

RIN2900-AR93(P), Fee Reasonableness Reviews; Effect of Loss of Accreditation on Direct Payment

(Proposed Rule)

[Federal Register](#)

What does the regulation do? This is a proposed rule to update VA's process for reviewing, determining, and allocating reasonable fees for attorneys or agents whose representation of a VA benefits claimant resulted in an award of past-due benefits. It would also address the effect on direct fee payment by VA of the termination of an agent's or attorney's VA accreditation. If approved, this proposed rule will be published for public comment.

Are the provisions, services, or benefits associated with this rulemaking current practice or new to Veterans? Please explain. The opportunity for Veterans to contest the reasonableness of an attorney's or agent's fee is not new. This rulemaking revises VA's existing fee reasonableness procedures, but does not change the burden for a Veteran who wishes to contest fee reasonableness.

Who does it impact? The rulemaking impacts VA-accredited attorneys, VA-accredited claims agents, and claimants represented by attorneys and claims agents.

Why is it happening/important? Over the past decade, there has been a steady increase in requests for fee reasonableness review, as well as claimants being represented by multiple agents or attorneys over the course of a case. The Office of General Counsel (OGC) has limited resources to issue determinations on reasonable fees in all those cases. This has led to a backlog for all fee matters, which has delayed attorneys, agents, and claimants from promptly receiving their earned fees or benefits. To best ensure timely resolution of fee matters for all parties, it is appropriate to establish reasonable default allocation rules for fee matters.

Why are we doing it? This rulemaking would make the fee reasonableness process more efficient by premising OGC review on an affirmative motion, rather than having OGC review and allocate fees in every multi-attorney or multi-agent matter. A more efficient process would allow attorneys, agents, and claimants to receive their earned fees or benefits faster.