



2017

# Veterans Benefits Guide

## Introduction

**D**id you serve in the military? Has your quality of life been diminished by back pain, bad knees or a loss of hearing? Chances are the problems are related to service in Canada's military and that would entitle you to a pension or other veterans benefits under the *Pension Act* or the *Canadian Forces and Veterans Members and Veterans Re-establishment and Compensation Act*, known as the New Veterans Charter.

*Legion Magazine* is proud to present the *Veterans Benefits Guide 2017*. This is an updated, online version of the Veterans Benefits Guide produced in the print magazine in 2014 and 2015. Nominated for a National Magazine Award, the guide will help veterans and those assisting them navigate the paperwork to apply for benefits. It provides a bit of history on the pension system and the development of the New Veterans Charter. Finally, it has up-to-date examples of what the current benefit rates are.



# Who should apply?

by SHARON ADAMS

**S**ome military and RCMP veterans and their families who qualify for benefits from Veterans Affairs Canada are not receiving them, either because they haven't applied or they have been rejected once and mistakenly believe that was a final decision.

Veterans Affairs Canada has a suite of programs and benefits, including medical treatment and financial support, for veterans and serving members who have a chronic disability—any condition (including pain and mental health) that prevents or could prevent normal mental or physical activities and that was caused by or aggravated by service.

To be eligible for benefits from Veterans Affairs Canada, you must have a chronic disability or health condition caused or aggravated by service in the Canadian Forces or Royal Canadian Mounted Police; or wartime service in the merchant navy or some civilian military support roles or Allied forces. Spouses and children of veterans receiving VAC benefits, or who should have been receiving them, are also eligible for some benefits.

There are common myths and misunderstandings that prevent those who have a service-related disability from applying, says Sherry Culling, a Royal Canadian Legion service officer in North Bay, Ont.

“Some people feel that they have a good income or a good pension so they wouldn't qualify; well, that's not the case,” says Culling. “It's a disability pension or award, not income insurance.” Others mistakenly believe benefits are there only for veterans who saw wartime duty, either in the Second World War or Korean War or on a more modern battlefield. “If you wore the uniform, went through basic training and were honourably discharged, you qualify to apply.”

Some people may think too much time has passed, but “there is no time limit on when you can apply for benefits,” said Cheryl Monahan of VAC's adjudication office in Charlottetown. If you left the service at age 50, you can still apply for benefits in your 70s, 80s or 90s, so long as your disability is related to your service.

"SOME PEOPLE FEEL THAT THEY HAVE A GOOD INCOME OR A GOOD PENSION SO THEY WOULDN'T QUALIFY; WELL, THAT'S NOT THE CASE."

Many people also do not connect a disability they have today with their service years earlier. Veterans can apply for benefits whenever their health condition changes; even if their service isn't the sole cause of the disability, often it contributed to its severity.

“I find a lot of seniors will say, particularly with hearing, that it's just old age,” said Culling. They don't connect constantly asking people to repeat themselves, misunderstanding what was said, or family complaints they turn the television up too loud with working in a noisy service environment years earlier.

Emotions can also be a barrier. Someone who's intimidated by the application process, who's angry or just fed up with all things military, may avoid applying. These people can benefit greatly from seeking expert help. “Having an advocate takes the burden off the shoulders of those applying,” says Culling. “They don't have to worry about paperwork being incorrect or that they didn't fill something in properly.” They also have someone to help them and provide advice and moral support if they decide to appeal the decision. Legion service officers will also represent them at a Veterans Review and Appeal




IF THE VETERAN HAD BEEN RECEIVING OR SHOULD HAVE BEEN RECEIVING A VETERANS AFFAIRS CANADA PENSION, THE SPOUSE AND SURVIVORS MAY CONTINUE RECEIVING ALL OR A PORTION OF THAT PENSION.

Board hearing. Face-to-face help and support is available from service officers at approximately 1,400 Legion branches and VAC disability benefits officers in district offices. Legion service officers and VAC counsellors can also be found at Integrated Personnel Support Units on bases and wings across the country.

Others may have had a claim rejected once, and mistakenly think that's final. Sometimes all that's needed is tweaking of some words or supplying one more bit of evidence and the application can be resubmitted. Other times, the decision should be appealed. "I always say why wouldn't you appeal? It's not costing you anything but your time," says Culling. Those emotionally upset can find the appeal process is greatly smoothed by asking help of experts like lawyers from the Bureau of Pension Advocates and Legion service officers who have gone through the process many times before.

Finally, spouses may be unaware they might qualify for benefits. If the veteran had been receiving or should have been receiving a Veterans Affairs Canada pension, the spouse and survivors may continue receiving all or a portion of that pension. If the veteran or serving member was applying for benefits at the time of death, the family can continue with the application. Spouses may put in new applications for benefits after the death of a veteran or serving member who should have been receiving disability benefits, even decades after the death of the veteran.

Spouses and children of serving members may also qualify for death benefits from VAC in addition to those provided under the Canada Pension Plan and *Canadian Forces Superannuation Act*.

People who think they may qualify for disability benefits should by all means apply, says Culling. "We have an obligation to them—they were there for the rest of their country when they were needed." 

## Jargon buster

(in alphabetical order)

### ATTENDANCE ALLOWANCE

A non-taxable benefit for totally disabled benefit recipients who need an attendant to help with self-care such as dressing, eating and bathing.

### BUREAU OF PENSIONS ADVOCATES

Lawyers within VAC who provide free legal help for people who want to appeal decisions about disability benefit claims. Website: [www.veterans.gc.ca/eng/about-us/organization/bureau-pensions-advocates](http://www.veterans.gc.ca/eng/about-us/organization/bureau-pensions-advocates). Phone: 1-877-228-2250.

### CANADIAN ARMED FORCES INCOME SUPPORT

Financial support for those who have completed the rehabilitation program but are unable to find a post-military career or job or have a low-paying job.

### CANADIAN ARMED FORCES MEMBERS AND VETERANS RE-ESTABLISHMENT AND COMPENSATION ACT

The legislation covering CAF members and veterans applying for benefits for illness or injury related to military service since April 1, 2006, also known as the New Veterans Charter.

### CASE MANAGEMENT SERVICE

Is available to CAF members, veterans, RCMP members, and their families dealing with a crisis, who have complex needs, or are having trouble making the transition to civilian life. Case managers have access to medical and rehabilitation specialists and other support services.

### CLOTHING ALLOWANCE

A non-taxable benefit for either specially-made clothing or for a condition that causes exceptional wear and tear on clothing.

### DISABILITY ASSESSMENT

Is based on severity of the medical condition and how much it affects quality of life. It is expressed as a percentage.

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# Getting started

## There are a number of places to pick up the required forms and get help filling them in.

Application forms can be picked up and dropped off at one of the hundreds of **Service Canada** sites across the country. Look up the one closest to you online at [www.servicecanada.gc.ca/cgi-bin/sc-srch.cgi?In=eng](http://www.servicecanada.gc.ca/cgi-bin/sc-srch.cgi?In=eng) or by phone at **1-800-622-6232**.

An application for disability benefits can be made online after logging on or opening a **My VAC Account**. Register for an account online at [www.veterans.gc.ca/eng/e\\_services/register](http://www.veterans.gc.ca/eng/e_services/register). You can track the progress of your application through My VAC Account.

If you would like to receive an application package by mail, contact **Veterans Affairs Canada** at **1-866-522-2122**. The application forms can be downloaded at [www.veterans.gc.ca/eng/services/disability-benefits/how-to-apply](http://www.veterans.gc.ca/eng/services/disability-benefits/how-to-apply).

**VAC district office** staff will help prepare the application and tell you where to get supporting documents. Find the closest office online at <http://www.veterans.gc.ca/eng/contact>.

