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Editor's Note

Covering Note V3.0 to VAC related documents 28 Feb 2017

It has been a labour of necessity for me and desire to help you in your time of need that drove me to start and work to keep this set documents updated. All documents now have 3.0 as their version number and a release date of 28th February 2017. Delete older versions of them if you have them. By now, I am aware of many vets that have used them in the last year to apply for and win awards or benefits from VAC that they were not aware of until reading this information. We do not know what we do not know. Many VAC case managers are new and also do not know everything or that your health has changed. If you do not have a VAC Case Manager, then no one at VAC that can approve benefits knows. Some should have been receiving the benefits for years. New documents, that can be used stand alone, such as medical coverage have been created to shorten the big document in size and narrow its scope.

Thanks to the team that suggested edits and assisted in the production of the proof-read copy. There are major changes in policy coming to VAC in April 2017. I do not intend to issue another version of any of these for a long time, if ever. Instead, I will work to recruit another editor.

If you are reading this, served in the CF or RCMP and are not a VAC client, then congrats for not being injured. You may have friends that need these documents now. I also left the military without being a VAC client. That changed over time as my injuries became more apparent.

The last 18 months have seen me hit the worst I have been in many years and now as well, the best I have been in many years. That covers the swings in the life of an injured disabled army veteran. I now know and enjoy the friendship of many others in the same boat. Be strong and fight for your rights and earned entitlements. I urge you, to the best of your abilities, to assist other veterans that need some guidance and assistance. Give back by helping others. Help them to help themselves.

This set of document version 3.0 includes:

a. V3.0 of the Primer/aide memoire on how to win an award easier and faster;

b. A short PPT V3.0 that illustrates the workflow process of your disability application;

c. The V3.0 notes that accompany the PPT provide more explanation;

d. A new document: what happens with VAC when you pass away V3.0 as a VAC veteran client;

e. A new document: medical coverage for veterans V3.0 28 Feb 2017 and

f. A document reviewing many other non-VAC related activities that you can apply to attend or receive benefits.

As always, please feel free to share this information with anyone that you think may be able to use them and as before, KEEP MY NAME OUT OF ANY DISTRIBUTION OF MATERIAL. I CAN ONLY HELP THOSE I KNOW.
1 How to Succeed With VAC and Get Your Justified Disability Award Payments Faster (with Less Mental Pain, Anguish, and Frustration)

1.1 Forward

I have been asked so many times what the increase in disability awards to $360,000 for 100% disability means (starts 1 April 2017) that I have added a section that explains it in more detail at the very end of this document. The increase in the award value is also backdated to the first award in 2006 when lifelong disability pensions ended. If you have already received an award, you should receive more money in April. If your award was for 10% disability @ a payment rate of $300,000 for a 100% disability, you received $30,000.00. You should now get in April, 10% of $60,000 = $6K (-CPI) more for your disability award.

The documents in this series only apply if you retired from the Canadian Forces and were injured due to service reasons, and you intend to apply for a VAC disability award. They also apply if you received a lifelong pension or a disability award already. If you served and retired without a permanent injury congratulations. Your battle buddies may be able to use them or you may need them in the future. I retired without any permanent injuries in 1992 (so I thought) and later discovered that I had in fact lifelong service related injuries. RCMP members have already used these documents as guidelines with great success in their injury claims.

This final version of the document is grouped into sections with an index. The sections are grouped to cover specific areas such as: applying for benefits for a service related injury, VAC and your finances, background information etc. New information has also been added since the last version. This document is by no means an authority on all things VAC related. It attempts to provide you with a user guide in understanding the VAC process and links to sources of important information. Please check the VAC website for updates and the latest information. A good example is found on this website:

- Veterans Affairs Canada - Programs and Services

As the primary writer and editor of this document, I do not offer advice with this document; however, my opinions and lessons learned from many years of VAC experience (my first win in front of the VRAB was in 1994) are sometimes expressed and I state that it is my opinion. Many other veterans have assisted in crafting, improving and formatting this document. There have been many significant changes in VAC policy and process in the last year and many more coming in 2017. So, sign up for VAC notifications to be aware of changes that may impact you. Each and every time I “finished” this document, I found more information that needed to be added. That’s just how much important stuff that there is one must, should or could know to help themselves related to VAC.
1.1.1 Other Documents

There are other documents (all V3.0) with different scope and information which accompany this one. DELETE ANY OLDER VERSIONS OF THE DOCUMENTS, ALL HAVE BEEN UPDATED.

