

VFW Chief Asks Congress to ‘Fight for Those Who Served’

If you missed it, combating “claim sharks,” stopping veterans suicide, providing retired military men and women earned benefits and helping active-duty troops make an easy transition to civilian life topped VFW’s agenda

May 16, 2024

VFW Commander-in-Chief Duane Sarmiento addressed a joint hearing of the House and Senate VA committees on March 6 during the 2024 VFW Washington Conference.

Sarmiento began his testimony by thanking members of Congress for passing the Honoring Our PACT Act (P.L. 117-168) in 2022. Sarmiento noted that the law is the “most comprehensive toxic exposure legislation” ever passed by Congress. He said that the PACT Act has helped veterans who served in the Vietnam War through the post-9/11 wars.

“The men and women in this room are a cross-section of the VFW, a cross-section of our veteran population and a cross-section of America,” said Sarmiento, a Navy veteran. “This is why I call upon you as our leaders in Washington, D.C., to continue fighting for those who served, are still serving, and to every day, meet the challenge.”

CLAIM SHARKS

Sarmiento, a Navy veteran of 1991’s Persian Gulf War, testified that after the 2022 passage of the Honoring Our PACT Act, VFW witnessed an increase in online advertisements from predatory unaccredited companies, or “claim sharks,” that target veterans’ earned VA benefits.

“They argue that the high fees they charge make them more effective in assisting veterans than the free services offered by VA-accredited veterans service organizations,” Sarmiento said. “That is false.”

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Sarmiento said claims sharks “prey upon veterans and disregard the law.” He added that those companies need to be held accountable.

“They say that there is no way for them to seek VA accreditation — that is also false,” Sarmiento said. “Anyone can seek accreditation, but they refuse to do so because they would no longer be able to charge exorbitant fees — especially for work they didn’t do.

“It’s distasteful that these claim sharks take money from veterans,” Sarmiento continued. “But it’s disgusting that they take money from survivors.”

Sarmiento said VFW supports H.R. 1139 — the Governing Unaccredited Representatives Defrauding VA Benefits Act of 2023 (GUARD VA Benefits Act) — and noted that claim sharks are spending “millions of dollars” to fight the bill and similar ones across the country.

“New Jersey and New York have already made claim sharks illegal, and bills are moving forward through the legislatures all around the country,” Sarmiento said. “Claim sharks have fought our bills in every state and continue to try to buy influence. But we will never give up because we have the law and moral high ground on our side.”

TRANSITION ASSISTANCE

During the testimony, Sarmiento touted VFW’s network of veterans service officers around the world who provide free services to help veterans, military members and families file a VA disability claim.

“Every year,” Sarmiento said, “VFW-accredited representatives assist approximately 20,000 service members with their Benefits Delivery at Discharge (BDD) claims before they leave the military, meaning they can receive benefits almost immediately upon separation for free.”

However, Sarmiento noted that “accredited representatives” for BDD claims are inconsistent.

“That’s why the VFW highly recommends passage of the TAP Promotion Act (H.R. 3933), which will ensure all service members have direct access to accredited representatives during Transition Assistance Program (TAP) classes,” Sarmiento said. “Transition is an important milestone in a service member’s life, and the VFW believes we need to do everything we can to support that journey.”

Sarmiento noted that recently transitioned former junior enlisted veterans have higher rates of homelessness, unemployment and suicide than other veterans.

“We must do everything we can to help ease that transition, especially for those who are at higher risk,” Sarmiento said. “Trying to stop suicide or homelessness is meaningless if we ignore the root causes of a crisis.”

VETERANS SUICIDE

Sarmiento, during the testimony, said VFW supports the Not Just a Number Act (S. 928). If passed by Congress and signed into law by President Joe Biden, the Not Just a Number Act would require VA to examine veterans’ benefits usage in an annual suicide prevention report to evaluate the relationship between VA benefits and suicide outcomes.

“VA’s own research shows that factors such as financial stability, housing and jobs protect against crisis,” Sarmiento said. “But if veterans have problems accessing benefits such as the GI Bill, why would they trust VA with their health care? After years of sounding this alarm, VFW is optimistic that VA may finally be listening, but we can do more.”

RICHARD STAR ACT

Sarmiento said that VFW believes veterans should receive all benefits owed to them. The Major Richard Star Act (H.R. 1292) would allow retired combat-wounded veterans with less than 20 years of service to receive both their disability compensation and retirement pay with no offset, also known as concurrent receipt.

“Year after year, and Congress after Congress, the VFW has advocated to fix concurrent receipt, and this year is no different because Congress has yet to finish the work it started — and promised to finish — 20 years ago,” Sarmiento said. “Our government says it holds veterans in high regard, yet we keep using them as a way to save money.”

Sarmiento said that VA disability pay and military retirement pay should be viewed as “fundamentally different” compensations. He said that the current law calls it “double-dipping.” Sarmiento noted that the Major Richard Star Act would fix the injustice.

While the 117th Congress (2021-22) gained “overwhelming” bipartisan support from lawmakers, the bill was not sent to President Biden for approval.

“The VFW fears the 118th Congress will end with the same result,” Sarmiento said. “We must pass the Richard Star Act so veterans receive the full benefits they have earned through their blood and sweat in their service to our country.”

OVERSEAS HEALTH CARE

On behalf of VFW, Sarmiento called on members of Congress to “undertake substantial reform” of the VA Foreign Medical Program. Sarmiento, a Filipino American, said he knows

people who live outside of the U.S. who earned VA benefits through their military service.

“We have to provide consistent access to care and support to veterans overseas,” Sarmiento said. “VFW welcomes the opportunity to discuss these issues.”

While Sarmiento acknowledged that health care around the world will “never be the same level of care” veterans receive in the U.S., he said veterans who reside overseas often face “indifference and apathy” from the U.S. government.

He noted that “better beaches” are not the reason veterans live overseas.

“Many of these veterans are still employees who work for the Departments of Defense or State, supporting American interests and the military mission,” Sarmiento said. “Cutting off services for overseas veterans should be viewed as a national security risk, which is why we need to enact common sense reforms for veterans living outside of the U.S.”

To watch Sarmiento’s entire testimony, visit <https://www.vfw.org/media-and-events/2024-vfw-washington-conference>.

This article is featured in the 2024 May issue of [VFW magazine](#), and was written by [Dave Spiva](#), associate editor of VFW magazine.