Veterans Affairs Canada staff or Royal Canadian Legion representatives offer advice and support at **Integrated Personnel Support Centres** <http://www.forces.gc.ca/en/caf-community-support-services-casualty-support/contact-info.page> on bases and wings across the country.

**Service officers** with veterans advocacy groups will help you assemble information you need for your application and provide advice and support through the application and review process, free of charge. Contact a Royal Canadian Legion service officer through a local branch, e-mail [servicebureau@legion.ca](mailto:servicebureau@legion.ca), or phone **1-877-534-4666**.

You can print out an application to mail in or drop off. Forms are available to download for printing at [www.veterans.gc.ca/eng/forms/document/493](http://www.veterans.gc.ca/eng/forms/document/493).



# How to apply for veterans disability benefits

by SHARON ADAMS

Filling in Veterans Affairs Canada's application for disability benefits can be a daunting affair and, done poorly, it can delay—or doom—approval.

Each bit of information is necessary to identify you, confirm your military or RCMP service; to confirm your diagnosis and connect it to your service; and to ensure you get the benefits to which you are entitled. But the forms use language you're not familiar with, and your answers have to jibe with guidelines and policies you may never read. And the decision is made by someone you will never meet at a location perhaps thousands of kilometres from where you live.

The whole process is bureaucratic and can feel downright user-unfriendly.

This series of stories is meant to walk you through the application process, to show not only what information is needed, but why it is needed. There are directions to help you find VAC policies and guidelines so you can read them yourself, information on who to contact for advice and help, and a list of terms you might encounter during the application process.

VAC DISABILITY  
BENEFITS OFFICERS  
AND PROFESSIONAL  
SERVICE OFFICERS OF  
VETERANS ADVOCACY  
ORGANIZATIONS DO IT  
EVERY DAY—AND  
THEIR HELP IS FREE.

Although you can apply for benefits on your own, it might be in your best interests to get help from an expert. After all, you may only go through the process once in your life, but VAC disability benefits officers and professional service officers of veterans advocacy organizations do it every day—and their help is free.

“It’s somebody else’s process, one you may not be familiar with, so why not give it to somebody who is experienced with it?” says Royal Canadian Legion Service Officer Gerry Finlay. Finlay has handled thousands of benefit applications in his position with Alberta-Northwest Territories Command in Edmonton since 2005, following a 28-year career in administration with the Canadian Forces. A Legion service officer knows what information VAC is looking for to support your specific claim, and how to word the answers to reflect that information.

“There’s always help available from us in order to ensure the application provides as much of the information as possible that we need in order to make a decision,” said Colleen Soltermann, acting director general of centralized operations for VAC. Disability benefits officers are available at district offices or can be reached by calling VAC’s toll-free line.

Expert advice ensures your forms will be filled completely and correctly and that the right support documents are included. Not only will this speed the decision, but these experts can advise you on other benefits you may not know about, but to which you are entitled.

VAC handles more than 18,000 first applications a year and most are approved. If your application is one of those rejected, experts from the Legion or Bureau of Pensions Advocates can guide you or represent you through the appeal process. Again, free of charge.

Decisions about entitlement and amount of pensions or awards are based on criteria listed in VAC policy, guidelines and tables. We’ve included information so you can find these online. Reading the policies, guidelines and tables that apply to your condition will give you an understanding of what information is needed and the words you might include in answering questions on the application form.



**YOUR PROFILE**

The first four pages of Veterans Affairs Canada's application for disability benefits form identifies you and your family members and confirms your service. If this is your first application, you'll be asked to provide a photocopy of a document that proves your identity—such as a passport, driver's licence or birth certificate.

“We may have more than one person with the same name,” said Soltermann. And it prevents the confusion that would arise from having one person with two accounts, as when someone had started the process of applying for a disability pension or award in the past and forgotten about it or not realized an account had already been opened in their name. Proof of identity also prevents fraud.

You are also asked to identify your spouse and dependent children and where you all can be reached. This information ensures that your dependants receive benefits to which they are entitled. It also makes it easier for any survivor to apply for benefits should you die.

There is room on the form for details about three children, but if you have more you can add another page. “Write on the back of the form, submit something additional—we take everything submitted,” said Soltermann.

Providing date of enlistment and discharge, type of service and service or regimental number is important to identifying whether you are covered by the *Pension Act* or New Veterans Charter. This also provides information on continuity of service and makes it easier to search for the military medical records to support your claim.

**Your Profile** Protected B when completed, CSDN ID File No.

Last name\* First name\* Middle name(s)

Please read and complete Section A, B, E and F of this form. Sections C and D are to be completed only if they apply to your personal situation.

**Please note:** If at any time the information you provided on this form changes, please contact us immediately, either toll-free at 1-866-522-2122 or through "My VAC Account" to update your personal information.

**A - Personal information**

Title Mr.  Mrs.  Ms.  Miss  Other  (specify)

Mailing address (no. street, apartment no., PO box, RFL no.)\* City/Town/Village\*

Country\* Province/Territory/State\* Postal Code/ZIP\*

Home telephone (Country Code, Area Code, No.)\* Other telephone (Country Code, Area Code, No.)\*

Which official language do you use in oral communications? English  French

Which official language do you use in correspondence? English  French

Date of birth (yyyy-mm-dd)\* Are you an employee of Veterans Affairs? Yes  No

Maiden name (if applicable)

Representative (last name, first name) (if you are represented by the Royal Canadian Mounted Police or Army, Navy and Air Force Veterans of Canada)

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VAC1555 Fields with an asterisk (\*) are required. Ce formulaire est disponible en français.

Tell VAC staff who you are and how they can reach you.

You are also asked to identify your spouse and dependent children and where you all can be reached.

**B - Service information** Protected B when completed, CSDN ID File No.

Last name\* First name\* Middle name(s)

Service No (s)/RCMP Regimental No. (s) (if applicable)\*

Are you still serving? Yes  No

If no, date of release (yyyy-mm-dd)

Type(s) of service (e.g., Regular Force, Reserve Force, RCMP)*	Date of enlistment/enrolment (yyyy-mm-dd)*	Date of discharge (if applicable) (yyyy-mm-dd)*

**C - Spouse/Common-law partner information** Only complete if applicable.

Marital status Married  Separated  Common-law  Divorced  Married/Common-law (living apart)  Widowed  Single

Are you currently living with your spouse/common-law partner? Yes  No

If separated from your spouse/common-law partner, is it for involuntary reasons (medical reasons or circumstances beyond your control)? Please explain.

Name of spouse/common-law partner (last name, first name) Maiden name (if applicable)

Title Mr.  Mrs.  Ms.  Miss  Other  (specify)

Date of birth of spouse/common-law partner (yyyy-mm-dd) Date of marriage or date common-law relationship began (yyyy-mm-dd)

Has your spouse/common-law partner ever applied for disability or survivor benefits from Veterans Affairs Canada (VAC)? Service No (s)/RCMP Regimental No. (s) (if applicable) Yes  No  if yes, provide File No.

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VAC1555 Fields with an asterisk (\*) are required.

There is room on the form for details about three children.

**D - Dependent children information** Only complete if applicable.

Child 1 - Name (last name, first name, middle name)

Date of birth (yyyy-mm-dd) Relationship to you Residing with you? Yes  No

Child 2 - Name (last name, first name, middle name)

Date of birth (yyyy-mm-dd) Relationship to you Residing with you? Yes  No

If you have additional children, please list them below.

**E - Proof of identity\***

Once proof of identity is provided, there is no requirement to provide proof of identity for future applications. Proof of identity is needed for any individual (including spouse, common-law partner and dependents) registering with VAC for the first time and for whom future benefits may be approved. Original documents are not required. Photocopies are acceptable. One of the following acceptable documents is required:

- Driver's licence (provincial)
- Provincial health care card (Excluding Alberta and Manitoba)
- Other provincial identification card
- Other federal identification card
- Certificate of Indian Status
- Vital statistics documents: both certificate, marriage certificate
- Employee identification card (Federal, provincial or municipal)
- Canadian passport

**F - Declaration**

I declare that the information provided here is, to the best of my knowledge, true and complete and knowing that it is of the same force and effect as if made under oath.

