

SUBMITTED TESTIMONY OF BENJAMIN TIPTON, MAJ (RET) US ARMY

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BEFORE THE OREGON STATE SENATE

**SENATE COMMITTEE ON VETERANS, EMERGENCY MANAGEMENT, FEDERAL AND
WORLD AFFAIRS**

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OPENING STATEMENT

I. Introduction

Thank you for the opportunity to provide testimony expressing Veterans Guardian's views on an important piece of legislation, SB 150, which I think has great intentions, but if executed, would ultimately harm Veterans by decreasing their options by limiting their professional free market choices.

My name is Benjamin Tipton and I am the Special Projects Officer/Accounts Administrator at Veterans Guardian VA Claim Consulting, and a Veteran of the US Army. My career concluded in 2016 and included deployments to Afghanistan, Iraq, and Qatar as well as overseas postings to Germany and South Korea. I've held positions from Platoon Leader to Company Commander and several staff positions at the 3 and 4-star level commands. The vast majority of my career was spent in the Special Operations community and I was fortunate enough to spend several years at 1st Special Forces Command (Airborne) as both an officer and a Department of the Army civilian. I am proud to be part of one of the largest Veteran owned and operated companies assisting my fellow Veterans with their disability claims.

Veterans Guardian is a private Veteran disability claim consulting company owned and operated by Veterans, spouses of Veterans, and spouses of active-duty service members. We fully support the goal of ensuring Veterans have access to a diverse set of options to help them secure the benefits they have earned. We proudly serve more than 35,000 Veterans annually. We assist Veterans with receiving the disability benefits they have earned through their honorable service, achieving a success rate of greater than 90%, in an average of 85 days. This is far below the Veterans Administration average processing time of 150 days.

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 options 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. We are transparent that we are not accredited, and our clients acknowledge their understanding of our status as well as the free options available to them when they sign our consulting agreement and the "Your Claim, Your Choice" affidavit. Our Veterans are choosing to utilize our services from a position of knowledge. Our data and analysis of successful claims shows that more than 70% of the time, our Veteran clients come to us after having used some of the free services available to them; which tells us that Veterans are not unaware of the free services, and that they are looking for something different.

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 legacy Veteran Service Organizations, and 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%. 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 three years in a row, 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. Included in our written submission for the record is a detailed description of our fee structure.

III. *Legislative Proposals*

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.

We are Veterans helping Veterans. My clients tell all of us my services are needed, and one of the bills we are here to discuss today, SB 150 would deny Veterans access to my much-needed services. This bill, if passed, would force my business to close our doors, lay off my Veteran employees, and leave Veterans with no other options than the VSOs or attorneys.

We believe that SB 150, raises Constitutional issues as it seeks to limit the First Amendment rights of the Veterans who wish to work with VA claim consultants, as well as the rights of the consultants themselves. Aside from threatening the way individuals exercise their fundamental rights to speak, associate, and petition the government, this proposed legislation also provides less options for Veterans, not more. It limits their choices and means that, without the necessary accreditation reform, many Veterans will not receive the benefits to which they are entitled. Our Veterans deserve more.

The fact that Veterans are choosing to use our services from a position of knowledge is proof that other options are not meeting their needs. Veterans Guardian will continue to be strong supporters of accreditation reform and reasonable fee caps. We support an enhanced accreditation process to ensure quality private companies can become accredited and provide Veterans more options to navigate the system, not less.

Therefore, for all the reasons stated, we are in opposition to Oregon SB 150.

Attempting to protect Veterans is an honorable endeavor that we all share; unfortunately, SB 150 misses the mark and would not only deny a Veteran the right to choose how they pursue their own claim, but they also fail to address the full spectrum of the issues at hand. The bill as sold also fails to address critical issues including: providing additional oversight and protections for the Veteran while preserving their Constitutional rights to petition their government in a manner they see fit, and ensuring Veterans have access to diverse options and effective solutions for decades to come.

Additionally, nearly identical legislation is currently being challenged in the courts in other states on First Amendment grounds, including Veterans' right to petition their government – a right they were willing to give their lives for.

