

Canadian veterans' ombudsman slams unclear disability rejections as rights violations

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Don Butler/Postmedia News

A departure ceremony for 110 soldiers from CFB Petawawa February 9, who are joining other Canadian forces on an upcoming training/mentoring mission in Afghanistan.

By Lee Berthiaume

The veterans' ombudsman has blasted the way Canadian veterans are being notified that their applications for disability benefits have been rejected, saying their rights are being violated and future livelihoods endangered.

Ombudsman Guy Parent said in a report released Monday that Veterans Affairs Canada is not providing clear explanations for its decisions, which are required under both the Pension Act and the Canadian Forces Members and Veterans Re-establishment and Compensation Act.

The department's failure to meet that requirement has a significant impact on veterans' ability to file an appeal or pursue other options, Parent added.

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"Veterans have a right to know why and how decisions are made," Parent wrote. "Veterans need assurances that their applications for disability benefits have been fully and fairly considered. A detailed decision letter is the essential source of that information."

The federal government's treatment of disabled veterans has been a source of controversy for years.

A Federal Court is currently weighing arguments in a class-action lawsuit filed by veterans accusing the government of clawing back benefits. Several veterans have also raised concerns about privacy breaches, while others were never notified they were eligible for additional support.

Meanwhile, Veterans Affairs says that as of the end of 2011, 4,181 Afghan veterans were receiving disability benefits directly related to injuries sustained during their service there. That number is expected to increase as more former soldiers come forward with reports of physical and mental injuries sustained in Afghanistan.

Parent wrote that he was troubled to think many veterans may have been wrongly assessed but were unable or chose not to pursue the matter further because the rejection letters did not reveal where the department's decision might have been flawed.

"The appeal processes available in case of objection are formal, time-consuming, inconvenient, often intimidating to veterans and may be very costly," he wrote. "Before

considering whether an appeal is possible or might be successful, claimants need to know the basis upon which the disability benefit decision was made.”

The problem is not new. It was first identified by the auditor general in 1998, and again by the department itself in 2004 and 2010.

The ombudsman’s office reviewed 213 rejection letters from 2001 to 2011 and found the oldest letters often provided no information. The process improved as time passed, Parent said in an interview on Monday, but not enough.

“There have been some improvements,” he said, “but as we indicate after careful reviewing cases up to 2011, there’s still some discrepancies.”

Parent said his office’s research did not indicate the shortcomings were intentional. Rather, they were more systemic failures.

“A lot of these things over the years might have been done in a very individualistic way and they need a system in place,” he said.

Veterans Affairs says its rejection rate was 26 per cent over the past year. As of March 31, 2011, the department was providing monthly disability pensions and lump-sum awards to 188,716 veterans and other individuals, an increase of more than 30,000 from 10 years earlier.

Jean-Christophe de le Rue, a spokesman for Veterans Affairs Minister Steven Blaney’s office, said the government welcomed Parent’s recommendations “and intends to act quickly.”

Parent said Veterans Affairs Canada turns away about 30 per cent of disability applications, and that the rejection letters constitute the second-largest source of complaints to his office.

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