

**SUBMITTED TESTIMONY OF WILLIAM C. TAYLOR, LTC (RET) US ARMY**

**CO-FOUNDER AND CHIEF OPERATING OFFICER,**

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**BEFORE THE NORTH DAKOTA STATE HOUSE**

**HOUSE GOVERNMENT AND VETERANS AFFAIRS PUBLIC HEARING**

**JANUARY 17, 2025**

**OPENING STATEMENT IN SUPPORT OF ND HB 1169**

***I. Introduction***

Thank you for the opportunity to provide written testimony expressing Veterans Guardian's supportive views of North Dakota House Bill 1169.

My name is William Taylor and I am a co-founder of Veterans Guardian VA Claim Consulting, and a Veteran of the US Army. I am a proud graduate of the United States Military Academy at West Point and retired in 2018 as a Lieutenant Colonel after a 23-year career that included six deployments to Afghanistan, Iraq, and the Balkans, and positions from the platoon to 4-star level staff positions. I am proud to have founded one of the largest Veteran owned and operated companies assisting my fellow Veterans with their disability claims.

In 2015, as I was considering retiring from the Army, one of the questions that came up was VA disability benefits. I knew little more than that they existed and, like so many in the military, I had heard horror stories about how cumbersome and complicated the process was, but I felt healthy and assumed I probably did not qualify, which I now know was wrong. Information about claiming VA disability benefits was practically non-existent and difficult to find. Worse still, getting an appointment with a claims representative was even more difficult due to limited operating hours and limited capacity for the large military population in and around Fort Bragg, North Carolina. Despite being a senior officer, and having knowledgeable friends and colleagues, it took a significant amount of their support, advice, and my own research for me to successfully navigate the system and submit my own claim. Unfortunately, I am the exception and not the norm. That is why we founded Veterans Guardian. If I, as a senior officer, had this much trouble navigating the system, something surely was not right. 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 70% 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 five years in a row. We have received the BBB Torch Award for Marketplace Ethics since 2020.

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 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.

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 more than 360,000 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%. 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. 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.**"

According to the VA's publicly available data on accredited service officers and agents, the entire state of **North Dakota has only 75 unique VSO representatives (yet they advertise a capacity of 178)**<sup>1</sup> to aid the estimated **48,788 veterans** who currently reside in the state. This equates to **ONE representative being responsible for handling the affairs of 643 veterans.**

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<sup>1</sup> Data was taken from publicly available sources from the US Department of Veterans Affairs accredited agent database. Many unique names are counted multiple times and are counted as the same name affiliating with multiple VSOs. Analysis was done to remove the duplicative counting and once the unique names were only counted once, the reported 178 accredited agents is actually only 75.

Even the hardest working and most efficient volunteer would be pressed to give the best possible service to that many veterans.

This is why over 70% of Veterans Guardian clients have turned to us for help after trying the other options available – they, not us, are telling you they prefer our expertly trained professional staff and the services we offer.

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

#### **IV. The Solution: North Dakota House Bill 1169 (as amended)**

ND HB 1169 would preserve the rights of a Veteran to choose how they pursue their own US Department of Veterans' Affairs disability claim and address the full spectrum of the issues at hand. This bill provides 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.

If passed, ND HB 1169 will help alleviate the problems with the current system and could help decrease the ever-growing backlog of claims processed through VSOs and perversely incentivized attorneys. ND HB 1169 secures the opportunity of Veterans to seek expert help with a wide variety of claims and could help them avoid the Veterans Administration appeals trap.

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. There are more than 18 million veterans in America, but only 5 million have a disability rating and most of those veterans are underrated. 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.

ND HB 1169 preserves a Veteran's right to choose how they pursue their claim and implements 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 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;
- o Mandating the use of HIPAA compliant servers; and other protections.

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 at the federal level and enhanced oversight against bad practices at the state level – ND HB 1169 does just that!

#### **V. Conclusion**

Veterans Guardian strongly supports ND HB 1169. We also join in the dozens and dozens of organizations (see Attachment I) who also support this bill.

I look forward to remaining engaged and working with you and your staffs to support measures such as this and continue to develop solutions for this and other important issues facing our nation's Veterans. Thank you for the opportunity to submit this testimony.