



# IMPROVING VETERANS' ACCESS TO BENEFITS

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# INTRODUCTION

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Over the last 10 years, an increasing number of Veterans have filed disability claims with the Department of Veterans Affairs. Presently, there is a backlog of nearly 400,000 Veteran claims, the most in over a decade. This surge in demand places greater pressure on the VA, necessitating more proficient support for Veterans to accurately file their claims on the first attempt, thereby avoiding the need for appeals and further delays in accessing the benefits they earned. So far in fiscal year 2024, the VA takes an average of 153.6 days to process an initial claim, reflecting an increase of 17.8% from fiscal year 2023, when the average decision time was 130.4 days. Notably, this exceeds the VA's defined threshold for a backlogged claim (125 days) by 5 days. The intended role of VA-accredited Veterans Service Officers (VSOs) is to assist Veterans with navigating the complex benefit claims system. However, dismal VSO-to-Veteran ratios exacerbate the problem, resulting in prolonged wait times and heightened frustration for Veterans attempting to engage with these overburdened and inadequately staffed VSOs. Careful scrutiny of VA-reported data will uncover why VSOs cannot keep up with the deluge of Veterans in need of assistance.

This report investigates the current state of Veterans Service Officers (VSOs) accredited by the Department of Veterans Affairs (VA) and their capacity to handle claims for Veterans seeking benefits from the VA. The data used in this study was pulled directly from the [VA's own Office of General Counsel \(OGC\) website<sup>1</sup>](https://www.va.gov/ogc/apps/accreditation/index.asp), which uncovers a gross inflation of the reported VSO numbers and highlights the deplorable ratios of VSOs-to-Veterans resulting in staggering backlogs of unprocessed claims. Further, the report explores the challenges faced by Veterans as they navigate the convoluted disability claims process and the need for regulation to protect them from unscrupulous practices. Veterans deserve solutions that address these challenges and ensure they receive timely and adequate support while maintaining freedom of choice amidst pursuing their claims.

The well-being and welfare of our nation's Veterans are paramount concerns, and ensuring they have access to the benefits they earned while in service to our country is a fundamental obligation engrained in the American ethos. However, the current VA system is plagued by inefficiencies and logjams, hindering Veterans' access to critical services and benefits. In fact, according to the [VA's 2023 End-of-Year Veteran Benefits Update](https://news.va.gov/127378/2023-end-of-year-veteran-benefits-update/#:~:text=We%2520are%2520processing%2520more%2520claims,again%2520in%2520fiscal%2520year%25202024.) (Jacobs, 2023)<sup>2</sup>, there is a backlog of at least 378,000 unprocessed claims; that is almost 400,000 of our nation's heroes living with combat-connected conditions and disabilities unable to obtain the care and benefits they desperately need. Concerningly, these numbers are likely significantly higher than reported, as many Veterans deem the VA claims process so burdensome and ineffective they avoid submitting claims altogether. Why has the VA, an entity created to protect and care for our nation's heroes, become more of a burden than a helping hand? One significant contributing factor lies in the VA's reporting inflated numbers of VSOs available to help Veterans navigate the claims process.

<sup>1</sup> The U.S. Department of Veterans Affairs (2023). *Office of General Counsel Accreditation Search*. VA.gov. Retrieved March 29, 2024, from <https://www.va.gov/ogc/apps/accreditation/index.asp>

<sup>2</sup> Jacobs, J. (2023, December 20). *2023: End-of-year Veteran benefits update*. VA.gov. Retrieved March 29, 2024, from <https://news.va.gov/127378/2023-end-of-year-veteran-benefits-update/#:~:text=We%2520are%2520processing%2520more%2520claims,again%2520in%2520fiscal%2520year%25202024.>



## EVIDENCE OF INFLATED VSO NUMBERS

VA-accredited VSOs play a pivotal role in helping Veterans navigate the complex process of accessing their benefits, and they do so without charging. This is exactly how the VA should operate, and it's the kind of service our Veterans deserve. However, as you will see in this study, the number of VSOs available to process the increasing number of Veteran claims is woefully inadequate. Nearly every state reports inflated numbers of VSOs, giving a misleading impression of available resources. A comprehensive analysis of VA data, widely available on its OGC website, reveals gaping discrepancies between reported numbers of VSOs and the actual availability of these officials to assist Veterans. Inflated figures create a false sense of security and mask the extent of the problem.

