



From: Dan West <DWest@vfw.org>
Sent: Saturday, May 11, 2024 8:55 AM

Subject: The new front in the war on claim sharks
- social media and influencer's.

Commanders and Comrades,

Over the last week, some of you may have heard about or saw some social media posts on Facebook, Instagram and the platform X, formerly known as Twitter, that have caused quite a stir. Here is a timeline as it is important for you to understand the context of the controversy.

On January 4, 2024, the U.S. Department of Veterans Affairs (VA) Office of General Counsel's issued a letter to the company REE Medical, a claim shark, directing them to "*cease any and all illegal activities,*" which include charging or being paid with respect to services provided in filing an initial claim (38 U.S.C 5904(c)(1)) This letter is attached for your reference.

On April 19, a veteran social media influencer named Zachary Bell, also known as Veteran With A Sign, posted a message on Instagram promoting REE Medical. In the comment section of that post, there are a few online profiles calling out REE as a claim shark company, citing the federal code and asking Mr. Bell not to promote them. He replied back to a few dismissing their concerns. When someone replied tagging the VFW, saying we had worked hard to fight against claim shark and their predatory practices, he replied, "...the VFW went to (the) government to create a law to 'protect' veterans by eliminating options," an obvious mischaracterization of our advocacy work. See attached screen capture of that post or follow the link for the Instagram post: https://www.instagram.com/p/C59JvG-u3Dw/?img_index=1.

On May 6, in response to the April 19 posting by Mr. Bell, the VFW posted to Facebook, Instagram and X a photo of Pat Murray holding a sign that said "Ree Medical is a Claim Shark," provided a link to the VA's letter to REE and tagged Mr. Bell's online profiles, not only to reinforce to him that he is advertising for a claim shark, but also to warn his audience of REE Medical. See attached photo of Pat Murray with sign, or follow the link for the Facebook post: <https://www.facebook.com/VFWFans/posts/pfbid028EcRp-B3E2u6M1P4rF5UUpKhkPeTU3Ej9ciGmkSxrRGiCcPXiFBCsWUTDQLgjhNkl>

Immediately, Mr. Bell responded, claiming that posting the photo of Pat holding a sign in a similar fashion to his regularly posted Veteran With A Sign content, combined with tagging him in the post, was a humiliating personal attack. It should be noted that many of his followers emulate his image and tag him in their posts, so the VFW post was meant to be easily recognizable to his followers with a poignant message about REE Medical. As a social media influencer and a paid promoter of REE Medical, Mr. Bell should have prepared himself for public scrutiny in the public domain of social media, especially after receiving earlier advice and dismissing it. Having the title of “veteran” does not give one immunity from being criticized when entering the public domain to proclaim a viewpoint, especially when paid to do so. In fact, many claim shark companies were founded by and have CEOs and other executive staff that are veterans themselves.

Several other veteran social media influencers jumped in to berate us, along with some of their followers. As it turns out, many of these influencers, to include Mr. Bell, belong to a military, veteran and law enforcement social media influencer collective called the Leviathan Tribe, part of a marketing and talent agency called the Leviathan Group. Members of “The Tribe” are made available to whoever wants to partner with Leviathan. This group of social media influencers and a few of their followers have now resorted to personal attacks against Ryan, Pat, Lynn, Randi and other staff members. In fact, they are being extremely nasty about it. One such influencer who goes by the handle “Angry Cops” and has a YouTube following of more than 1.3 million, is leading the attacks and is planning to release an exploitive video on Saturday, May 11. It is obvious these influencers are upset because our efforts to go after claims sharks threaten a source of revenue for them. You can see the entirety of this list of social media influencers by clicking the link here: <https://www.leviathantribe.com>. Follow the money as the claim sharks are definitely spending it to protect their revenue stream of charging veterans in violation of federal law under 38 U.S.C. 5904(c)(1).

Since May 6, we’ve had some eligible members turn in their membership by destroying their membership card and some eligible persons have declared they refuse to join us because they believe we unfairly attacked a veteran for no reason. Sadly, many believe the disinformation campaign from this network of influencers. I have assured our staff that I have their back and I know you have their back. Please feel free to reach out to them and let them know that you appreciate them and what they do for the VFW.

In the 1940’s, the VFW allowed the inclusion of eligible veterans of color into the VFW and thousands of members resigned. In the 1970’s, when the VFW allowed the inclusion of eligible veterans who were female, we had 10’s of thousands of members resign. We did not abandon the battlefield then because people quit or threatened not to join us. In fact, we thrived because of doing the right thing.

We fully expect these influencers to start reaching out to our sponsors and attacking them for supporting the VFW. Some of them may leave, we hope not. If they do, then we know who we can really depend on.