They are as follows:

a. A one page covering note to all the documents;

b. a short PowerPoint which graphically reviews the VAC disability claim process and workflow of your application at VAC;

c. a second which is a set of notes that assists in explaining the PowerPoint;

d. a third which reviews many other activities and assistance available to veterans but not associated with VAC;

e. a fourth which reviews medical coverage after release and VAC and

f. what happens with your estate with respect to VAC when you pass away.

1.1.2 Veterans Affairs Canada Website

- Veterans Affairs Canada

- Important note from VAC

We are in the process of moving our services and information to Canada.ca.

Our current Veterans Affairs Canada website will remain available until the move to Canada.ca is complete.
I am sore wounded but not slain
I will lay me down and bleed a while
And then rise up to fight again

- John Dryden
1.2 Forward

1. This lengthy document is just the tip of the iceberg in dealing with VAC. It can and will help you get an award faster and easier. It has helped me every time I looked at it when I started a VAC disability application for myself or my friends. And every time I researched I found more valuable information. So it is an aide memoire, not a detailed instruction manual for all things VAC. This version has new information and updates from earlier versions so get rid of any older versions and review this one.

   a. The quote at the beginning is who we are, hurt but not out veterans or other first responders. Take a rest when you need one. Then get up again to fight not an enemy but VAC red tape. Please do not take out your frustrations on the front line VAC staff that you speak with or meet. They did not write the rules and guidelines. Other nameless staff did and the front line staff must work within the letter of the laws that they are given. I now realise I was given the benefit of doubt years ago and VAC had really helped me. At the time, I was furious but became resolved to win my claim which I later did when I submitted additional information. I have received many thanks for this document from many people. If it applies to you please take your time and read it. It can help you or your friends.

   b. I started writing this document to assist myself in preparing a claim for a disability. I wanted to stop myself from spending 30 minutes every day trying to find the information I found researching on a different day and could not find any more on the many various segmented VAC related websites. I then decided to share it with some friends I met while attending Outward Bound or Wounded Warrior programs. Many have also made suggestions for improvement as it grew in size. As many that I know from our expeditions and horse shit shovelling exercises have PTSD and tinnitus, I have used these disabilities as examples. The Legion article at reference A also offers great suggestions. Reference H adds some excellent leads for benefits as well. There is a lot to chew on here for most of you that review this document. And if you know me please reach out and I will assist you if you need it. KEEP MY NAME OUT OF IT IF AND WHEN YOU SEND IT TO YOUR OTHER BUDDIES.

   c. It is not easy making a VAC claim. If you do not understand a word I used or a short form I used, try to look it up at reference B or above or the many other areas for definitions in the VAC website. I could not find one section with all the definitions. I DO NOT THINK THAT THERE IS ONE. I will repeat myself for a reason. What I repeat is very important. You need to do what I repeat in writing. It will save time and frustration and get you your claim money faster.

