

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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<https://oversight.house.gov>

July 15, 2022

Mr. Jason Martinez
General Manager
Aardvark Research Group
4579 Laclede Avenue, #361
St. Louis, MO 63108

Dear Mr. Martinez:

The Oversight Committee is investigating whether companies that retrieve records for veterans, including Aardvark Research Group (Aardvark), are misusing National Personnel Records Center (NPRC) procedures intended to expedite emergency records requests while charging veterans to obtain government records they are entitled to receive at no cost.¹ We are concerned this practice may take advantage of veterans who need records to obtain crucial benefits and may be preventing NPRC from fulfilling true emergency requests in a timely manner.

In March 2020, NPRC modified its in-person staffing in response to the coronavirus pandemic. The office limited in-person operations to focus only on emergency requests for documents, including requests related to burials, veterans experiencing homelessness, and medical emergencies. This change contributed to a backlog of requests for the form used to obtain veterans' benefits, known as the DD Form 214, or DD214.²

Your company charges veterans between \$89 and \$99 to retrieve their DD214—a document that veterans are entitled to receive at no cost.³ The Director of NPRC has informed Committee staff that emergency requests skyrocketed from the pre-pandemic level of 5,000 per year to more than 50,000 emergency requests in 2021, more than 70% of which came from records-retrieval companies. The Director identified a pattern in which a veteran first submits a non-emergency request for records and NPRC later receives a duplicate request from a records-retrieval company for the same veteran, but marked as an emergency request. NPRC prioritizes

¹ Department of Veterans Affairs, *Veterans: Be Wary of Scams Regarding Job Offers and the Sale of Military Records, Government Forms* (Apr. 17, 2018) (online at <https://blogs.va.gov/VAntage/47492/veterans-be-wary-of-scams-regarding-job-offers-and-the-sale-of-military-records-government-forms/>).

² AARP, *Veterans Struggle to Get Copies of Needed Service Records Due to Pandemic* (Apr. 14, 2021) (online at www.aarp.org/home-family/voices/veterans/info-2021/military-service-records-delay.html).

³ Aardvark Research Group, *Online Order Form* (online at www.aardvarkresearchgroup.com/online-order-form/) (accessed July 14, 2022).

these emergency requests above other pending requests, exacerbating the office's backlog by creating duplicate requests, and potentially delaying NPRC's response to actual emergency requests.

Records-retrieval companies may also be misrepresenting the services they provide to veterans and their families. Aardvark promotes "Expedited DD214's" and claims their employees are accredited as "authorized researchers."⁴ However, the National Archives and Records Administration (NARA) does not authorize or certify third parties to request records on behalf of veterans, nor does it offer such accreditations. Aardvark also claims to "circumvent the government bureaucracies," while charging at least \$89 per expedited DD214.⁵ Your company's website states that Aardvark has provided more than 100,000 expedited DD214s since 2007.⁶ According to NPRC, some requests from records-retrieval companies appear to be fraudulent, and NPRC has reported those cases to the NARA Inspector General.

We are also concerned that records-retrieval companies may be attempting to silence veterans that have complaints about their service through restrictive contractual terms. Aardvark's terms of use include a non-disparagement agreement that appears to threaten veterans with legal action and monetary fines if they make any statements, potentially including a negative review of the company's services, that could be "construed to be derogatory or critical or disparaging of Aardvark Research or any of its directors, officers, affiliates, subsidiaries, employees, agents or representatives." The terms of use also state that veterans agree to pay Aardvark \$3,500 in damages for a breach of the agreement.⁷

The Committee is working to address the backlog of records requests at NPRC. The House of Representatives recently passed the Access for Veterans to Records Act, a bipartisan bill to increase funding to NARA to digitize records while implementing a plan to eliminate the veteran records-request backlog.⁸ The Committee is concerned that efforts by private

⁴ Aardvark Research Group, *About Us* (online at www.aardvarkresearchgroup.com/about-us/) (accessed July 14, 2022).

