



DEPARTMENT OF VETERANS AFFAIRS OFFICE OF INSPECTOR GENERAL

STATEMENT OF VA INSPECTOR GENERAL MICHAEL J. MISSAL

FOR THE

SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS AND
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

COMMITTEE ON VETERANS' AFFAIRS

U.S. HOUSE OF REPRESENTATIVES

HEARING ON

AT WHAT COST? – ENSURING QUALITY REPRESENTATION IN THE
VETERAN BENEFIT CLAIMS PROCESS

April 27, 2022

Madam Chairwoman, Mr. Chairman, Ranking Member Nehls, and Ranking Member Mann and members of the Subcommittees, thank you for the invitation to provide a statement for the record on how the Department of Veterans Affairs (VA) Office of Inspector General (OIG) interacts with VA and other federal agencies regarding allegations of non-accredited representatives that offer to assist veterans with VA benefits claims. As part of our independent oversight work, the VA OIG is committed to serving veterans, VA, and the public by preventing and addressing fraud and other crimes, waste, and abuse in VA programs and operations. Among our priorities is helping ensure that veterans receive the benefits, health care, and services they have earned through their service to our country.

The OIG appreciates the subcommittees' attention on the issue of quality representation for veterans who seek assistance when submitting claims for compensation and benefits. It is imperative that veterans know that they need not pay to submit an initial compensation claim. VA's Office of General Counsel (OGC) has compiled extensive information regarding accredited representatives on VA's website (<https://benefits.va.gov/vso/index.asp>). The VA OGC has been delegated responsibility for accrediting representatives and VA regulations define the process by which OGC accredits veterans service organizations and officers, attorneys, and agents and adjudicates actions to terminate such accreditations. The OIG has no role in the VA OGC's process for accrediting representatives.

The OIG operates a hotline that receives approximately 30,000 complaints annually from veterans, family members, VA employees, and the public. Anyone can call the hotline at (800) 488-8244 or use the web submission form at www.va.gov/oig/hotline/complainant-release-preference.asp. Any person contacting the hotline may do so anonymously, however, a confidential or unrestricted complaint allows for the OIG to follow-up with the complainant if additional information is needed. The OIG makes every effort to preserve the confidentiality of all complainants. When VA's OGC receives and reviews allegations of fraud, waste, or abuse in this area and determines it may implicate potentially criminal conduct, they should send the allegations to the OIG by contacting the VA OIG's hotline so that it can

be properly tracked. OIG staff review all incoming inquiries and those with actionable information are then referred to the appropriate directorate for further review. Then, directorates determine whether further work is warranted and the best strategy for completing it.

The OIG's Office of Investigations investigates potential crimes and civil violations of law involving VA programs and operations concerning VA employees, contractors, beneficiaries, and other individuals. These investigations focus on a wide range of matters, including healthcare, procurement, benefits, construction, and other fraud; cybercrime and identity theft; bribery and embezzlement; drug offenses; and violent crimes. The office is staffed by special agents with full law enforcement authority, forensic auditors, and other professionals. Staff use data analytics, cybertools, and other strategies to detect and address conduct that poses a threat to or has harmed veterans or other beneficiaries and VA personnel, operations, and property. Through criminal prosecutions and civil monetary recoveries, OIG's investigations promote integrity, patient safety, efficiency, and accountability within VA.

Information concerning allegations of potential criminal activity received by the OIG's hotline is entered in the OIG's records system and routed to OIG program managers in the Office of Investigations for a review that considers multiple factors, such as the number of veterans affected, the financial impact to VA programs, and current available investigative resources.

If a program manager determines that the complaint needs further examination, the matter is referred to the appropriate field office personnel for consideration. The field office supervisor evaluates the allegations to determine if opening an initial investigation is warranted.

Neither VA nor the OIG make the final determination on whether to pursue prosecution on a criminal investigation. OIG staff establish fact patterns and collect evidence to refer to the Department of Justice (DOJ). DOJ prosecutors evaluate the evidence and related circumstances, consider their own available resources, and decide whether to accept the matter for potential prosecution.

If no criminal prosecution is pursued by DOJ and the OIG has substantiated that a violation of law, regulation, or policy occurred, depending on the facts and circumstances of a particular matter, we may publish an administrative report of our findings or refer the matter to OGC or other appropriate office.

CONCLUSION

The OIG's work is focused on protecting VA programs and operations from waste, fraud, and abuse as well as improving their efficiency and effectiveness. In the case of unaccredited representatives, the OIG relies on referrals from OGC of possible violations of laws, regulations, and policies. The OIG applauds OGC's efforts to educate veterans on the rules and regulations regarding outside assistance in submitting claims. Our office is committed to engaging with OGC staff, veterans service organizations, and consumer protection agencies to help ensure veterans receive the full benefits for which they are eligible.