2. This document has a very narrow scope and aim and does not aim to boil the ocean but simply: to help you get a VAC claim researched, prepared, written and won faster and easier. All the other important stuff like Wounded Warriors, Outward Bound, Stress Clinics is not within this scope. I have however added a separate short document with information to review and start looking at these programs. I do not give advice. I offer opinions and facts where quoted. Keep these statements in mind as you read this document. Although long, It is written with this intent in mind. Consider printing the document before reading. AS MY FRIENDS THAT NEED THIS DOCUMENT RANGE IN AGE FROM 25 (and are still serving soldiers) TO 65+ AND 10% DISABILITY TO 100%+ IT HAS TO COVER MANY WIDE AREAS AT VAC. YOU MAY NOT NEED ALL OF THIS DOCUMENT TODAY BUT SOMEONE YOU KNOW MAY. Some of you are superb at tracking bad guys in the woods in a blizzard or sandstorm and then dealing with the issue at hand and not so good at fighting a long drawn out battle with paper and bureaucrats that have never served in a combat zone and do not understand our issues. (At least that’s what we think). This document can help you win this fight.
3. **Who has the most disabilities and how much:** This information was taken from other VAC publications (some links included in this email.) The average veteran receiving a disability award in 2013 (means the person in the middle of the bell curve) is (not including WW2 and Korea Vets): from the army, a male, married, served in Bosnia, Somalia, Afghanistan, or some other shit hole in the world where people lived as if 2000 years ago, and are or were an NCO aged 30 something (because you were 20 something working in a shithole some place 10 years ago). Except the bad guys had Russian weapons that never seemed to break. This average soldier with a disability has a disability of less than 20%. All of this should not be a surprise. Lots more male NCOs than officers and females in a combat unit. That is the average for everyone. That means 50% had a disability rated below a 20% total disability and almost 50 % above for the rest. (26% of you have a disability between 20%-39% disability). **Guys, that means that 79% of the total awards by 2013 were less than 40%**. That’s not because VAC is mean, it’s because many awards are not completely disabling. **As one ages, the assessment may rise** as well just as it did over 12 years for my broken back. For every time you served in a SDA (war zone) you have a 2.3 times possibility of a disability compared to a pay clerk sitting back in Ottawa. So 3 X SDA tours and you lived, you have more than 12 x possibility of a disability compared to an Ottawa pay clerk that got hurt at PT. Again no surprises to me. The more often you had a chance of being shot or blown up, or watching that stuff, the more chance you have of having a disability today.

- **Sources:**
  - Estimate of financial support provided to disabled Veterans under the New Veterans Charter (pdf)
  - Supporting Canadian Veterans with Disabilities (pdf)

4. The reason I wrote about who got hurt and how much they got hurt the most should be obvious. If you never served in a SDA and are claiming PTSD from watching war movies, or your girlfriend dumped you (yes, I know one of these guys), give me a break. A soldier with 3 tours in an SDA will most likely have been hurt somewhat, somewhere sometime. Add in parachuting, mountain climbing, getting smashed by a metal edge while inside an APC etc and the knees and backs really start complaining over time, let alone being on the Regimental hockey team and losing your teeth to a stick. I know several guys that have a broken back, PTSD, chronic pain etc and even more injuries (missing limbs etc.) That’s what it takes normally to get into the area above a 50% disability total rating. VAC is not in the business of giving money to everyone that claims they were hurt in the service. Yet many try for incredible reasons: fell off my scooter in Bermuda on TD while drunk driving, etc. Use common sense before submitting or even starting on a claim. Have a friend read the claim. Research other claims similar to yours. An injured finger in an SDA may get you a 100% disability of 2%. Not 100% of 100% payment the same as if you died. Page 19 in the Claxton report states that only 10% of soldiers with a disability award have a total more than 60% to 100%. 53% have a disability less than 20%.

5. I have included many items here that will help some of you to get a disability payment easier and faster, **if you actually deserve to receive a disability award for what you are claiming**. It took me more than a year to finally almost understand where many facts are hidden on the VAC website and how they all connect with each other. And I know I am still missing segments. Whether by design or not it was almost a mission impossible to connect the VAC threads together. I have tried to assemble the information in a logical order. I hope I succeeded. For those that got to read from version 1 to this one thanks for helping me in this task.
6. There are lots of people that want to help you but first you have to also want to help yourself and be prepared to work at it as well. IMHO, the VAC staff are overworked and underpaid. They will help you if you help them to help you. I AM NOT A LAWYER. I BELIEVE WHAT I AM WRITING HERE TO BE CORRECT BUT ITEMS MAY CHANGE AS SOON AS I FINISH IT. MURPHYS LAW. I have copied many sections from the VAC website direct. I have also included many web site links. I have also included many of my own comments in CAPITAL LETTERS SO YOU KNOW IT IS MY COMMENTS not the VAC. MY TIPS FOR A PTSD CLAIM ARE AT THE END AS MOST OF MY FRIENDS FROM OUR SHARED ADVENTURE NATURE COURSES HAVE PTSD AS THOSE OF US THERE KNOW. So get help instead of giving up. I cannot emphasize this enough. You are in an ultra marathon run here, not a sprint and will need breaks and help. I was successful on some awards the first time and because a single word was missing on others, needed to start the process over again. “To award any degree of entitlement, there must be evidence of a current (permanent) disability today”.

