Analysis of
Ford v. Veterans Guardian VA Claim Consulting, LLC
1:23-CV-756

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Department / Veteran Service Officers

The bottom line: The U.S. District Court for the Middle District of North Carolina has granted summary judgment in favor of the plaintiff Veterans on a key threshold question: Veterans Guardian VA Claim Consulting, LLC was acting as an unaccredited VA agent when it prepared and presented Veterans' disability claims for a fee, in violation of federal law. This is not a preliminary procedural ruling; it is an established finding of fact that will carry into the remaining proceedings. The court will decide the state law damages questions (North Carolina Unfair and Deceptive Trade Practices Act and Debt Collection Act) for a later order.

What happened in *Ford v. Veterans Guardian VA Claim Consulting, LLC*

This is a federal class action lawsuit filed in the Middle District of North Carolina by three Veterans (Jennifer Ford, Eric Beard, and Brian Otters) on behalf of all Veterans similarly situated. The defendant, Veterans Guardian VA Claim Consulting, LLC, is a for-profit company that prepares VA disability claims on behalf of Veterans without being accredited by VA, and charges contingency fees for doing so.

Veterans Guardian's process works as follows: it gathers Veterans' medical and military records, administers its own questionnaire to identify potential disabilities, decides how to complete VA claim forms, assembles the full claim packet, makes medical appointments for clients, and mails the completed packet to the Veteran with pre-addressed postage-paid envelopes. The Veterans' only role is to review the packet, sign where indicated, and drop the envelope in the mail. Veterans Guardian tracks delivery. Critically, Veterans Guardian instructs Veterans *not* to disclose its involvement to the VA.

Veterans Guardian charges a fee equal to five times the Veteran's monthly compensation increase. For initial claims, where accredited agents are legally prohibited from charging any fee under 38 U.S.C. § 5904(c)(1), Veterans Guardian charged anyway. Named plaintiff Eric Beard was charged $21,360 for his initial claim after receiving a 100% disability rating. The plaintiffs named Jennifer Ford and Brian Otters together were charged separate fees of $1,880, $1,690, and $2,990 on non-initial claims.

The plaintiffs' claims rest on two related federal statutes: (1) 38 U.S.C. § 5901, which prohibits any unaccredited individual from acting as an agent in the preparation, presentation, or prosecution of VA claims; and (2) 38 U.S.C. § 5904(c)(1), which prohibits even accredited agents from charging fees for initial claims. Because Veterans Guardian violated these federal provisions, the plaintiffs argue its fee collection also violates North Carolina's Unfair and Deceptive Trade Practices Act and Debt Collection Act.

Veterans Guardian argued that it was not an "agent" because it never filed a VA Form 21-22 to be formally recognized as the Veterans' representative, it did not have a power of attorney, and the Veterans physically signed and submitted the claims. The court rejected all of these arguments. The court held that the statutory term "agent" is defined by conduct (preparing, presenting, or prosecuting VA claims), not by formal paperwork. Anyone who does this work for a fee must be VA-accredited. The label "consulting" is not controlling; the reality of what Veterans Guardian does is what matters.

Veterans Guardian also raised a First Amendment constitutional argument, contending that the court should interpret "agent" more narrowly to avoid potential free speech concerns. The court rejected this as well, finding the statute unambiguous and the potential First Amendment claim "weak," since the statute regulates conduct (preparing claims, filling out forms, charging fees) rather than pure speech.

Why *Ford v. Veterans Guardian VA Claim Consulting, LLC* is important

Unlike the earlier 2025 ruling in this case, which was a procedural decision allowing the lawsuit to proceed, this May 20, 2026, order is a merits ruling. The court has now established as a matter of law that Veterans Guardian was **violating** federal law.

This decision has broad significance for VSOs and service officers for several reasons:

First, it confirms that the "we don't file the form ourselves" defense does not work. Courts will look at the totality of services provided, not just the final submission step. A company that prepares everything and hands the Veteran a signed envelope is acting as an agent.

Second, all fees charged by Veterans Guardian for initial claims were **illegal** under federal law, regardless of whether the Veteran was satisfied with the result. Veterans who paid such fees may have a claim for restitution. The state law damages questions remain pending before the court.

Third, Veterans Guardian's practice of **hiding** its involvement from VA, by instructing Veterans not to disclose their assistance, also allowed the company to avoid VA's fee-reasonableness review that applies to accredited agents. For non-initial claims, accredited agents' fees above 33⅓% of past-due benefits are presumed unreasonable. Veterans Guardian avoided this scrutiny entirely.

If the class ultimately prevails on the state law claims, this decision could become a template for litigation against for-fee claim preparation companies in other states. Most states have similar unfair and deceptive trade practices statutes. The court's strong and unequivocal ruling on the federal law question gives future litigants a solid foundation.

Service officers should be prepared to advise Veterans who used Veterans Guardian or similar companies about this ruling and encourage them to consult with a VSO representative or VA-accredited attorney regarding potential remedies. Free, accredited claims assistance remains available through VSOs and state Veterans agencies.