Signature\* Date (yyyy-mm-dd)\*

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VAC1555 Fields with an asterisk (\*) are required.

If this is your first application, you'll be asked to provide a photocopy of a document that proves your identity.



## APPLICATION FOR DISABILITY BENEFITS

The information you provide in these four pages will help VAC determine if you are entitled to benefits and the amount of pension or award.

“This is key for us to get the information we need from the applicant; to get their version of what happened, how it’s related to their service and how it’s impacting them today,” said Soltermann.

### PART A

**THE FIRST BOX** on the page identifies the disability for which you are claiming benefits. If you have more than one

disability, even if they are from the same event, you must fill out a separate application for each medical condition because VAC will assess each separately and there may be separate awards or pensions.

**Application for Disability Benefits**

Protected B when completed.  
CSDN ID File No.

Last name\* First name\* Middle name(s) Date of application (yyyy-mm-dd)

**A - Applicant statement (1 of 1)**  
Complete section A for each claimed condition.  
Claimed condition\* If other, specify

Do you receive, have you ever received, or are you applying for Workers' Compensation (or compensation from another source) for this disability? Yes  No

**Note:** If yes, please complete the form "Consent for Veterans Affairs Canada to Collect Personal Information from Third Parties" (VAC 928).

Clearly state: \*

(1) how you relate each claimed condition to your service or how it is related to a previously entitled condition;  
(2) the date and circumstances of the injury or illness that resulted in the disability or if the disability was caused by cumulative events;  
(3) a listing of your military (or RCMP) occupations, duties and time spent in each occupation, if related to the claimed condition.

**Note:** If you have had any medical attention for this condition, from whom information can be obtained, please add the name and address of the physician/consultant to the form "Consent for Veterans Affairs Canada to Collect Personal Information from Third Parties" (VAC 928).

Fields with an asterisk (\*) are required.  
Ce formulaire est disponible en français.

**If you have more than one disability, even if they are from the same event, you must fill out a separate application.**

“For example,” said Soltermann, “we do have people who apply for a knee condition related to an incident that happened in Afghanistan and they have another condition related to an incident that happened in Canada while training.”

Reading the material related to your condition on VAC’s Table of Disabilities will help you in determining what to apply for and how to answer questions on the form.

It’s available online at <http://www.veterans.gc.ca/eng/services/disability-benefits/benefits-determined/table-of-disabilities>. Not all conditions that may qualify for benefits are listed; seek advice of a VAC disability benefits officer or Legion service officer if you have a condition that isn’t listed.

### PART B

**THE SECOND BOX** asks how your condition or disability is linked to your military or RCMP service. The box may be too small to list all the information needed, so you may need to provide an extra page.

Protected B when completed.  
Last name\* First name\* CSDN ID File No.

**B - Quality of life questionnaire (1 of 1)** Complete section B for each claimed condition.  
Claimed condition\*

Please indicate if the claimed condition affects the following activities:

Activity	Yes	Yes, with adaptations or assistance	No	Comments
1. I can do my usual household activities (prepare meals, do basic household maintenance, etc.).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
2. I can shop and/or do errands.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
3. a) I can drive a vehicle.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
b) I can use public transportation (if available).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
4. I am able to work in my regular occupation (indicate "retired" if applicable).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
5. I can effectively participate in my usual and accustomed recreational and community activities.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
6. I am able to maintain my usual day-to-day family responsibilities, including social outings.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
7. I am able to maintain my personal/social relationships (e.g. spouse, family, friends, colleagues, etc.).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	

If you have answered no to any of the previous statements, or if you have any additional comments, please provide details.

Yes  No   
of daily living.

**Be as specific as possible about duties, tasks and work requirements, as it relates to your disability claim, as in these examples:**

“I was in the infantry for 12 years, and was required to march up to 80 kilometres wearing a pack weighing 44 kilograms once a week.

I was in logistics support for 10 years, and had to move 25- to 35-kilogram boxes around for two hours, five days a week. This required twisting and kneeling while carrying, pushing or pulling that weight.

In order to maintain physical fitness to meet universality of service requirements, I have been running in and training for marathons for 15 years. I average 70 kilometres every week.

I repaired aircraft engines for 20 years and was exposed to noises exceeding 120 decibels every day as jets took off and landed. In the early years we were not issued ear protection.”



The information in the quality of life questionnaire will be used to determine the impact of the disability, how it has affected you personally and professionally. This is your chance to tell VAC how your medical condition affects your daily life.

The answers to the seven questions on that form will help VAC decide how your condition affects your ability to take part in the activities of everyday life. It also asks whether changes to your activities are due entirely to this medical condition, or whether other health conditions contribute.

Describe how it affects your ability to care for yourself, pursue recreational activities, take part in work and community life and enjoy personal relationships, as in these examples:

“

*I need help to pull on my socks. I need my wife to help me in and out of the tub and in and out of bed.*

*I can't use the vacuum cleaner anymore, mop the floor or weed the garden due to pain and stiffness. I've had to sleep on the couch in the living room because I can't climb the stairs to the bedroom.*

*My brain is so fuzzy I've had to give up reading novels because I can't follow the plot. I used to do my own income taxes, but have to hire someone else to do it because I just can't follow the forms.*

*My fingers are so stiff I can't play my guitar anymore—I've been playing since I was a kid.*

*I have been stuck in the house for months because I can't drive or take public transit to see friends or get to church.*”

PART A ALLOWS YOU TO CHOOSE WHETHER VAC CAN HAVE ACCESS TO YOUR COMPLETE FILE OR CERTAIN INFORMATION ONLY.

**PART C**

**PRIVACY NOTICE AND DECLARATION**

This section is about how your information will be protected and shared.

It outlines your rights to access personal information from the department and advises that VAC may share your information in the department to decide if you are eligible for additional benefits or services. It also advises information on benefits awarded will be shared with the Canadian Forces or RCMP.

When you sign, you are indicating that to your knowledge the information you've provided is accurate and complete, and that you understand the provisions for sharing and keeping your information private.

Your signature on this form indicates you have read and understand VAC has authority to collect your service and health records.

Your signature on this form indicates you have read and understand VAC has authority to collect your service and health records, which will be used deciding whether you are entitled to disability benefits. Your signature also provides consent to collect medical information from your doctor or other health care provider or to collect information about other compensation you may be receiving, such as Workers' Compensation. Part A allows you to choose whether VAC can have access to your complete file or certain information only.

VAC must see a diagnosis of the condition by a medical doctor, clinical psychologist or audiologist, supported by findings of physical examinations and test results.





It does not accept diagnoses from other health professionals such as physiotherapists, occupational therapists or chiropractors, so you might be asked to see a medical doctor for a diagnosis or to have more tests performed.

You can list doctors and specialists you are seeing currently or recently as well as those you've seen for the condition in the past. "It may be 10 years down the road," said Soltermann, but the doctor you saw initially can confirm you came in with, say, a knee injury and that information can be used as evidence for a claim for osteoarthritis today related to military service back then.

Once VAC has that permission, it wants to know what medical documents exist that relate to your claim and where it can get them.

You can list doctors and specialists you are seeing currently or recently as well as those you've seen for the condition in the past.

VAC will contact the Department of National Defence and RCMP directly for medical records of still-serving members. Veterans are asked to give specific details of information VAC is authorized to collect and where to collect it. "This is information about your disability or medical condition since you left the service," said Finlay.

What VAC needs are test results and findings relating to your disability claim from each doctor, specialist, clinic

or hospital involved in diagnosing your condition. In most cases all this information is available from your family doctor, who usually has a file with all your medical records. Doctors' contact information is requested in part B.