7. My VAC Account: Like online banking but for VAC. If you have not registered to view all your VAC account with status updates etc. you need to do this. It costs nothing and you will be able to see what is happening much faster and easier than calling the VAC 1800 number and then being put on hold. A recent change for the good in cutting VAC red tape and weeks of delay. I was notified by checking MY VAC account that a claim of mine had been completed. Instead of waiting for a letter in the mail, they emailed me on MY Vac account and I emailed the answer back in 2 minutes. I had the money in the bank before the letter arrived.

- How to Register for My VAC Account

8. At this time, My VAC Account displays the status of applications for the following programs: Disability Benefits, Career Transition Services, Rehabilitation Program, Health Benefits Program (PSHCP), Earnings Loss, Family Caregiver Relief Benefit, Critical Injury Benefit and Veterans Independence Program.

9. Don’t assume anything. Just because you mailed it, does not mean the right person got it. If the reply you are expecting is late, check on it. One of mine was buried in an inbox in the wrong city and another had been sent in on the wrong form and no one bothered to let me know. On the other hand, I have had helpful VAC staff make verbal suggestions and start paperwork on my behalf. As I was finishing this draft V3.0, I was checking on health related travel items which are normally are paid within a week. I had not been paid a month after VAC received my forms and receipts. The lady on the 1800 number first claimed that they were not received, 5 minutes later they were found but she then went on hold herself trying to find someone to determine the status. Four times on hold for the same question and more than 30 minutes total when my call got dropped. Persevere and hang in there. Over a period of five hours and repeating my story to five different VAC staff, I finally spoke with a VAC analyst (VSA) that really helped me, dug deep into my issues and asked me to email her directly my documents in question. She just spoke with me and has been working on my file for hours trying to sort things out. It pays to be nice that is for sure. I will call her for help now whenever I have an issue. My small value claims were actioned but not the big one. YET. A year ago, I would have got mad. Today, go with the punches, keep a sense of humour and the VAC staff will help as best that they can. Yelling and swearing at them will get you nowhere. Yet many persist in being rude to them. More on lying later.
1.3 Executive Summary

1. DO YOUR HOMEWORK FOR EACH APPLICATION

- I was proofreading and researching a claim, and found a new VRAB website link and presto, what started as a single claim from one disability table turned into a claim from 5 different separate tables with each one adding overall points to my total claim. VAC required that I complete another different medical form end of Feb 2016.

- I reviewed it after it was totally finished and then ate my own soup and then checked all the things I did not know but stated I do not have that. Well I did in fact have that in plain English but “not in fancy medical terms”. I also checked how the table of disabilities rated the areas of description and once again I had several medical ratings for disability that I have had for so long it is just normal now but in fact IAW VAC, a disability and contributes to increasing a payout.

- **SO DO YOUR RESEARCH AND ANSWER THE QUESTIONS CORRECTLY.** If not, it will cost you in terms of more time and potentially money. Many reading this document are probably entitled to claim for disabilities that you are not aware that you can claim as this document will show.

- Download a copy of the total Table of Disabilities (TOD 2006) PDF. Then for whatever you are considering a claim, complete a word search for the term in the complete TOD.

  - I found out the hard way that a claim for pain is different than a claim for headache pain which is also a different form that a claim for pain written in the pain section of the Activities of Daily Living (ADL).

  - And although you have already written the same information and submitted it to VAC, the new information goes into a different silo. Just bear with it and fill in the new form with the same old information in a different order. I had six different medicals in 4 months by the same Dr for similar issues but different VAC forms asking the same questions in a different order.

  - The total TOD web link follows:

    - Total Table of Disabilities (TOD 2006) PDF located on right side of the page halfway down

2. Handle your frustrations with the red tape and bureaucracy with VAC.

- Yes, you know you got shot, blown up and are in pain. The civilian at VAC receiving your claim does not. Just like an Army brigade in combat, every separate section, platoon and battalion can be operating in different directions at the same time. The same with VAC. It does not matter that you have already sent VAC the information they just requested again.