⁵ Aardvark Research Group, *Online Order Form* (online at www.aardvarkresearchgroup.com/online-order-form) (accessed July 14, 2022);.

⁶ Aardvark Research Group, *Home* (online at www.aardvarkresearchgroup.com)

⁷ Aardvark Research Group, *Terms of Use* (online at www.aardvarkresearchgroup.com/terms-of-use/) ("By accepting our Terms of Use you agree that you are bound by our Non-Disparagement Agreement which expressly forbids you to directly or indirectly, in any capacity or manner, make, express, transmit speak, write, verbalize or otherwise communicate in any way (or cause, further, assist, solicit, encourage, support or participate in any of the foregoing), any remark, comment, message, information, declaration, communication or other statement of any kind, whether verbal, in writing, electronically transferred or otherwise, that might reasonably be construed to be derogatory or critical or disparaging of Aardvark Research or any of its directors, officers, affiliates, subsidiaries, employees, agents or representatives (collectively, the "Company Representatives"). In the event of a breach of this agreement, you agree, because our damages may be difficult to ascertain, to pay liquidated damages in the amount of \$3500.00 and that this amount is fair, and reasonable and not unnecessarily punitive. If litigation is necessary to enforce the terms of this Agreement, you agree to be bound by the laws of the State of Missouri.") (accessed July 14, 2022).

⁸ H.R. 7337.

companies to circumvent the records request process will exacerbate the records backlog and prevent veterans with true emergencies from obtaining their records in a timely manner.

For these reasons, the Committee requests that you provide, by July 29, 2022:

Answers to the following questions:

1. Beginning with a customer submitting a DD214 records request, what is Aardvark's request process, including the estimated and actual timeframe for each step of the process?
2. How many DD214 requests has Aardvark submitted to NPRC since March 2020, and how many of those requests are marked as emergencies?
3. Of the total DD214 records requests Aardvark has submitted to NPRC since March 2020, how many have been made electronically versus in person?
4. How does Aardvark determine whether a request is an emergency?
5. Does Aardvark inform each customer that their DD214 can be obtained from NPRC at no cost? If so, at what point in the process are customers notified of the free service and how are they notified?
6. Has Aardvark ever threatened or initiated legal proceedings against a customer for violating Aardvark's non-disparagement agreement? If so, please provide a detailed list of each occurrence, including the legal proceeding threatened or initiated by Aardvark, the date, and the customer's claim, name, and contact information.

The following documents and information from January 1, 2020, to the present:

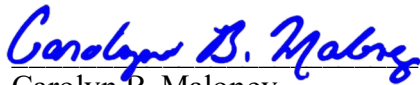
1. All documents pertaining to complaints Aardvark has received about its records-retrieval services;
2. All marketing or advertising materials on Aardvark's DD214 records-retrieval services;
3. Aardvark's annual revenue and profits;
4. All policies and procedures related to the company's process to classify requests, including emergency classifications, and whether Aardvark asks customers to disclose if a DD214 records request was previously submitted to NPRC;
5. All documents related to pricing for your company's services, including any fees, and the basis for those prices;

6. All documents related to Aardvark's performance in obtaining records within the promised timeframe; and
7. All communications with any government agency or entity with respect to DD214 records retrieval. This includes, but is not limited to, correspondence with the Department of Veterans Affairs, the Federal Trade Commission, and the Consumer Financial Protection Bureau. This also includes any correspondence with NARA but excludes correspondence about individual records requests.

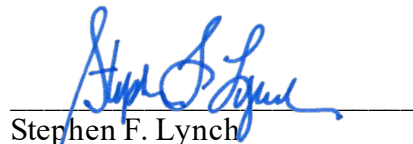
The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X.

If you have any questions regarding this request, please contact Committee staff at (202) 225-5051.

Sincerely,



Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform



Stephen F. Lynch
Chairman
Subcommittee on National Security

Enclosure

cc: The Honorable James Comer, Ranking Member
Committee on Oversight and Reform

The Honorable Glenn Grothman, Ranking Member
Subcommittee on National Security