For example, someone applying for benefits for a disability to their left knee might fill in the box authorizing the family doctor to share with VAC all test results, examination findings, MRIs and X-rays concerning the disability or condition for which you are making a claim.

**THE FINAL TWO PAGES** of the application form offer guidance in filling in the application and other support documents.

"There can be some to-ing and fro-ing" to ensure the application is complete, said Soltermann. Then the application form and all the supporting documents will be handed on to the adjudication branch in Charlottetown, where the decisions will be made about whether you are entitled to a disability pension or benefits award, and if so, the amount of financial compensation. **1**



# How the decision is made

Once you have submitted your application, including medical documents and a quality-of-life questionnaire, all the information collected is sent to Charlottetown and assigned to an adjudicator.

The adjudicator will review the material to determine two things: whether you are entitled to disability benefits and, if so, the compensation you should receive.

“There is nothing personal about this decision,” said Legion Service Officer Gerry Finlay in Edmonton. “It’s all based on the supportive evidence presented in your medical and service records and detailed on your application form.”

The adjudicator will consult VAC Eligibility Guidelines ([online at http://www.veterans.gc.ca/eng/services/disability-benefits/benefits-determined/entitlement-eligibility-guidelines/az-intro](http://www.veterans.gc.ca/eng/services/disability-benefits/benefits-determined/entitlement-eligibility-guidelines/az-intro)) for the condition on which your claim is based as well as the Table of Disabilities ([online at http://www.veterans.gc.ca/eng/services/disability-benefits/benefits-determined/table-of-disabilities](http://www.veterans.gc.ca/eng/services/disability-benefits/benefits-determined/table-of-disabilities)) to identify level of impairment.

Gaining entitlement is the first step. The documents you provide need to show that you have a diagnosed disability or medical condition and that it is related to or aggravated by your service.

“Adjudicators consider everything that has been submitted by the applicant,” said Colleen Soltermann of Veterans Affairs Canada. They also consider Canadian Forces and RCMP service health records. “The key message is you need to have a medical diagnosis and we need to be able to prove it’s service-related. That’s why we need the full picture—the completed application form, medical records, service records, witness statements.”

Once it has been decided that you are entitled to benefits, the adjudicator will examine your medical history, and taking into consideration such things as congenital conditions, injuries prior to service and life after release, assign an **entitlement rating**. This reflects the percentage of disability that is attributable to your service, and ranges from 1/5 to 5/5. This figure will be used later to determine the amount of your disability pension or award.

In determining the amount of compensation, the adjudicator will consider the seriousness of the medical condition and how much it has affected your quality of life.

## DISABILITY AWARD

A tax-free cash award (commonly called the lump-sum payment) for CAF members or veterans with an injury or illness related to military service. It can be paid as a lump sum or in instalments. The award is adjusted for cost of living annually.

## DISABILITY PENSION

A monthly tax-free payment for disabilities caused or worsened by service in the Second World War or Korean War; merchant navy or some civilian support occupations during wartime; by current RCMP members and veterans; and by Canadian Armed Forces members and veterans who applied for benefits prior to April 1, 2006.

## EARNINGS LOSS BENEFIT

Ensures compensation for loss of income of those in the rehabilitation and vocational assistance programs does not fall below 90 per cent of pre-release military salary.

## EDUCATION ASSISTANCE PROGRAM

Provides financial assistance for four years of post-secondary education for children aged under 25 of a CAF member or veteran who died as result of military service or who was receiving disability benefits rated at 48 per cent or more.

## ENTITLEMENT ELIGIBILITY GUIDELINES

Policy used by VAC adjudicators in determining entitlement to disability benefits. The guidelines help determine if there’s a link between a medical condition or disability and a claimant’s military or RCMP service.

## EXCEPTIONAL INCAPACITY ALLOWANCE

A non-taxable allowance for recipients of disability benefits (including prisoner of war benefits) of 98 per cent or more and is based on shortened life expectancy, pain and loss of enjoyment.

## MEDICAL IMPAIRMENT RATING

A percentage rating based on the severity of medical condition and degree to which it affects daily activities. It is added to the Quality of Life rating to determine disability assessment.

(continued on page 12)



The diagnosis will show what part of the body has been medically affected. “Your medical records have to show that your condition is chronic and that you have had the problem for at least six months, for most conditions,” said Finlay.

The adjudicator will consult the Table of Disabilities to ensure the condition meets VAC’s eligibility criteria for that condition, said Soltermann. The link to service is made not just through examination of your service history and military medical records, but to your description on the application form of your duties and how they contributed to the disability or condition.

“Even if there is no financial benefit attached at first, we consider entitlement a major victory,” said Finlay. You are now entitled for the rest of your life to benefits for the condition, which include treatment, therapy, medications and assistive equipment. It also opens the door to other VAC programs, like the Veterans Independence Program. And your condition can be reassessed every two years, which may lead to granting of, or an increase of, financial benefits.

Next the adjudicator will determine your disability assessment, which will be used to determine the amount of your pension or disability award.

The adjudicator will determine a **medical impairment rating** using a chart that assigns a rating to the loss of function for your disability. You can check out this chart yourself by going into the online **Table of Disabilities** and clicking on the heading that corresponds to the claimed disability. For instance, the chart for loss of knee function assigns a four per cent rating for daily pain with movement when there is normal range of motion, and 26 per cent for an unstable knee that has lost 10 degrees of extension and can’t flex more than 90 degrees. It will also be determined if and how much a separate medical impairment contributes to the disability.

The adjudicator will assign a **quality-of-life level** of 1 to 3 that reflects whether your life is mildly, moderately or severely affected by the disability or health condition. That rating is cross-referenced with the degree of medical impairment to come up with a **quality-of-life rating** from 1 to 20.


**The medical impairment rating** is added to **the quality-of-life rating**, and the resulting number is multiplied by the **entitlement rating** to determine the percentage of the maximum pension or disability award you’re entitled to for each disability or condition.

GAINING ENTITLEMENT IS THE FIRST STEP. THE DOCUMENTS YOU PROVIDE NEED TO SHOW THAT YOU HAVE A DIAGNOSED DISABILITY OR MEDICAL CONDITION AND THAT IT IS RELATED TO OR AGGRAVATED BY YOUR SERVICE.

“If you have a total assessment of 15 per cent for one condition and 25 per cent for another, they will be added together and you will get 40 per cent in total,” said Soltermann.

Monthly pensions are awarded for assessments of five per cent or higher for those covered under the *Pension Act*. A single payment will be given for pensions assessed at four per cent or less. Additional amounts are paid for spouses and dependent children.

The maximum disability award will be raised to \$360,000 on April 1, 2017. The award can be paid in annual instalments, a lump sum or a combination of the two. The disability award calculator at [www.veterans.gc.ca/eng/services/disability-benefits/disability-award/da-calc](http://www.veterans.gc.ca/eng/services/disability-benefits/disability-award/da-calc) can help determine which payment method is best for you. One payment is made for disability awards of under five per cent.

Remember, you have the right to appeal any of these decisions. 



# Still not satisfied?

by SHARON ADAMS

**A**lthough your first application for disability benefits from Veterans Affairs Canada may be rejected, “no” may not be the final word. Veterans have the right to appeal VAC decisions about entitlement and assessment.

Veterans Affairs Canada will send you a letter telling you whether you have been granted a disability pension or award. The letter will tell you what records, medical reports and VAC guidelines and policies were reviewed, and explain the reasons for the decision.

“Basically, they tell you why they refuse you,” said Dominion Command Service Bureau Director Ray McInnis in Ottawa. “And that gives you another kick at the can.”

Some people don’t take that second kick because they mistakenly believe the first answer from the department is the final answer. Others may have been worn out by the application process and don’t have the energy to go on, or don’t want to deal with a government department.