- **Review the PowerPoint CHARTS for the information process flow.** Now a different silo of worker bees at VAC will work on it. They (for your privacy reasons) do not all have access to your complete file. Someone gets your initial claim and then passes it on to the person that goes down a checklist for that type of claim and perhaps sends you new papers to complete. Someone else gets all the papers together once they are all complete. Then, months later, the decision makers get to read it all and then make a decision. An auditor then reviews the file to agree or not. If you are frustrated, save the work you completed, and take a break, maybe a long break and start again.
• You would not quit in combat on your buddies. Don’t quit on yourself in a paper war and combat with VAC.
  • You are starting a 40 mile long hike, uphill in a snow storm, at -40 degrees C and are wearing nothing but a swim suit.
  • You are not in a 100 yard dash with VAC.
  • When tired, take a rest, as long as you need and later start up again.
  • You can and will win your claim, it just takes time.
• Some sample timelines for me included:
  • PTSD form sent to me 1 April and decision made 10 Dec and the funds arrived in my bank end of January the next year.
  • Application sent 22 Sept and decision made 25 Feb but no word to me until 7 March.
  • Another claim received at VAC on 6 Jan and moved to the decision making level on 2 March. TBD when the next steps are completed (Notified it was completed 4 Aug 2016).
  • Another example, my headaches medical paperwork was submitted and then rejected as the exact type of headache was not specified. Rather than get mad I looked at my rejection letter which included all the information I needed to add to the document to win. Who knew that headaches from back pain might be called discogenic headaches or that if one has PTSD that the headaches would be called stress tension related headaches from PTSD.

3. The correct references are critical to your claim.
• Use them and send in paper copies with the claim. They will help your claim to win an award.
• I have used links for this document rather than attach them as there are too many to attach.

• VAC quote here

• “In cases where an internet or online article is submitted as medical evidence, the following checklist should also be used in assessing its credibility:
  1. Has the full article been submitted?
  2. Has the name of the author and qualifications been provided?
  3. Has the date and time of publishing been established?
  4. Has the source of the article been identified (website address)?”
1.3.1 NEW: Look at this Site Before Submitting A Claim

- **IT WILL HELP**

- A list of the medical references used by VAC to assist in determining disabilities is at Appendix A to this [weblink](#). Go to the very end of the web page to review. They are also listed at the end of this document.

- **Adjudicative Guidelines - Table of Contents**

- **Appendix A - RESOURCES USED BY THE VETERANS REVIEW AND APPEAL BOARD**

1. **Pay attention to your health.** As you age, your health and military related injury symptoms and conditions may degrade. They sure did for me. You can apply for a reassessment of your conditions which could result in an increase in your allowances and awards as your health declines. Twenty years will fly past in a heartbeat. Review your disabilities annually to determine if another submission is warranted. Good luck wishing that your disabilities will get better and disappear.

2. **Do not lie even if by accident.** The people that review your application and then review your disagreement are not dumb even if you think they are really dumb for not giving you an award. Reading claims is their full time job and they know a valid claim from a fraudulent claim. The VRAB (Veterans Review and Appeal Board) has many examples of a soldier caught lying about a disability and they remain very polite in saying NO. The researchers will look through your whole military history and medical records. If you complained about your ED 10 years before you went to war, don’t try to claim that your ED is from going to war. Do not waste your time and theirs. IMHO.

3. **If you have a valid claim go for it.** The team reviewing your claim have a job to do: their job is to say yes to legitimate claims. So says the federal courts. Get the proper documentation and references and do the claim properly the first time. Get help if you need it. The legion, your friend’s and others that have had success and want to help. There are many older retired vets willing to help. We have nothing better to do than assist if we can if asked.

4. **If all you have done is whine** and complain about VAC treatment and still feel that way, quit reading. Your attitude will prevent you from making an effective claim. You must want to succeed and put the effort into the work. I have been told no just like some of you and yet won my claim eventually.

5. **If you do not ask for a claim** for something, the reviewers may find your issue by accident and give it to you as a bonus but likely not. Assume that they will be lazy and you have to guide them slowly to see all the important things that substantiate your case. More on this later in the document.

