**

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**LDVA, VETERANS SERVICE ORGANIZATIONS ADVOCATE FOR VETERANS  
TO PROTECT THEIR BENEFITS AMID PENDING LEGISLATION**

**BATON ROUGE, La.**—LDVA Secretary Charlton Meginley and state leaders from multiple veterans service organizations (VSO) are partnering to advocate on behalf of Louisiana veterans to protect their benefits as legislation on veteran disability claims makes its way through the state legislative process.

Senate Bill 159 by Sen. Stewart Cathey, intended to protect veterans against private companies who are compensated for filing claims on behalf of veterans, fails to adhere to current federal law. LDVA and VSO leadership fully support House Bill 496 by Rep. Dodie Horton, which provides stopgap measures to protect veterans from the unlawful practices of these private companies.

“It is my duty to protect the best interest of the hundreds of thousands of Louisiana veterans who receive monetary compensation as a result of their service to our country,” said Secretary Meginley. “Gov. Landry, as a veteran, and while serving as attorney general, took action to stop a Louisiana company whose business practices violated consumer protection laws, and LDVA will unapologetically continue to do the same. We are grateful to Rep. Horton for carrying this bill for all Louisiana veterans, and while we applaud Sen. Cathey for doing his part to protect veterans, we believe that SB 159 is not lawful under its current draft.”

Congressional leaders have made significant efforts to take care of our veterans in the past several years, with the PACT of 2022 and the Camp Lejeune Justice Act, arguably two of the most important pieces of legislation. Both of those acts aim to provide health care, benefits and compensation to service members who were exposed, in part, to various toxic exposures such as burn pits and contaminated water. Additionally, the U.S. Department of Veterans Affairs has made tremendous strides in providing resources for veterans who are suffering from PTSD, traumatic brain injury and military sexual assault trauma.

In light of the federal emphasis placed on attempting to make veterans whole, and recognizing the 2.4 million applications for benefits filed with the federal VA in Fiscal Year 23, a private industry has developed to "assist" veterans in obtaining benefits. Referred to as "claims sharks" by senior federal VA leaders, these companies "help" veterans file for their benefits, and in return, the veteran agrees to pay these companies a portion of their compensation. These fees can range from a few hundred dollars, to tens of thousands of dollars, depending on an initial rating or increase in rating a veteran may receive.

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Under current federal law, most of these private companies are operating illegally, as many are not accredited by the VA to file claims. It is illegal for unaccredited agents to prepare, present or file claims on behalf of veterans; however, because Congress ended the criminal penalties for doing so in 2006, there is little to prevent these companies from offering to help veterans. These companies choose not to seek accreditation because it significantly limits the amount of compensation they can receive. In fact, federal law is clear that agents and attorneys may only "charge claimants or appellants for representation provided after an agency of original jurisdiction has issued notice of an initial decision on the claim or claims if the notice of the initial decision was issued." In other words, no veteran should pay for an initial determination of benefits.

As a result of many businesses taking advantage of veterans in what can be a lucrative business model, this matter has the attention of Congress. Currently pending in Congress are two pieces of competing legislation that seek to protect veterans from potential "claim sharks," with both pieces of legislation having bipartisan support. The first of these bills, the GUARD Act, would ban anyone from helping veterans with filing benefits claims unless they are federal VA-accredited. This act would also restore criminal penalties against those companies and individuals who lack accreditation from the federal VA. Conversely, the PLUS Act would allow these private companies to exist and essentially expand the accreditation process. The PLUS Act adds some guardrails, such as capping the amount of money a private company can receive, and requiring private companies to advise veterans that there are free resources to file claims, but does little to separate the bad actors from any good actors. Unfortunately, it is unlikely that a solution will be agreed upon any time soon. It is also worth noting that no major VSO, including the American Legion, Disabled American Veterans, Military Order of the Purple Heart and Veterans of Foreign Wars, nor a bipartisan coalition of 44 state attorneys general, support the PLUS Act.

Because Congress has not acted, there are two bills moving through the 2024 Regular Session of the Louisiana Legislature to address this problem. The aforementioned SB 159, which is akin to the PLUS Act, would allow unaccredited private companies and individuals to assist veterans with a few guardrails, including a cap of fees at \$12,500. However, in the absence of federal legislation, we believe this bill would not survive legal challenge, as it is an effort to usurp federal law. Even if the bill did survive, it does little to actually stop bad actors from preying upon Louisiana's veterans. On the other hand, HB 496, sponsored by Rep. Dodie Horton, includes necessary guardrails and would mandate that anyone assisting veterans be accredited by the federal VA. Failure to adhere to current federal law would result in civil penalties aiming to protect Louisiana veterans and stop the bad actors once and for all.

Secretary Meginley reminds all Louisiana veterans that LDVA employs 74 veterans assistance counselors throughout the state who file claims on behalf of veterans free of charge, and VSOs such as the American Legion, DAV and VFW offer their services at no charge as well. Additionally, there are dozens of accredited attorneys and agents who often offer initial claims assistance free of charge. LDVA will continue to relentlessly advocate, with the support of Gov. Landry and in partnership with VSO leadership, for Louisiana's veterans to protect the benefits they have earned from their service to our country.

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