Still others who applied long ago may not realize that there have been policy changes since they first applied for benefits. For instance, eligibility for hearing loss benefits changed in 2007, and many veterans who were turned down for benefits prior to that have successfully appealed under the new policy, said McInnis.

Can’t make up your mind whether to appeal? You can get help making the decision from a VAC disability benefits officer, a Legion service officer or the Bureau of Pensions Advocates. “Come to one of us and we’ll deal with it,” said McInnis. “There is no time limit on when you can appeal, so you can take your time to think about it.”

The first step may be requesting a **departmental review** from VAC, which allows you to bring new evidence or point out errors of fact or law. The new evidence may persuade the department to confirm, amend or rescind the initial decision. And the evidence must be new, not a restatement of information already submitted.

Most unsuccessful initial applications are due to lack of a medical diagnosis of the disability or condition, or failure to link the condition to military service. Filling in those gaps can provide new evidence for VAC to consider, such as a doctor’s report confirming a diagnosis or a statement from a witness who was there when you were first injured.

## NEW VETERANS CHARTER

See Canadian Forces Members and Veterans Re-establishment and Compensation Act.

## PENSION ACT

The legislation governing benefits for service-related illness and injury to veterans of the Second World War and Korean War, merchant navy veterans and certain civilians with wartime service, members and veterans of the RCMP, and CAF members and veterans who applied prior to April 1, 2006.

## PERMANENT IMPAIRMENT ALLOWANCE (PIA)

A taxable monthly allowance for lost job opportunities due to permanent and severe impairment.

## QUALITY OF LIFE

Is determined by ability to live independently, maintain relationships, take care of oneself and participate in community activities.

## QUALITY-OF-LIFE LEVEL

Is a measure of how much a medical condition has affected quality of life, rated on a scale from one to three.

## REHABILITATION AND VOCATIONAL ASSISTANCE PROGRAM

Is available to injured and medically released CAF members and veterans who need medical or psycho-social rehabilitation or assistance in training and searching for a post-military job or career.

## ROYAL CANADIAN LEGION SERVICE BUREAU

Operated by Dominion Command of The Royal Canadian Legion, the bureau provides advice to those applying for VAC benefits, help in filling out and filing applications for benefits, and support through the application and appeals process, as well as benevolent assistance. The service is free of charge and you do not need to be a Legion member to receive help. Email [servicebureau@legion.ca](mailto:servicebureau@legion.ca). Website: [www.legion.ca/we-can-help](http://www.legion.ca/we-can-help). Phone: 1-877-534-4666.

(continued on page 19)



Although there are more levels of appeal, it makes sense to ensure your case is as strong as possible to increase the likelihood of a favourable decision in the departmental review. Veterans covered by the New Veterans Charter are limited to one departmental review per condition; veterans covered under the *Pension Act* may request more than one departmental review for each disability or condition, but each review takes time and energy, and each negative reply takes an emotional toll.

Once VAC reaches a decision after the departmental review, you will receive a letter telling you whether your application has been successful and how the decision was reached. It encourages recipients to seek advice from the Legion or VAC. If you are unsatisfied with that decision you have the right to ask for a **review hearing** with the Veterans Review and Appeal Board.

A VRAB review hearing is the only time you get to tell your story directly to the people making the decision about your case. VRAB is an independent appeal tribunal that reviews VAC disability benefit decisions.

There is no fee for appeals and your expenses will be paid to attend hearings.

Hearings usually take place before two VRAB members, and you may bring with you representatives, witnesses, family members or friends. If it's impossible for you to appear in person, arrangements can be made for you, your representatives or witnesses to take part by teleconference.

This is not as formal as a court hearing. Your representative presents your case to board members. You will be given the opportunity to tell your story. Board members may ask questions to clarify facts and issues.

The VRAB members make a decision after considering all the evidence and the testimony they've heard and usually provide a written decision about six weeks after the hearing.

If you are unsatisfied with the decision after the review hearing, you may decide to proceed to a **VRAB appeal hearing**. These hearings are held in Charlottetown or Ottawa, or by teleconference, before three VRAB members who were not involved in the review hearing. You may attend this hearing at your own expense. This hearing provides you an opportunity to submit new information and further support your case. You will not


IF YOU ARE STILL UNSATISFIED, YOU CAN APPLY TO THE FEDERAL COURT OF CANADA FOR A JUDICIAL REVIEW OF VRAB'S DECISION, BUT YOU HAVE ONLY 30 DAYS FROM THE DATE YOU RECEIVED VRAB'S DECISION.

be able to speak during the hearing, but you can submit written statements if you have anything to add to what you said at the review hearing.

The panel will consider written statements and documents filed prior to the hearing and listen to oral arguments from your representative before making a decision. The appeal panel will generally provide a written decision within six weeks. Appeal decisions are final and binding.

If there is significant and relevant new evidence, or an error in law or fact, you may ask VRAB to reconsider the matter, but reconsiderations are not automatically granted.

If you are still unsatisfied, you can apply to the Federal Court of Canada for a **judicial review** of VRAB's decision, but you have only 30 days from the date you received VRAB's decision. You will want a lawyer to represent you and fees are your responsibility.

If the Federal Court determines VRAB has erred, the case can be referred back to VRAB for re-hearing. 



# Current pension rates

Veterans Affairs Canada raised pensions, awards and allowances paid under the *Pension Act* by 1.4 per cent in 2016. VAC adjusts the rates for disability pensions and allowances on Jan. 1 each year. The amount is based on the Consumer Price Index in accordance with the *Pension Act*.

Readers who think they may be eligible for a benefit related to military service should contact Dominion Command or a provincial command service officer through your local Legion branch.

## DISABILITY PENSIONS UNDER THE PENSION ACT

The extent of disability is expressed as a percentage, with a total disability assessed at 100 per cent. When a pensionable disability is assessed at less than 100 per cent, the pension is proportionally less. The following are examples of the 2017 pensions paid monthly.

	100% ASSESSMENT	50% ASSESSMENT	10% ASSESSMENT
Single pensioner	\$ 2,733.47	\$ 1,366.74	\$ 273.35
Married pensioner	\$ 3,416.84	\$ 1,708.43	\$ 341.69
Pensioner, spouse, one child	\$ 3,772.19	\$ 1,886.11	\$ 377.23
Pensioner, spouse, two children	\$ 4,031.87	\$ 2,015.95	\$ 403.19
Pensioner, spouse, three children	\$ 4,236.88	\$ 2,118.46	\$ 423.69

Payment to a pensioner whose disability is assessed at less than five per cent is made on a one-time-only basis.

One per cent	\$ 882.57
Two per cent	\$ 1,765.09
Three per cent	\$ 2,647.68
Four per cent	\$ 3,530.21

## SURVIVOR'S PENSIONS UNDER THE PENSION ACT

	MAXIMUM RATE 50–100% ASSESSMENT	10% ASSESSMENT
Survivor, no dependants	\$ 2,050.10	\$ 170.85
Survivor, one child	\$ 2,760.80	\$ 188.62
Survivor, two children	\$ 3,280.16	\$ 201.60
Survivor, three children	\$ 3,690.18	\$ 211.85
Orphan, first child	\$ 710.70	\$ 17.77
Orphan, second child	\$ 519.36	\$ 12.98
Orphan, each additional child	\$ 410.02	\$ 10.25



**MONTHLY ALLOWANCES PAID UNDER THE PENSION ACT**

	NOT LESS THAN	NOT EXCEEDING
Exceptional Incapacity Allowance	\$ 482.36	\$ 1,447.03
Attendance Allowance	\$ 289.50	\$ 1,808.74
Clothing Allowance	\$ 22.73	\$ 204.96

**WAR VETERANS ALLOWANCE ACT**

War veterans allowance paid to low-income clients, is adjusted quarterly on Jan. 1, April 1, July 1 and Oct. 1. The following are the current maximum rates.