6. **MY FAVORITE PHRASE:** if you do not have a VAC case manager, call the 1866 number and tell them you want and need one. VAC is hiring more case managers these days but the current ones are overworked. And it takes years for a new case manager to know it all. But persist and get one. They can move mountains to help you. That’s how you can get easier access to help and much faster as well. Knowledge is power. I sure wish I knew what I have written here years ago. Not just knew but understood. And I will use some examples in the document from my past and another friend in my city. DO NOT SIT IN THE MESS OR LEGION DRINKING AND COMPLAINING. Pick up the phone, call and ask for help. The knowledge you now have does not help you on your claim if you do not include it with your claim. Yes, more work but worth the effort.
7. If you **take a cocktail of medication** like many I know these days, (8 changes in a year) then please make sure that you have a meeting with a psychiatrist. My family Dr thought he was doing me a favour with med changes and he did not. Talk to your pharmacist for a med review as well. If you forget to take your meds, get them put into blister packs. A free but could be a valuable service. Make sure that before you take medications that you know what the new medication is for, how it should help you and how it can harm you. Many are now taking a medication to counter the side effects of a different medication and the cycle repeats itself.

8. Feel free to share this document with others if they can use it. Just leave my name out of it. PLEASE

9. **Read the small print.** There are gotcha’s in places for those of us with a lack of focus and concentration. Some of the information from VAC here can be ordered in a color booklet from VAC and makes interesting bathroom reading. It is free.

   - [My VAC Book](#)
   - [Build a My VAC Book](#)

10. **Tell the truth when speaking to your case manager and or Drs.** No matter how embarrassing the truth may be. As I reviewed VAC docs which I reference in this document, I learnt things that I would not tell anyone. My disability had a root cause from PTSD (irritable bowel which is a fancy term for accidents in your underwear etc.) You are not the only one. It turns out that a significant % of veterans also have this issue and are not in the TV ads for Depends yet. Just disabled Veterans. Hard to get the help one can get if the Drs do not know the facts. **TELL THE TRUTH. I KNOW I WROTE THIS BEFORE AND WILL SAY IT AGAIN, TELL THE TRUTH. All the truth.**

11. I have also **found a website that details the decisions** made by the VRAB veterans’ review appeal board. Both for and against the vet and the reasons why. Having a really good understanding of why some got a cash award and services and others did not can assist you in your initial applications and later if denied how to prepare to win. This web link is later in the document as well as instructions how to save time using it.

12. **Before applying for a disability the first time**, make sure that you have found the correct medical questionnaire for the condition and get your family Dr or specialist to complete it. Read and try to understand all the terms in it before going to see the Dr. Our initial response is I don’t have that, check it out and find Yes I do. What are the key words used to determine degree of disability” prolonged, 12 months, 100 days chronic, occasional etc.” and what do they really mean? Which key words best relate to your disability that VAC uses to describe the level of disability. Get the same words in your forms and documents. Your Dr can bill VAC for completing the paperwork. Unlike civies that have to pay themselves. And read it to see if you understand it and what your correct answer should be. Check the guidelines and cases on how awards were made in the past and find references in the decision documents. Links to all these sources are found later in the document. That way VAC can’t say no medical proof and reject it and then you start getting the Drs statement that you needed to begin within the first place. Now that I have completed my latest research I already know a submission of mine will be rejected (it was) and this delay adds another 6 months to it until I get the documents completed that I should have included on my initial application.
13. **NEW - Chronic Pain: It has taken me years to finally break the code on pain and VAC.** Here is my best shot at it. If you have received an award for a disability, the disability award for the injury includes the pain that results from it for now and forever. You may get an increased award for the disability over time. If you have an award for PTSD it includes chronic pain as well. Headaches are stand-alone it seems. VAC has a way to deal with pain that is not associated with a separate injury and as all my pain comes from known injuries and I have PTSD, my pain now except for headaches is under the PTSD award umbrella. I have been chasing VAC for a year now about pain and no one bothered to tell me I was wasting my time. I wish someone had told me. At least now, I understand. These statements were also the basis of a call I received from VAC.