I would contend that the VFW is the largest Social Media Influencer in existence as we have thousands of leaders and members that post everyday about what they are doing to make their community stronger and how they are helping veterans. Our influence gets us invited to testify before congress, assist with drafting legislation and visits to the White House.

We are slowly winning the war against claim sharks with state legislatures now looking at and passing legislation to prohibit claim shark activities while we wait for and petition congress to reinstitute the penalty provision of 38 U.S.C. 5904(c)(1). What better way to attack our position then paying veterans to discredit us and create disharmony behind our lines and in our ranks.

At the end of the day, we are the ***Veterans of Foreign Wars***, and we are not the “***Sunshine Soldiers***” or “***Summer Patriots***” that Thomas Paine wrote about during the revolution. We are veterans who standing up for what is right, as charging veterans to file disability claims is against the law and we have an obligation to call out any wrongdoing when we see it regardless of who it is. To Quote Commander-in-Chief Duane Sarmiento during his congressional testimony before congress “***We have the moral high ground and the law on our side.***”

Please distribute to all VFW Districts, Posts and members including the Auxiliary, Cooties and Motorcycle Groups.

The New Front
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Adjutant General
Veterans of Foreign Wars of the United States
406 W. 34th Street
Kansas City, Missouri 64111
816.968.1110
www.vfw.org
Join at www.vfw.org/join/eligibility

*Enclosed attachments: REE Medical Letter, Veteran with sign, Pat with sign
(Scroll down to view.)*

VA



U.S. Department
of Veterans Affairs

Accreditation, Discipline, & Fees (022D)
Benefits Law Group
Office of General Counsel

810 Vermont Avenue, NW
Washington, DC 20420
ogc@oacredat.carmailbox@va.gov

In Reply Refer To
022D-107557

January 4, 2024

REE Medical, Inc.
3472 Calle Margarita
Encinitas, CA 92024

To Whom it May Concern:

The Department of Veterans Affairs (VA) has received information that REE Medical, Inc., and/or REE Medical, LLC (hereinafter "REE Medical" or "REE") may be engaged in illegal activities, including the unauthorized preparation, presentation, or prosecution of claims before VA and charging fees for these services. The purpose of this letter is to provide you notice of the law.

Chapter 59 of title 38, United States Code, and sections 14.626-14.637 of title 38, Code of Federal Regulations, govern the practice of assisting claimants seeking VA benefits.¹ No individual or organization may assist claimants in the preparation, presentation, and prosecution of claims for VA benefits unless first authorized by VA for such purpose.² See 38 U.S.C. §§ 5901, 5902, 5904; 38 C.F.R. §§ 14.628, 14.629. The purpose in regulating who may provide claims assistance to VA claimants is to ensure that they "have responsible, qualified representation in the preparation, presentation, and prosecution of claims for veterans' benefits." 38 C.F.R. § 14.626.

Public information suggests that REE Medical is assisting in the preparation, presentation, and/or prosecution of VA benefits claims. For example, the company's

¹ Federal statutes and regulations can be viewed at www.govinfo.gov/app/collection/uscode/ and www.ecfr.gov, respectively.

² Preparing a claim includes, but is not limited to, consulting with or giving advice to a claimant or potential claimant in contemplation of filing a benefits claim, gathering evidence in support of a benefits claim on behalf of a claimant or potential claimant, or filling out VA forms for their submission to VA. Presenting and prosecuting a benefits claim includes, but is not limited to, filing, or pursuing in any way, an initial claim for VA benefits, a request for further review of a decision by the agency of original jurisdiction, or an appeal to the Board of Veterans' Appeals. Services that strongly suggest the practice before VA are those that would have no value or purpose, or very little value or purpose, outside of VA's adjudication process for benefits claims.

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website³ invites VA claimants to “[t]alk to our experts to find out what disability rating you qualify for.” The website describes a process that starts with a “Free Consultation,” in which an individual may “[t]ell [REE Medical] about the disabilities [they are] looking to file a VA claim for.” Based on this information, REE Medical will “provide a transparent review of your service-connected disabilities and your VA disability rating to evaluate the potential for increased benefits.” Specifically, one of the company’s “Benefits Consultants” will call and “review your current disability breakdown one-on-one . . . and discuss each disability that you aim to increase.” In this regard, the site explains that REE Medical employees “specialize in understanding how Veterans’ disabilities align with the VA Rating Schedule.” In addition to increased rating claims, REE appears to also assist with service connection claims. Specifically, a section of the website called “Nexus Letter Eligibility” explains that REE Medical “begins by evaluating whether your service-connection denial and current medical diagnosis make a Nexus Letter the correct documentation to pursue.” The website also suggests that REE Medical staff assist VA claimants with gathering relevant evidence. Specifically, the site states that “you will work with your REE Medical Benefits Consultant to collect any existing documentation on your . . . disability.” The next step in the process, after the appropriate evidence is generated or obtained by REE Medical, is for VA claimants to file their claims with VA via “access to helpful step-by-step guides.”