	MAXIMUM MONTHLY PAYMENT
Single or survivor	\$ 1,545.54
Married	\$ 2,303.28
Each additional dependent child	\$ 245.54

**DISABILITY AWARDS UNDER THE NEW VETERANS CHARTER**

Disability awards under the *Canadian Forces Members and Veterans Re-establishment and Compensation Act*, known as the New Veterans Charter may be paid as a lump sum, annual payments or in a combination of these options. This payment will rise to a maximum of \$360,000 in April 1, 2017.

	100% OR DEATH BENEFIT	50%	10%
	\$310,378.59	\$155,189.30	\$31,037.86

**OTHER CANADIAN ARMED FORCES ALLOWANCES UNDER THE NEW VETERANS CHARTER**

**EARNINGS LOSS BENEFIT**

This income replacement provides 90 per cent of gross pre-release military salary while the veteran is participating in rehabilitation services. This ensures a pre-tax income of at least \$42,426 per year (with the exception of some reservists).

	SINGLE	MARRIED	EACH ADDITIONAL CHILD
Canadian Forces Income Support	\$ 1,545.54	\$ 2,303.27	\$ 342.68

	NOT LESS THAN	NOT MORE THAN
Permanent Impairment Allowance Eligible veterans may also receive the PIA supplement of \$1,074.	\$584.66	\$ 1,753.97



# Pensions overview: A promise to veterans

by TOM MacGREGOR

**A**s soon as the first casualties began returning home from the First World War it became clear that the federal government had very little experience in dealing with veterans—and even less in dealing with disabled ones.

Neither Canada, nor the world, had ever experienced anything like the mobilization of troops that occurred with the First World War. Out of a country of less than 7.8 million, Canada enlisted 620,000 men and women for war service. Of them, approximately, 66,600 were killed and more than 172,000 were wounded.

## ■ PRIOR TO THE FIRST WORLD WAR

Compensation for those who fought in Canada on the Plains of Abraham in 1759, in the War of 1812, the rebellions of 1837, the Fenian Raids and even the Nile Expedition had been somewhat improvised. One of the most popular methods was a grant of land or scrip. Veterans of the Fenian Raids in the 1860s and 1870s, for instance, were given 160 acres of land on the Prairies.

In 1931, 160 surviving veterans of the 1885 Northwest Rebellion were awarded \$300 each in lieu of scrip they had been entitled to but had never received.

However, giving away parcels of unsettled land was hardly enough to deal with this sudden influx of returning veterans. Indeed, something more had to be done, but what?

In August 1914, Sir Herbert Ames, a wealthy Montreal businessman and member of Parliament, established the Canadian Patriotic Fund. This was a private charity with the governor general as the patron and the federal minister of Finance as the treasurer. Its advertising material urged Canadians “to fight or pay.”

Patriotic funds had existed in Canada for more than 100 years. They accepted donations from individuals and businesses and dispensed money to either the families of the men fighting or provided pensions for those disabled by their service. Each fund

would have its own rules for dispensing its money. The Canadian Patriotic Fund was hugely successful at first, raising more than \$50 million. It set up a network of volunteers who visited homes and determined the level of need. A wife could receive \$5 to \$10 a month with \$1.50 to \$6 for each child.

These volunteers dispensed advice—whether wanted or not—on budgeting, child care, nutrition and personal hygiene. All this was done with a high sense of moral furor and any family deemed to be undeserving was dropped from the program without appeal.

This was clearly not enough and the public mood began to call on the government to take responsibility for the welfare of veterans and their families.

In 1915 the government created the Military Hospitals Commission (MHC) to serve wounded and ill veterans. Buildings were acquired and converted into hospitals. A factory was established in Toronto to produce prosthetics.

The MHC was responsible for those who were returning from the trenches with tuberculosis. Sanatoriums were built or expanded, often in remote locations where the air was thought to be better for a soldier’s recovery. Those coming back with operational stress injuries were often coldly referred to as shell-shocked. Many were sent off to institutions for the mentally ill or disabled.

Pensions were also introduced at this time. The Canadian Board of Pension Commissioners was established in 1916 to set pension rates for returning veterans.

Training courses were developed to help the disabled reintegrate into civilian life and find gainful employment. Those who were physically fit and willing to farm could benefit from land offered through the *Soldiers’ Settlement Act* of 1917.





## ■ THE PROMISE TO VETERANS

It was at this time, while Canadian troops were preparing for the attack on Vimy Ridge in April 1917, Prime Minister Robert Borden told them, “The government and the country will consider it their first duty to see that a proper appreciation of your effort and of your courage is brought to the notice of people at home that no man, whether he goes back or whether he remains in Flanders, will have just cause to reproach the government for having broken faith with the men who won and the men who died.”

Following that promise, in 1918, the Department of Soldiers’ Civil Re-establishment was created to administer the hospitals and medical care for the sick and wounded. It also took responsibility for pensions and training programs. All these measures were meant to be temporary while the soldiers settled back into civilian life and self-sufficiency. But that was not the case for many disabled veterans who would live with their disability for the rest of their lives.

In the postwar period, rumours and faulty information caused a great drop in morale among returning soldiers. The government embarked on an advertising campaign to fight the misinformation. Ads were placed in newspapers to tell soldiers that pension rates would continue to depend on injuries incurred during military service and would not be reduced by the earnings a veteran might make working in industry or elsewhere.

## ■ VETERANS ORGANIZE

It was during this time that various veterans’ advocacy groups started to form, including the largest of such groups, the Great War Veterans Association (GWVA). The GWVA would eventually join forces with most of these groups in 1926 to form the Canadian Legion of the British Empire Service League.

In reacting to the calls from veterans groups the government passed the *Pension Act* in 1919. It was to provide compensation for death and disability related to military service during the war and was also intended to facilitate the repatriation of more than 500,000 Canadians who served in the Canadian Expeditionary Force. More than 70,000 of the returning veterans had sustained permanent injuries.

In addition, the *Pension Act* was to provide for the surviving dependants of the more than 66,600 Canadians who died in the war.

The coverage provided under the act falls under two principles: the insurance principle and the compensation principle.

The insurance principle provides pension coverage 24 hours a day for wartime service. This was later to include service in specially designated Special Duty Areas (SDAs), usually during peace-keeping operations.

The second principle is the compensation principle which provides pension coverage for disability or death which is directly related to, or permanently worsened, by peacetime service factors or events.

The *Pension Act* also included a clause that the board—when considering an application—should give the veteran the “benefit of doubt.” Often the most misunderstood part of the *Pension Act*, benefit of doubt was to recognize that in wartime medical and other records were often poorly kept, misfiled or lost. Often it is difficult or impossible to connect disabilities with particular injuries sustained while serving.

A pension is both recognition of duty to country and compensation for loss. A 2004 study of the pension plan conducted by Veterans Affairs Canada notes, “apart from providing compensation and support, the [pension] program was established as an expression of national gratitude and recognition for the sacrifice that veterans made on behalf of Canada in the war.”

Eligibility and the amount of a pension were determined by the Board of Commissioners which eventually became the Canadian Pension Commission (CPC). Veterans who were not happy with the decision of the CPC could appeal to a different body, the Veterans Appeal Board.

## ■ WHEN ENTITLEMENT IS ESTABLISHED

Once entitlement to a claim is established, then there is the adjudication process which determines the extent of the disability. The extent of disability is expressed as a percentage, with a total disability assessed at 100 per cent. When a pensionable disability is assessed at less than 100 per cent, the pension is proportionally less.

In 2017, a pension for 100 per cent is set at \$2,733.47 per month. An assessment of 50 per cent is \$1,366.74 while an assessment of 10 per cent is \$273.35 per month. Those whose disability is assessed at less than five per cent receive a one-time payment but no pension.