14. **VAC reviewers and the VRAB** if you get there, **will review your medical records in detail.** If you complained about something while in the CF, in peacetime during garrison duty, they will most times find it. Whether it helps or hurts your case depends on what they find. I just saw one where a soldier was asking for money because he has PTSD and now wants money for ED. He complained to his MO years before that he had ED and he experienced a drama in an SDA and then got PTSD so no claim awarded for ED. HE HAD the problem for years. TELL THE TRUTH. Another example follows:

   “Having checked the records it appears the client was exhibiting either TMD (sore jaw) and/or bruxism as early as 1981 when he seems to have been fitted with the bite plane in Halifax. He also presented with facial/TMD pain in Summerside in 1991 and was treated there as well. Both of these instances were before the Swiss Air disaster that is claimed to be the cause of his habit and condition. It is noted as well that the client was under a lot of stress as a result of marital difficulties in 1995, again, prior to the plane crash, and not related to service. Post 1998, he was fitted again with a bite guard in 2000 following restoration and placement of 2 crowns in Halifax. During a routine medical in 2012 the presence of TMD was again noted. All of these points taken together would lead one to believe that the client has had this occur on and off since at least 1981. His history of recurrence and then remission of symptoms of PTSD would do nothing to help the situation but the effect it had on a pre-existing condition would be very hard to determine.”

15. **In summary,** yes it can be a lot of paperwork. But an award of $30K plus for 30 hours of paperwork? How many of you make 1000$ or more an hour working? Take your time and do the claim right the first time. It will pay off in the end. VAC staff review your claim. Once they render a decision, their paperwork is also reviewed to ensure accuracy and consistency. The easier you make it for them to clearly see the disability you are claiming, the easier it is for them to say **YES. THE FIRST TIME.**

1.3.2 **NEW: Staff at VAC you may encounter**

   a. Email from My VAC
   b. Telephone Client Service (many) from the 1800 number - [Contact Us](#)
   c. Case Manager
   d. Claims Adjudicator
   e. Benefits Analyst
   f. VAC Medical staff: Dr or nurses
   g. BPA Legal Staff
   h. VRAB Decision Making Staff
1.4 NEW What can one possibly apply for as of 1 April 2017 in picture form

- Almost every one of these awards, allowances, benefits and services will be reviewed in scope and who can apply for what and why. Some apply to disability pension awards before 2006.
2 The VAC Claim Process and Guidelines

- You have decided to apply to VAC for a disability from a service related injury. What is a disability according to VAC?
- What is a disability for the purpose of granting entitlement?

- To grant entitlement, the members must be satisfied that the signs and/or symptoms of the disability are generally expected to persist, despite medical attention, although they may wax and wane. For some conditions, the EEGs state that chronicity, as defined therein, is an additional factor to be taken into account.
- It is important to keep in mind that in the context of the above guideline, “signs” and “symptoms” are both medical terms with different medical meanings. Signs are whatever a physician can objectively observe or measure (e.g. low blood pressure reading). Symptoms are subjective evidence of a disease experienced by the patient (e.g. dizziness). While most medical conditions have both signs and symptoms, some have only signs (e.g. hypertension) and others only symptoms (e.g. fibromyalgia).

2.1 Steps to follow for your initial application

a. When applying for a disability make sure that your story (your history of what happened) covers these areas. If your history doesn’t, IMHO you either are not telling the truth or you do not understand how you were actually hurt. You may need witnesses to write a letter or testify in front of the VRAB.

b. A disability is defined as: Disability means the loss or lessening of the power to will and to do any normal mental or physical act.

c. The win an award you must:

1. demonstrate that he or she has a claimed condition—an injury or disease, or an aggravation thereof; YOU CAN DO THIS WITH A DRS REPORT WHICH SUPPORTS THE FACT THAT YOU ACTUALLY HAVE THIS PROBLEM still and it will be a long term problem not fixed in 2 months

2. demonstrate that the claimed condition "arose out of or was directly connected with" his or her service as a member of the CF; your story VIA YOUR RECORDS, YOUR TESTIMONY, WITNESS STATEMENTS ETC

3. establish that he or she suffers from a "disability" (a defined term in the Pension Act); AND FROM THE VAC TABLE OF DISABILITIES WEBSITE