Reviews on the company’s online Better Business Bureau profile⁴ also suggest practices that include claims assistance. For example, on August 2, 2022, a reviewer stated that his REE Medical Benefit Consultant instructed him on filling out a Disability Questionnaire and filing an Intent to File with VA. On August 5, 2022, a reviewer stated that the company told him exactly how to file a claim with VA. On November 1, 2023, a reviewer stated that REE Medical advised him not to attend a medical examination scheduled by VA. On November 28, 2023, a reviewer also stated that REE Medical advised him not to attend his VA examination.

Under 38 U.S.C. § 5902, VA is authorized to recognize organizations to assist claimants with their VA benefit claims. VA regulations require organizations to apply for VA recognition, demonstrate that the organization satisfies the legal requirements for recognition, and then certify to VA that each of the organization’s representatives who will assist Veterans in the preparation, presentation, and prosecution of claims before VA meets the legal requirements for accreditation. 38 C.F.R. §§ 14.628(d), 14.629(a). VA-recognized organizations are not permitted to charge fees for services to a VA claimant. 38 U.S.C. § 5902(b)(1)(a); 38 C.F.R. § 14.628(d)(2)(i).

REE Medical does not hold VA recognition. Accordingly, as an organization, REE Medical is prohibited by law from assisting claimants in the preparation,

³ <https://reemedical.com/> (last accessed January 2, 2024).

⁴ <https://www.bbb.org/us/ca/encinitas/profile/veterans-organizations/ree-medical-llc-1126-172021081> (last accessed January 2, 2024).

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presentation, or prosecution of VA benefits claims. Of note, simply having an individual file his or her own claim with VA rather than having a REE Medical employee file the claim does not shield REE Medical or its employees from statutes and regulations detailing who is authorized to provide assistance with VA claims preparation and when fees can be charged for such services. See 38 U.S.C. §§ 5901, 5904; 38 C.F.R. §§ 14.629, 14.636.

While VA is also authorized to accredit individuals as claims agents or attorneys for the preparation, presentation, and prosecution of claims for VA benefits, see 38 C.F.R. § 14.629(b), there is no indication that REE Medical is having cases handled by VA-accredited individuals. Even if REE Medical has VA-accredited claims agents or attorneys associated with the organization, such associations would not authorize REE Medical to advertise that “the organization” provides VA claims assistance services. The law requires VA-accredited claims agents and attorneys to represent claimants in their individual capacity. See 38 U.S.C. § 5904; 38 C.F.R. § 14.629. Thus, if an organization is going to rely on the accreditation of an individual claims agent or attorney, the organization must be transparent in its advertising of who will be providing such services. To the extent that REE Medical has any VA-accredited claims agents or attorneys associated with the organization, we recommend that you revise REE Medical’s website to clearly state the names of any individuals that will be providing VA claims assistance, and make sure that REE Medical is not misleading the public into thinking that the organization as a whole provides VA claims assistance services.

REE Medical’s practices appear to involve collecting medical and other evidence from veterans and/or VA, advising VA claimants as to whether additional VA benefits may be warranted based on a review of that evidence, explaining the process for securing those benefits, linking claimants with medical professionals who will provide completed VA Disability Benefits Questionnaires or other medical evidence in support of claims, and advising VA claimants about how to submit their claims. These practices appear to go beyond linking VA claimants with independent third-party medical providers to secure objective medical evidence for use in their benefits claims, and may amount to assistance with the preparation, presentation, and/or prosecution of VA benefits claims, which absent VA recognition or accreditation would be unlawful.

State laws prohibiting the unauthorized practice of law may also be implicated if REE Medical is evaluating evidence and providing interpretations to claimants of federal regulations such as VA’s rating schedule. In addition, providing claims assistance without VA recognition or accreditation may violate state and federal consumer protection laws and could result in imposition of substantial civil penalties by relevant authorities. See, e.g., 15 U.S.C. § 45(a)(2) (prohibiting “unfair or deceptive acts or practices in or affecting commerce”).

It is also concerning that REE Medical’s website and reviews on the company’s Better Business Bureau profile suggest that the company charges VA claimants fees for its services. For example, the website’s Frequently Asked Questions section states that

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all of the company's services are provided at a flat rate. On March 10, 2023, a reviewer indicated he was charged \$2,700.00 by REE Medical. On November 1, 2023, a reviewer stated that he paid \$2,000.00 to REE Medical up front.