Establishing eligibility put the onus on the applicant, creating an adversarial system. Realizing many veterans would require help navigating through the system, the GWVA, and later the The Royal Canadian Legion, established the Dominion Command Service Bureau with paid service officers there to assist veterans making their claims.

The government itself established lawyers within the system in the 1930s to assure veterans that no stone would be left unturned in considering applications.

In many ways the compensation set up for returning veterans of the First World War became a paradigm for other compensation programs developed by government such as unemployment insurance, welfare, Canada Pension Plan and baby bonuses.

When the Second World War started, the government knew it would have to do a better job at re-establishing the returning service personnel than it had done after the First World War. Many government policymakers were themselves First World War veterans and by then, the Legion was a strong voice for veterans.

## ■ ESTABLISHING THE DEPARTMENT

The Department of Pensions and National Health was split up in 1944 and the separate Department of Veterans Affairs was created. It had sole responsibility for pensions and programs for returning veterans. It is in this period that the original Veterans Charter was created.

Established in 1946 just after the Second World War, the Veterans Charter is a package of 15 pieces of legislation to help re-establish veterans.

Over the years VAC developed a number of programs known as the Health Service Line which include long-term care, prescriptions, and payment for medical devices such as hearing aids.

## ■ VETERANS INDEPENDENCE PROGRAM

Perhaps the most sought-after benefit is the Veterans Independence Program (VIP) which is designed to help aging veterans remain in their homes longer before having to enter a more costly, and less enjoyable, long-term care facility. The VIP provides funding for such services as housekeeping, Meals on Wheels, grounds maintenance and home adaptations, including the installation of ramps, and grab bars in the bathroom.

To get these services the veteran must have a disability attributable to military service. To get a pension, a veteran must have an assessment of a minimum of five per cent. However, even if the disability is assessed at one per cent, the claimant can gain access to the Health Service Line. Getting that assessment is often called the “gateway” to all these services. It should be noted too that it has been a long-standing position of the Legion that frail veterans should be eligible for VIP, regardless of where they served or whether they suffered a disability.

The clients who served in the First World War, the Second World War and the Korean War became the centre of most of VAC’s work for next five or six decades.

In the 1990s, in an attempt to overhaul the system and speed up the time it took to process a claim, VAC delegated responsibility of processing first applications to staff inside the department.

The Canada Pension Commission and the Veterans Appeal Board were abolished and a new quasi-judicial body, the Veterans Review and Appeal Board (VRAB), was created to provide two levels of redress for those unhappy with the initial decision on the first application. A review hearing is the first level of redress and it is the only time in the process when applicants may appear before the decision makers to tell their own story.

The second level of redress is the appeal hearing. It is a second opportunity for the representative, which could be a lawyer, pension advocate or Legion service officer, to make oral or written arguments in support of a claim.

Members of the VRAB who were involved in the review are not enlisted to hear an appeal of the same case. This is to ensure that the case is heard by a second set of ears.

As the number of traditional veterans declined, VAC found it had a rising number of younger veterans of the Canadian Forces who had quite different needs. The average age of a veteran being released from the Canadian Forces was 36. Many were struggling to find jobs at an adequate salary and dealing with family stresses. As well, Canada was entering into a long war in Afghanistan with its veterans coming home with different, more complex injuries than those of the Second World War or Korean War.



WHILE VETERANS ADVOCATES WILL ALWAYS BE LOOKING AT WAYS TO IMPROVE THE SYSTEM, A SYSTEM IS THERE TO GUARANTEE THAT A GRATEFUL NATION WILL LOOK AFTER THOSE WHO SERVE THEIR COUNTRY AND COME HOME WOUNDED IN BODY OR MIND.

## ■ TREATING NEW VETERANS

Consultations began with veterans groups and other stakeholders to “re-imagine” veterans’ benefits. To do this they looked back for inspiration at the original Veterans Charter.

The result was the *Canadian Forces Members and Veterans Re-establishment and Compensation Act* commonly referred to as the New Veterans Charter. Unlike the *Pension Act* which was designed to help someone live permanently with a disability, the New Veterans Charter put an emphasis on wellness. Access to rehabilitation services and financial service was based more on need than on being able to establish a gateway to the Health Services Line.

Most importantly of all, the government has promised the New Veterans Charter (NVC) would be a living document which would change as inequities and gaps were found in the system. However, government programs do not change easily. The New Veterans Charter showed gaps within the first year. One of the first points that needed to be addressed was the disability award which came as a lump-sum payment. It took five years for the government to make the first round of changes in 2011 which included giving more flexibility to the disability award. It could be taken as a lump sum, spread out over annual payments or a combination of both.

This year marks the 100th anniversary of the Battle of Vimy Ridge and Borden’s original promise to veterans. For the federal government there has been more than 100 years of learning how to look after veterans and their families. While veterans advocates will always be looking at ways to improve the system, a system is there to guarantee that a grateful nation will look after those who serve their country and come home wounded in body or mind. **①**

## SISIP

The Service Income Security Insurance Plan provides replacement income for CAF regular and reserve members medically released due to long-term disability. The plan includes a vocational rehabilitation program.

## SURVIVOR'S PENSION

For the first year following death, spouses receive the full amount of the pension. After one year, spouses of pensioners rated at 48 per cent or greater disability continue to receive the maximum survivor's pension while spouses of pensioners rated between five and 47 per cent receive half.

## TABLE OF DISABILITIES

A list of conditions used to assess extent of a disability in order to determine eligibility and amount of benefits.

## VETERANS AFFAIRS CANADA

Manages disability benefits programs.  
Email: [information@vac-acc.gc.ca](mailto:information@vac-acc.gc.ca).  
Website: [www.veterans.gc.ca/eng/services/disability-benefits](http://www.veterans.gc.ca/eng/services/disability-benefits).  
Phone: 1-866-522-2122.

## VETERANS INDEPENDENCE PROGRAM

Designed to help veterans remain in their own homes as they age, the VIP provides financial assistance for housekeeping, grounds keeping and personal-care services to those receiving VAC disability benefits, their spouses and frail veterans.

## VETERANS REVIEW AND APPEAL BOARD

Provides reviews and appeals of VAC decisions about eligibility and assessment for disability benefits.

## WAR VETERANS ALLOWANCE

Provides financial assistance for low income Canadian, Commonwealth or Allied veterans who served overseas during the Second World War or Korean War, and their spouses. The amount provided is based on income, marital status and number of dependants. There are similar allowances for merchant navy veterans and civilians who worked in support of the military in wartime. **LM**



# The New Veterans Charter: Inspired by the original

by TOM MacGREGOR

Canada, even the world, had never seen such mobilization of the population as happened at the start of the First World War. At war's end the country was flooded with men seeking to find jobs when jobs were hard to find.

The only support for veterans and their families at the beginning of the war was a patchwork of pensions and charities. As the men and casualties began returning home, veterans groups formed across Canada bent on making sure the country lived up to promises made during the war. Foremost in leading that charge was the Great War Veterans Association which eventually merged with other veterans groups to form what today is The Royal Canadian Legion.

Their efforts and the general public's support led to the passing of the *Pension Act* which provided pensions to those who came back disabled and a system of veterans hospitals were established across the country providing much-needed medical care.

Still finding a job and making that transition to civilian life was not that easy as Canada's economy slowly changed from one based on agriculture to one based on industry.

## ■ RETURNING FROM THE SECOND WORLD WAR

It was a different story in the Second World War. Many veterans of the First World War were part of the federal civil service in Ottawa and the Legion and other groups were organized to have a strong voice. That led to a suite of veterans legislation which collectively was called the Veterans Charter.

Much of the legislation was aimed at the able-bodied veteran to get a reasonable start in life. There was the *Veterans Land Act*, which provided land to veterans willing to establish a farm or fishing business. The *Reinstatement of Civil Employment Act* gave "veterans preference" to returning sailors, soldiers and airmen and airwomen when it came to hiring within the civil service of Canada.

