



VA ACCREDITATION PROGRAM

HOW TO FILE A COMPLAINT

WHAT A CLAIMANT SHOULD KNOW ABOUT FILING A COMPLAINT AGAINST AN INDIVIDUAL OR ORGANIZATION THAT HAS ASSISTED ON A VA BENEFITS CLAIM

What if I think that the person assisting me with my VA benefit claim is doing something illegal or unethical? If you believe that an attorney, claims agent, veterans service organization (VSO) representative, or other individual or organization has acted in an illegal or unethical manner, you can file a complaint with VA. The Office of General Counsel (OGC) of the Department of Veterans Affairs (VA) is authorized to investigate complaints and remove an individual's VA accreditation, when appropriate. In addition, OGC may refer a matter to the appropriate law enforcement authorities.

“I’m ready to file my complaint. What do I do?”

What to include in your complaint:

- ✓ A detailed summary of your allegations of misconduct by the individual or organization. (It may be helpful to review the Standards of Conduct for VA-accredited individuals included in the “Frequently Asked Questions” below).
- ✓ A completed and signed VA Form 3288 - Request for and Consent to Release of Information from Individual's Records. For assistance in locating a copy of this form or questions on how to complete this form, please call 202-461-7699.
- ✓ Any additional information pertinent to your complaint, such as a fee agreement, proof of payment, or correspondences between you and the individual or organization.

Where to send it: Complaints regarding unlawful activities, misconduct, or incompetent representation may be filed with VA's OGC in the following ways (Please choose one):

Email: ogcaccrreditationmailbox@va.gov

Mail: Department of Veterans Affairs
Office of General Counsel (022D)
810 Vermont Avenue, NW
Washington, DC 20420

Fax: (202) 273-6404

Frequently Asked Questions

1. *What are the required standards of conduct for VA-accredited individuals assisting on VA claims?*

- ✓ *VA-accredited individuals providing VA claims assistance shall:*
 - Faithfully execute their duties on behalf of a VA claimant;
 - Be truthful in their dealings with claimants and VA;
 - Provide claimants with competent assistance with their benefit claim; and
 - Act with reasonable diligence and promptness in providing claims assistance.

For More Information: Visit the VA Office of General Counsel website at:
<http://www.va.gov/ogc/accreditation.asp>

- ✓ **VA-accredited individuals providing VA claims assistance shall not:**
 - Circumvent a rule of conduct through the actions of another;
 - Engage in conduct involving fraud, deceit, misrepresentation, or dishonesty;
 - Violate any of the provisions of title 38, United States Code, or title 38, Code of Federal Regulations;
 - Enter into an agreement for, charge, solicit, or receive a fee that is clearly unreasonable or otherwise prohibited by law or regulation (for more information, please see our fact sheet on “When a Fee May be Charged” at: <http://www.va.gov/ogc/accreditation.asp>);
 - Solicit, receive, or enter into agreements for gifts related to representation provided before VA has issued its initial decision on a claim or claims and a Notice of Disagreement has been filed with respect to that decision;
 - Delay, without good cause, the processing of a claim;
 - Mislead, threaten, coerce, or deceive a claimant regarding benefits or other rights under VA programs;
 - Engage in, or counsel or advise a claimant to engage in acts or behavior prejudicial to the fair and orderly conduct of VA proceedings;
 - Disclose, without the claimant's authorization, any information provided by VA for purposes of representation; or
 - Engage in any other unlawful or unethical conduct.
 - In addition, VA-accredited attorneys shall not engage in behavior or activities prohibited by the rules of professional conduct of any jurisdiction in which they are licensed to practice law.

2. ***If I file a complaint, will VA disclose my identity?*** Most likely. VA regulations require that OGC inform a VA-accredited individual of “the source of the complaint.” Your completed and signed VA Form 3288 permits us to disclose this information. If you do not complete and sign that form, OGC may be unable to investigate and act on your complaint.
3. ***What will happen after I submit my complaint and privacy release?*** OGC will initiate its investigation. An investigation generally begins with OGC writing to the individual or organization regarding the allegations and ends with OGC making a determination as to whether further action, such as removal of a VA-accredited individual’s accreditation, is warranted.
4. ***Does VA work with State and Federal Law Enforcement Authorities in monitoring the behavior of individuals assisting on VA benefits claims?*** Yes, VA has successfully partnered with State and Federal enforcement authorities in efforts to protect our nation’s Veterans. For example, based in part on information provided by VA, in September 2014, the Maryland Attorney General used its existing consumer protection laws to find an individual guilty of illegally taking money from Veterans who had sought assistance with filing VA benefit claims. The Maryland Attorney General’s Final Order required the return of all payments that were taken from Veterans, and found that the individual had violated the Maryland Consumer Protection Act by committing unfair or deceptive trade practices.