



DEPARTMENT OF VETERANS AFFAIRS
Office of the General Counsel
Washington DC 20420

In Reply Refer To: 022D

Mr. David L. Cole
5540 Centerview, #200
Raleigh, NC 27606

Dear Mr. Cole:

It is a pleasure to welcome you as an accredited claims agent for the preparation, presentation, and prosecution of claims for veterans benefits before the Department of Veterans Affairs (VA). Your accreditation is effective on the date of this letter.

On May 22, 2008, VA published new claims agent and attorney accreditation and fee rules to implement laws enacted by Congress in December 2006. *See* 73 Fed. Reg. 29852. The new rules, effective June 23, 2008, among other things, impose new training and reporting requirements necessary to maintain VA accreditation, define the circumstances under which fees may be charged, and establish standards of conduct for persons providing representation before VA.

The new rules clarify that "representation" means the acts associated with representing a claimant in a proceeding before VA pursuant to appointment on a VA Form 21-22a, Appointment of Individual as Claimant's Representative. 38 C.F.R. § 14.627(n). Agents may not charge fees for preparing claims because such services generally are not provided in a proceeding before the Department pursuant to a VA Form 21-22a. The new rules also clarify that an organization with a financial interest in the successful outcome of a claim is not a disinterested third-party and, as a result, may not pay an agent for representing certain claimants. For example, an assisted-living facility that will receive payments for its services from prospective or current residents out of the residents' VA benefits does not qualify as a disinterested third party under VA's regulations. *See* 38 C.F.R. § 14.636(d)(2).