For those who came back disabled from their service there was the *Pension Act*, originally introduced after the First World War, and for those who could not make a go of things when they return there was the *War Veterans Allowance Act* to provide funds for the needy.

The mission was clear. The Veterans Charter was to provide opportunity with security for those who had made a commitment to serve the country in wartime. As Veterans Affairs Minister Ian Mackenzie said in 1947, "Not for 10, perhaps 20, years will it be known how much ex-servicemen and women have been able to contribute to a Canada at peace as a result of these re-establishment measures.... When that accounting is made, I know the program laid down in the Veterans Charter will appear in true perspective as a social investment of unmatched success."

## ■ THE VETERANS CHARTER

The research paper *The Origins and Evolution of Veterans Benefits in Canada 1914-2004* by the Veterans Affairs Canada-Canadian Forces Advisory Council (VAC-CFAC) states, "Canada's evolving program for its Second World War veterans had a clear purpose: to build morale for the war effort and ensure a smooth and constructive transition to peacetime conditions once victory was won. It had clear goals: to look after those who could not be expected to look after themselves while preparing the able-bodied for work in the market economy through the philosophy of 'opportunity with security,' a concept that respected the basic social and economic realities of the country."



## Simply put, this suite of 14 acts of Parliament helps Canadians help themselves.

PURPOSE OF THE LEGISLATION	LEGISLATION
To assist veterans' return to civilian life	Veterans Rehabilitation Act War Service Grants Act Veterans Business and Professional Loans Act Veterans Land Act Reinstatement of Civil Employment Act (giving "veterans preference" in the civil service)
To provide compensation	Pension Act Civilian War Pensions and Allowances Act
To provide income support	War Veterans Allowance Act
To provide life insurance	Veterans Insurance Act
For physical rehabilitation	Treatment regulations
To establish entitlement with respect to other Veterans Charter legislation	Allied Veterans Benefits Act Special Operators War Service Benefits Act Women's Royal Navy Services and the South African Military Nursing Service (Benefits) Act Supervisors War Service Benefits Act Firefighters War Service Benefits Act

### ■ DISSATISFACTION GROWS

As the years passed Veterans Affairs clients from the current Canadian Armed Forces increased but dissatisfaction was growing. In 2000, VAC released a discussion paper called “*Sir, Am I A Veteran,*” saying: “At Veterans Affairs Canada, veterans enjoy a privileged status. They are regarded as heroes and are, in effect, put on a pedestal.... On the other hand, members of the Canadian Forces are not regarded as veterans with the result that they are not afforded the hero status conveyed through the veteran designation.... From the program and benefit perspective, there is no doubt that VAC looks after wartime veterans better than it does today’s members of the Canadian Forces. There is a perception that weak pension claims from World War II veterans are more likely to be ruled on favourably than those submitted by Canadian Forces members. CF clients feel that they have to provide proof beyond a reasonable

These measures were modified over the years to accommodate Newfoundland veterans who joined Confederation in 1949 and Korean War veterans. As First World War veterans aged and the Second World veterans caught up to them, Veterans Affairs Canada had changed. Its federally run hospitals were dealing with patients who needed chronic care and long-term care. The hospitals were gradually transferred to provincial control.

The new programs it developed were aimed at the aging veteran population and programs such as the Veterans Independence Program (VIP) were designed to help the aging veteran to stay at home.

Under the *Pension Act*, pensions had come to serve a number of purposes; they provided income support, they compensated for pain and suffering and they acted as a gateway to other benefits and programs such as VIP and long-term health care.

doubt in submitting pension claims, instead of being afforded the benefit of the doubt.”

In reaction to that and other reports the VAC–CF Advisory group was formed, chaired by Western University professor Peter Neary and including members of the military, VAC, veterans organizations and health professionals that led to the New Veterans Charter. The Royal Canadian Legion was represented by former lieutenant-general Lou Cuppens.

As the council found over the years after the Second World War, “The relationship of Canadian Forces veterans and Veterans Affairs was confined to limited use of the *Pension Act*. This eventually produced adverse consequences which have not yet been fully addressed. Although all the statutes relating to the Veterans Charter remained on the books, Veterans Affairs Canada did not concern itself with the rehabilitation and re-establishment of former members of



the Canadian Forces. The forces themselves eventually produced programs to fill some of this gap, but this was not the main business of National Defence. While the need for rehabilitation and re-establishment benefits continued, the government's commitment to deliver these through Veterans Affairs atrophied."

The group recommended a new approach which after two years of planning led to new legislation and a variety of programs inspired by the original Veterans Charter.

## ■ THE NEW VETERANS CHARTER

Officially the *Canadian Forces Members and Veterans Re-establishment and Compensation Act*, known as the New Veterans Charter (NVC), was a new approach to wellness for the Canadian veteran. Instead of the existing system designed to compensate for disability and create a gateway to other health benefits, the NVC is a suite of compensation and rehabilitation programs for those who had not signed up for the duration of hostilities but those who had chosen a career in the Canadian Armed Forces. Many of these veterans had served and then found themselves released, for medical or other reasons, at an average age of 36.

The New Veterans Charter provides a tax-free payment—up to \$360,000 in 2017—in compensation for pain and suffering. Other payment programs were designed to compensate for loss of income and to support ill or injured veterans while they were in rehabilitation programs.

### THE RESULT WAS A SEVEN-PRONGED PROGRAM:

- Disability award
- Death and detention awards and other allowances
- Rehabilitation services and vocational assistance
- Financial support
- Career transition support
- Group health benefit, family support
- Case management

It was stick-handled through Parliament by Veterans Affairs Minister Albina Guarnieri in 2005, one of the few pieces of legislation passed in the brief tenure of Paul Martin's government. In asking for quick passage of the bill, Guarnieri said, "What we are presenting here is what was negotiated and what was acceptable at this point in time. My attitude is that this is a living charter. It is malleable and open to improvements down the road."

The fact that this would be a living document was reiterated by Veterans Affairs Minister Greg Thompson.

"This is just the start," he said. "It is a living document. It is an open charter. We are totally committed to improving this as required. It is a foundation that can be built upon as needed. The book is never closed."

## ■ THE PROMISE OF A LIVING DOCUMENT

If the charter is a living document, then it is often in need of resuscitation. Five years passed before any change at all was done to it.

As Veterans Ombudsman Guy Parent said in his 2013 report *Improving The New Veterans Charter: The Parliamentary Review*: "At the time the New Veterans Charter came into force in 2006, it represented a fundamental shift in the approach to care, support and compensation of injured and ill veterans compared to the *Pension Act*. It changed the legislative approach from one that inadvertently encouraged veterans to focus on disability (the greater the disability, the greater the financial benefit) and did little to address the transition needs."

Veterans groups appeared before parliamentary committees, wrote letters and supported the Veterans Ombudsman's Office in calling for changes such as allowing the lump payment to be taken at once, received in annual payments or a combination of both. In all, more than 200 recommendations for improvements to the NVC were proposed in various consultations.

Since then, there have been a few changes and tweaks to the New Veterans Charter. Progress has been made but, just as it was with pensions in the last century, change only happens with the prodding of veterans groups and parliamentary committees.

As the Standing Committee on Veterans Affairs said in one of its reports, "The committee members unanimously agree that the principles of the NVC should be upheld and that these principles foster an approach that is well suited to today's veterans.... The legitimate criticisms of various aspects of the NVC should not overshadow the fact that it is a solid foundation on which to help veterans transition to civilian life when a service-related medical condition prevents them from continuing their military career."

As we commemorate the centennial of events during the First World War, it is important to remember that looking after veterans is a job that has continued to this day and will continue as long as there are volunteers willing to wear the country's uniforms. **1**