The OGC website exists as a search tool for Veterans to locate direct contact information for VA-accredited VSOs by state. Upon delving into this directory, researchers found that, not only did 38% of VSOs fail to list their contact information, rendering their inclusion in the directory useless, but most are claimed by several Veterans Service Organizations as available to process claims. In fact, 39% VSOs are being reported multiple times, with some individual VSOs being counted as many as 27 times. Look at this cross section of data from Georgia in 2022, which quantifies the inflated number of VSOs reported by both American Legion and Veterans of Foreign Wars (VFW).

Taking a magnifying glass to this data reveals where the inflation originates. In reality, every VSO who works for the

Georgia							
Est. Veteran Population (2024)		625,251		Actual VSO Reps		143	
Purported VSO Reps		780		VSO to Veteran Ratio - 1:x		4,372	
American Legion				Veterans of Foreign Wars			
March 2022		October 2022		March 2022		October 2022	
Actual Reps	Inflated Numbers	Actual Reps	Inflated Numbers	Actual Reps	Inflated Numbers	Actual Reps	Inflated Numbers
97	762	105	805	108	815	106	806

VA in Georgia is also counted as a VSO for American Legion. Likewise, each VSO working for the Georgia VA is also counted by VFW, but it gets worse. Nearly all VSOs claimed by American Legion and VFW are claimed as working for approximately 7 additional Veterans' organizations. As a result, when Georgia provides the number of VSOs employed to assist Veterans with their claims, they are reporting 7 to 8 times more than are actually available. The American Legion and the VFW are not the only Veterans' organizations contributing to the inflation. While a multitude of organizations are responsible for claiming the same VSOs on their rosters, not just American Legion and VFW, the fact of the matter is, this practice is hurting Veterans and their

families. Take a look at the overall VSO-to-Veteran ratios for Georgia, as well as the actual VSO count versus the purported numbers coming from all Veteran organizations in Georgia. The inflation is staggering.

To the detriment of our Veterans nationwide, the misreporting of VSO numbers is not confined to Georgia. The vast majority of states' VSO counts are significantly inflated – it is a matter of states that are bad and those that are worse. A chart appended to the end of this report juxtaposes the actual count of VSOs against the inflated figures reported by each of the 50 states, in addition to the District of Columbia and Puerto Rico.





## ABYSMAL RATIOS OF VSOS-TO-VETERANS

The ratios of VSOS-to-Veterans in each state are shockingly disproportionate, with every state experiencing severe shortages, albeit some worse than others. The imbalance results in overwhelming caseloads for VSOS, leading

to insupportable delays, increased human error, and unprocessed claims. The table below exhibits the ratios for all 50 states, the District of Columbia, and Puerto Rico.

	Ratio		Ratio		Ratio
Alabama	1:3,008	Louisiana	1:2,665	Oklahoma	1:1,491
Alaska	1:3,409	Maine	1:2,904	Oregon	1:2,341
Arizona	1:4,466	Maryland	1:3,970	Pennsylvania	1:2,315
Arkansas	1:1,510	Massachusetts	1:3,380	Puerto Rico	1:3,667
California	1:3,045	Michigan	1:1,712	Rhode Island	1:4,344
Colorado	1:2,686	Minnesota	1:1,012	South Carolina	1:2,013
Connecticut	1:8,007	Mississippi	1:1,568	South Dakota	1:800
Delaware	1:5,422	Missouri	1:2,922	Tennessee	1:1,617
District of Columbia	1:263	Montana	1:2,247	Texas	1:2,978
Florida	1:2,833	Nebraska	1:783	Utah	1:3,434
Georgia	1:4,372	Nevada	1:4,376	Vermont	1:3,879
Hawaii	1:3,249	New Hampshire	1:5,490	Virginia	1:2,161
Idaho	1:2,889	New Jersey	1:3,171	Washington	1:3,257
Illinois	1:2,528	New Mexico	1:3,217	West Virginia	1:2,120
Indiana	1:1,557	New York	1:2,189	Wisconsin	1:1,465
Iowa	1:920	North Carolina	1:1,848	Wyoming	1:2,018
Kansas	1:3,259	North Dakota	1:617		
Kentucky	1:3,731	Ohio	1:1,949		



