



VA Disability Claims Assistance

Separating Fact from Fiction



Myth: It is illegal for anyone to assist a veteran, for a fee, on their initial VA disability claim.



Fact: This is blatantly false. 38 USC 5901 & 5904 specifically state that ONLY if you are acting as the Veteran's "agent or attorney" can you not accept compensation on assisting with an initial claim. Veterans Guardian never completes VA Form 21-22A giving agency over the Veteran, does not present before the VA, act on the Veteran's behalf, nor prosecutes before the VA. We consult with the Veteran on the preparation of their claim in a legal, ethical, and transparent manner. Further, the courts have ruled restrictions on this are "likely unconstitutional."



Myth: The only way to protect Veterans is to pass the GUARD Act



Fact: The GUARD Act would eliminate all private expert support for initial claims; leaving the Veteran to only use the VSO or an attorney on the appeal (who charges up to 33.3% of the Veteran's ENTIRE back-pay). The GUARD Act was only voted on once in the 5+ years of introduction (in Spring of 2025) and was defeated in the full HVAC Committee. Further, a federal court recently ruled that these types of restrictions are "likely unconstitutional."



Myth: Currently these services are free, so why should any Veteran ever pay?



Fact: No veteran ever "has to pay." Using an expert service to try and get it right the first time is a choice, a choice that no one should take away from our Veterans. Further, the VA admits that these services are not free, and that the VA uses taxpayer money to pay private boutique law firms approximately \$30 million every month in attorneys fees. That is not free. That is money that should be going to our Veterans.



Myth: The Department of Veterans Affairs is nonadversarial, easy to navigate, and most often results in the proper level of disability benefits.



Fact: 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 nearly 100,000 pending claims that are backlogged, or older than 125 days since the submission. Additionally, the system is purposefully adversarial since Veterans have to prove existing conditions."



Myth: The VA does a good job of identifying, treating, and compensating Veterans' specific disabilities without any extra assistance.



Fact: 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 for all the above. This is why Veterans Guardian only consults on "fully developed claims." We do not rely on the VA "duty to assist" which is why we have a 90% success rate with an average of 85-day initial claim return timeline. Many disabled Veterans need assistance. To argue that the VA is an ally in this process is akin to arguing that the IRS is helpful in tax preparation.





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Myth: GUARD-style fee bans are passing all across the country.



Fact: The strict fee-ban approach has been enacted in only four states: New Jersey, Maine, Utah, and California. These laws are being challenged or revisited, including through active litigation in Maine and New Jersey.

Myth: The GUARD Act will not harm Veterans or limit anyone's rights.



Fact: The U.S. Court of Appeals for the Third Circuit held that New Jersey's GUARD law likely burdens protected speech and sent the case back for First Amendment scrutiny. When a law bans compensation for speech-based help, it can chill lawful assistance and reduce access for Veterans. Many versions of the GUARD Act restrict the service itself by banning compensation for "advising or assisting" on Veterans benefits matters. As such, it can function as a broad limit on compensated speech.

Myth: Assistance provided by VSOs for benefits claims is widely available to Veterans nationwide at an expedited speed.



Fact: 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 and simply don't have the time or expertise to focus on individual disability claims.

Myth: All claims consultants are "claim sharks" by definition and could just become VA-accredited, but they choose not to.



Fact: This is very simple to answer: private claims companies can not become accredited by the VA as the rules are currently written. Current rules state if you are an accredited agent, you can not charge a fee for the initial claim. Allowing professional help for a fee the first time avoids fees of hundreds of thousands of dollars of the Veterans' backpay going to appeals attorneys. We want to get accredited, which is why we support HR 3231 which has protections for the Veterans and provides a pathway for accreditation for private companies.

Myth: If you oppose GUARD, you oppose accountability.



Fact: You can be pro-enforcement and pro-choice by supporting legislation that requires written disclosures, bans guarantees and deception, protects privacy, and imposes serious penalties for bad actors all while preserving Veterans' ability to seek, and pay for, lawful assistance.