

member of the Armed Forces or his dependents become entitled under any law administered by the Veterans Administration.

This provision sometimes creates hardship situations because of unanticipated changes in disability. Recoupment of disability severance pay generally takes an extended period of time, because low percentage disability ratings are usually involved. However, when a ten or twenty percent disabling condition becomes a totally disabling one requiring prolonged hospitalization, the recoupment provision continues to bar payment of disability compensation to the veteran, thus terminating all income, which the veteran needs desperately for his family's maintenance.

To alleviate this situation, the Commission recommends that recoupment of disability severance pay be at a monthly rate not in excess of the compensation to which a veteran would be entitled, based on his initial disability rating by the VA. This recommendation is identical to H.R. 5645, a bill before the 90th Congress.

RECOMMENDATION NO. 71

The Commission recommends that there should be no change in the law pertaining to attorneys' fees for handling cases before the Veterans Administration.

Background to Recommendation:

Various bar associations and legal groups have at various times recommended that the present limitation of \$10 on fees payable to attorneys representing claimants in administrative proceedings before the Veterans Administration be eliminated. Bills which would remove limitations now placed upon attorney fees for services rendered before certain administrative agencies of the United States have been introduced in both Houses of the 90th Congress. A bill (S. 1073) passed the Senate on November 22, 1967, and hearings were held on a similar proposal (H.R. 10216) on July 12, 1967.

It is the opinion of the Commission that veterans have well-qualified advisers in the form of state and local service officers attached to the government and to the various veterans service organizations. The Commission therefore recommends that there should be no change in the law pertaining to attorneys' fees for handling cases before the Veterans Administration.