## INCREASES IN VETERAN CLAIMS

The ratios are not expected to improve any time soon. In fact, the volume of Veteran benefit claims has steadily increased since 2019. In 2023, a record of more than 2 million claims were submitted to the VA, surpassing the previous annual record by 39%. The recent surge in claims was caused, in part, by the passage of the historic Promise to Address Comprehensive Toxics Act (PACT Act) of 2022. The PACT Act expanded health care benefits for millions of Veterans impacted by exposure to toxic materials during their service, including those exposed to burn pits, Agent Orange, and toxic water at Camp Lejeune. According to the VA's 2023 report, the number of claims is expected to continue climbing throughout 2024.

Sharp increases in mental health concerns for post-9/11 Veterans are also adding to the onslaught of claims. According to the VA Crisis Hotline statistics, the number of annual contacts increased by 15% from about 775,000 in 2020 to nearly 896,000 in 2022 – the upward trend continuing into 2023 (Chan, 2023)<sup>3</sup>. In March of 2020, the Crisis Hotline fielded about 67,000 unique calls, text chats, and/or text sessions from Veterans suffering from various mental health conditions, such as Post-Traumatic Stress

(PTS), Traumatic Brain Injuries (TBI), Depression, and Suicidal Ideation. By comparison, it received over 88,000 contacts in March of 2023 (Chan, 2023).

Evidence also suggests there is significant correlation between the surge and the chaotic end to the 20-year, protracted war in Afghanistan. During the longest war in U.S. history, Servicemembers were deployed more frequently and for longer periods than ever before, prolonging and exacerbating the traumas experienced during combat. [A survey conducted in part by Iraq and Afghanistan Veterans of America](#) (Staffieri et al., 2023)<sup>4</sup> uncovered approximately 41% of Veterans suffer from trauma because of the events of the Afghanistan withdrawal. The Crisis Hotline data also demonstrates a strong correlation, citing a 98% surge in texts in the immediate aftermath of the Afghanistan withdrawal (Chan, 2023).

Veterans are asking for help in record numbers, and they deserve to receive excellent care in return. Instead, they find themselves trapped in systemic limbo for months, and in some cases, years, grappling with language nuances and document requirements necessary for claim approval. VSOs cannot handle the demand, but instead of cutting red tape,

<sup>3</sup> Chan, M. (2023, April 22). *The Veterans Crisis Line is fielding a record number of cries for help, VA stats show*. Nbcnews.com. Retrieved March 29, 2024, from <https://www.nbcnews.com/news/us-news/veterans-crisis-line-fielding-record-number-cries-help-va-stats-show-rcna78979>

<sup>4</sup> Staffieri, K., Zeller, M., & Trudeau, M. (2022, August 15). *The Left Behind Afghans One Year Later*. Iava.org. Retrieved March 29, 2024, from <https://iava.org/wp-content/uploads/2022/08/AWA-Aug-2022-Withdrawal-Survey-Results.pdf>

simplifying procedures, or helping Veterans find specialized assistance, the VA continues to further complicate the process. This has led to steep increases in the number of rejected claims, which requires Veterans to hire lawyers to appeal the decision and start the process over again.

This cycle cannot continue. Veterans need and deserve a simplified benefits claims process, as well as significant increases in highly trained, specialized personnel operating within reasonable workload ratios dedicated to helping them obtain the benefits they have already earned. Alarming increases in Veteran death by suicide will continue if our heroes cannot access the resources, care, and support they need. It is a literal matter of life and death for our Veterans. Sweeping, system-wide reform is required to appropriately serve those who have sacrificed for our freedom.