Veterans Guardian has helped approximately 530 Veterans in Oregon generating over \$5 million in additional benefits per year for Veterans in Oregon.

Trapping Veterans in a backlogged appeals system only benefiting a handful of attorneys is something Veterans Guardian aims to avoid by focusing on getting claims done correctly the first time. 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."

If passed, SB 150 will only exacerbate the problems with the current system and will add to the ever-growing backlog of claims processed through VSOs and perversely incentivized attorneys. SB 150 would rob Veterans of the opportunity to seek expert help with a wide variety of claims and would force them into the Veterans Administration appeals trap.

According to the VA's publicly available data on accredited service officers and agents, the entire state of **Oregon has only 117 VSO representatives to provide assistance to the nearly 266,690 Veterans** who currently reside in the state. This equates to **one representative being responsible for handling the affairs of 2,279 Veterans**. Even the hardest working and most efficient volunteer would be pressed to give the best possible service to that many Veterans. This further demonstrates how harmful SB 150 will be by forcing Oregon Veterans to rely on a system that is already overloaded and ineffective.

There is momentum building at the federal level in the United States Congress to reform the accreditation process for third party actors, like Veterans Guardian, that help Veterans achieve the full disability benefits they have earned.

Rather than purposely restricting a Veteran's right to choose how they pursue their claim as SB 150 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. SB 150 does the exact opposite, and we encourage you to oppose this legislation as it denies Veteran's choice and keeps them trapped in the current broken system.

IV. Conclusion

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

Attachment: Model Bill Language - SAVE Act

Safeguarding American Veterans Empowerment Act of 2025 (aka SAVE Act)

(a) For the purposes of this section:

(1) "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.

(2) "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 for which veterans, their dependents, their survivors, or any other individual are eligible under the laws and regulations administered by the United States Department of Veterans' Affairs or the **STATE** Department of Veterans' Affairs.

(3) Except as provided in section 5, "Person" means any natural person, corporation, trust, partnership, incorporated or unincorporated association, or any other legal entity.

(b) (1) No person may receive compensation for referring any individual to another person to advise or assist the individual with any veterans' benefits matter.

(2) No person may 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 acknowledges by signing a waiver that they are within this period and choosing to deny free services available to them.

(3) A person seeking to receive compensation for advising, assisting, or consulting with any individual in connection with any veterans' benefits matter must, 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 must not exceed five (5) times the amount of the monthly increase in benefits awarded based on the claim. No initial or nonrefundable fee may be charged by a person advising, assisting, or consulting an individual on a veterans' benefit matter.

(4) No person will 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.

(5) Any person advising, assisting, or consulting on veterans' benefits matters for compensation must provide the following disclosure at the outset of the business relationship:

"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 must appear in at least twelve (12) point font in an easily identifiable place in the person's agreement with the individual seeking services. The individual must sign the document in which the written disclosure appears to represent understanding of these provisions. The person offering services must 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.

(6) Businesses advising, assisting, or consulting on veterans' benefits matters for a fee must abide by the following:

Must not utilize international data centers for processing veterans' personal information;

Must not use a veteran's personal log-in, username, or password information to access that veteran's medical, financial, or government benefits information;

Must ensure that any individual who has access to veterans' medical or financial information undergoes a background check prior to having access to that information. The background check must be conducted by a reputable source and include identity verification and a criminal records check.

(c) (1) A violation of the provisions of this section constitutes an unfair, false, misleading, or deceptive act or practice in the conduct of trade or commerce under **[Insert STATE Consumer Protection Law Reference]**.

(2) Civil penalties will be in an amount ordered by the District Court in an action brought by the **STATE** Attorney General.

(3) Each day a violation continues is a separate violation.

(IF APPLICABLE AND IF SUCH FUND EXISTS) (4) Any civil penalty collected will be deposited in the **STATE** Veterans Trust Fund.

(5) Nothing in this section is to be construed as applying to, limiting, or expanding the requirements imposed on agents, attorneys, or other representatives accredited by the United States Department of Veterans Affairs and regulated by that agency.