In this regard, only VA-accredited agents and attorneys may receive fees for assisting in a claim for VA benefits, and only after the agent or attorney has complied with the power of attorney requirements in 38 C.F.R. § 14.631 and the fee agreement requirements in 38 C.F.R. § 14.636(g) and certain procedural events have occurred, such as VA deciding the claim or the filing of the notice of disagreement. 38 U.S.C. § 5904(c)(1); 38 C.F.R. § 14.636(c).

In addition, charging of fees by unrecognized organizations and unaccredited individuals may violate other federal laws which prohibit the assignment of VA benefits, render VA benefits exempt from the claim of creditors, and prohibit agreements to receive VA benefits from a beneficiary for services or other consideration, whether before or after receipt by the beneficiary. See 38 U.S.C. § 5301(a)(1), (3)(A).

You should immediately cease any and all illegal activities. Within 30 days of the date of this letter, please inform us of the measures you are taking to address our concerns. Your response may be mailed to the following address:

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

You may also email your response to ogcaccréditationmailbox@va.gov.

If we do not hear from you or if, based on your response, we determine that you have not taken appropriate action to cease any, and all, illegal activities, we may refer the matter to the appropriate State and Federal law enforcement authorities.

Sincerely yours,


[REDACTED]


Staff Attorney



Veteran With A Sign.jpeg



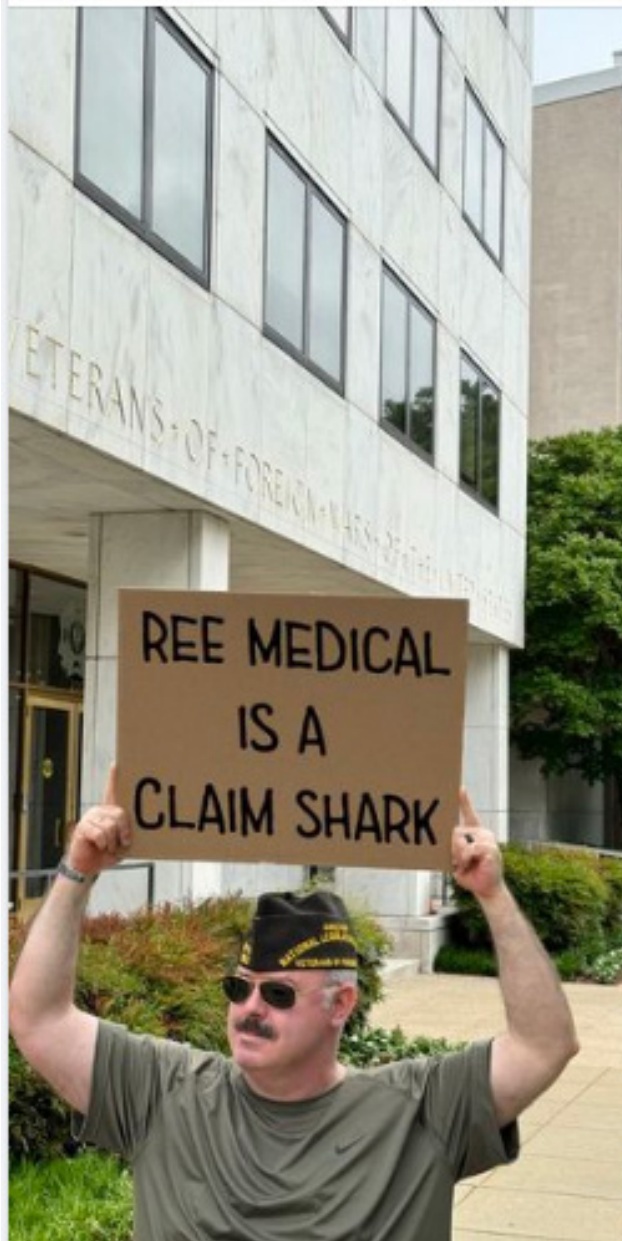
Veterans of Foreign Wars VFW  is with REE Medical and 2 others.

★ Favorites · May 6 at 1:44 PM · 

Hey [Veteran With A Sign](#), Stop adding to the rumor mill! According to a certain cease and desist letter, the "help" REE Medical provides veterans is illegal.

We'll just leave this here: <https://vfworg-cdn.azureedge.net/.../REE-Medical-VA-OGC...>

[#DontFeedTheSharks](#) [#WeGotReceipts](#)



Pat With A Sign.png