## REGULATION OF DISABILITY CLAIMS ASSISTANCE

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There are efforts at both federal and state levels to keep Veterans trapped in the broken system and deny them the right to seek expert private sector help on their claims. If passed, the Governing Unaccredited Representatives Defrauding VA Benefits Act of 2023 (GUARD Act) would criminalize any individuals who directly or indirectly solicit, contract for, charge, or receive unauthorized fees or compensation with respect to the preparation, presentation, or prosecution of any claim for VA benefits. The bill seems Veteran-centric at face value, but there are unintended consequences. While the GUARD Act would protect Veterans from some bad actors, it would also eliminate the multitudes of good-faith attorneys and organizations that are faithfully helping Veterans file their claims. Not only would this limit Veteran choice and the resources available to them, but it would also prove detrimental to the already drowning VSOs who cannot keep up with their ever-growing caseloads.

Conversely, the Preserving Lawful Utilization of Services for Veterans Act (PLUS Act) proposes solutions to ensure ethical operations, thereby safeguarding Veterans from exploitation and substandard service, while still allowing good actors in the private sector to assist with VA claims. It mandates all fees to be purely contingent upon successful outcome, prohibits any initial or non-refundable fees, requires presumptive period Veterans

(within 1 year of retirement or discharge) to be referred to a VSO of their choice, orders written confirmation from the Veteran they have been informed of their free options, disallows private companies from having doctors on the payroll performing secondary medical exams, bans the use of international call centers or data centers for processing Veteran personal information, prohibits aggressive and direct solicitation, and restricts any advertising or guaranteeing a successful outcome. In short, the PLUS Act protects Veterans without further depleting the helpful resources available to them.

Movement has stalled at the federal level, so lobbyists have turned to the states to pass legislation to keep private consulting firms from helping Veterans prepare their claims. New Jersey is the only state to have passed this misguided and unconstitutional law, and they are being challenged on those merits currently pending in the Federal Third Circuit US Court of Appeals. Even better news, efforts similar to New Jersey have been defeated in many states - Florida, Georgia, Virginia, West Virginia, Nebraska, Kentucky, Kansas, Arizona, South Dakota, Washington, and Hawaii so far in 2024. However, Veterans still need protections from truly bad actors in this space. Legislation modeled after the federal PLUS Act have passed at least one chamber in Georgia, Hawaii, Arizona, and Kentucky, with more to follow. This approach maintains Veteran choice, preserves the free

market, and regulates against bad practices.

Political differences must be set aside in favor of Veteran-centric solutions. Veterans and their families have sacrificed their best years in service to our country. Many are rewarded with crippling visible and invisible injuries that make the return to civilian life difficult. Adding insult to injury, the government Veterans swore to protect and defend is so steeped in political division and bureaucracy it fails to render the help and support it promised to provide in return for service. Truly Veteran-centric solutions will allow for freedom of choice while also protecting from unethical practices.

If Veterans determine they need expert, specialized assistance as they pursue their benefits, pensions, and healthcare options, and they are unable to obtain the assistance they need from overburdened VSOs, they must be permitted to choose from a greater variety of options, not fewer. This report uncovers the VA is inflating the number of VSOs, highlighting how slow and inaccessible it can be to file a VA claim with the assistance of an overworked VSO. Current VSO capacity to handle claims for Veterans, coupled with the need for VA-regulation in the disability claims assistance space, underscores the urgency of reform. Solutions to address these challenges must be comprehensive and Veteran-centric to ensure Veterans and their families receive the support they deserve without limiting choices or resources, all while protecting them from exploitation. Supporting VA reform is a moral imperative and a practical step towards honoring our nation's commitment to those who have served.



## WHO WE ARE

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This report was compiled by the Special Operations Association of America, the sole non-profit Veterans organization dedicated exclusively to advocating for the Special Operations Community. We are committed to identifying solutions and making recommendations that best serve Special Operation Forces Servicemembers and Veterans both on and off the battlefield. We support our community's members and families with the resources they need as they transition away from the battlefield to ensure that warfighters will never be forgotten, even when they are no longer fighting a war.