4. establish that the disability resulted from a military service-related claimed condition. ONCE AGAIN IS YOUR CLAIMED DISABILITY A DISABILITY ACCORDING TO VAC AND LAWS OF CANADA. If a PTSD claim review this link:

- Federal Court of Appeal Clarifies Test for Veterans’ Entitlement to Disability Pension Benefit
d. The Federal Court of Appeal overruled a VRAB decision in the summer of 2015. Cover all these bases well and you will get a positive decision. And from this decision with VRAB, the Cole decision, I have seen that VRAB includes this in some of its reviews:

- The question then is to determine the **degree of aggravation**. The Federal Court of Appeal in Cole established that in order to establish this connection the Appellant must show that there is a "...significant causal connection between the claimed conditions and his or her military service." Such a causal connection is more than a 1% contribution but may be less than a 49% contribution to the development of the claimed condition.

- As I understand this one, the result is the Veteran should at least now get a partial decision rather than a NO as in the past for some applications. Such an outcome would be incongruous with the purpose of the legislation. Parliament's intention was that the Pension Act and Veterans Review and Appeal Board Act should facilitate, rather than impede, the awarding of pensions to disabled veterans, given their sacrifice and service to the country. And in recent decisions, the VRAB quotes this decision as a reason to say Yes.

e. Unlike entitlement decisions, **assessments can be completed over and over again** (2 years between most reassessments), as pensioners' symptoms change. The goal of assessments is to provide fair compensation for the period of time in which a pensioner was demonstrating a given set of symptoms. As an FYI, the average number of assessments for PTSD is 3 times over 3 to 4 years. First time one is usually given 10% and come back again next year for another assessment.

- My back was originally assessed at 0% in 1994. Then changed to 12% in 2003 and the VAC Dr in my city then changed it to 27% in 2007 as it got worse as I got older. He told me that for the condition of the condition of my back, I am now maxed out 27 % of disability. And I agree.

While writing your statement of claim, (your story) review the proper Table of Disabilities. The difference between getting 10% and 20% can appear to be very small as you can see below:

<table>
<thead>
<tr>
<th>Nine</th>
<th>Mild to moderate symptoms that are irritating or unpleasant but rarely prevent completion of any activity. Symptoms may cause loss of efficiency in a few activities.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eighteen</td>
<td>More severe symptoms that are distressing and regularly prevent the completion of some everyday activities. Physically strenuous activity (e.g. carrying laundry, shovelling walk, mowing the lawn) is prevented but the person remains ambulatory and able to carry out light tasks at home or office. Self-care is unaffected and independence is maintained.</td>
</tr>
</tbody>
</table>

f. The web link for all the current VAC table of disabilities (TOD)

- You can look in the table of contents to find the issue you are dealing with in your claim.
g. Everything being equal, you will submit your application and it will bounce back and forth maybe once if you did not include all the required information. Then you get a positive decision in say a year after submitting it. If a substantiated application is submitted, correct, the first time, a veteran used to get an award about 5-6 months after it was submitted, now 9-12 months. A letter is sent asking you how you want your money and you send the letter back and about 2 weeks later, your money arrives. They try to finish the work in 16 weeks but they are overworked these days. IF YOU WANT THE MONEY FASTER than Canada post and VAC delays will cause, sign the form with your choice of payment, scan it into a PDF and email it back to VAC on MY VAC web portal. I signed my form on a Monday, emailed it back and the money was in my account on Friday. Canada Post would have cost me $30 for guaranteed delivery the Monday after I had my money. In a recent change, I was emailed the forms, completed them and submitted them and was paid in less than a week. I received my funds the same day that I received the paper forms in the mail.

2.1.1 NEW: Track Your Applications

Once you submit a claim and use My VAC account it will have a stage number beside it when you check the section application under status:

- **Step 1**
  - VAC has received your application form and is awaiting additional medical information from you or your health practitioner(s) in support of your claim. If any additional action on your part is needed VAC will contact you with more information. Once all of your supporting documentation is received, a decision can be expected within 16 weeks.
  - As I did not know what Drs form to use, I sent in an application claim without one. They will send me the correct form and my clock starts ticking for the sixteen weeks after they then receive the correct medical form completed.

- **Step 2**
  - We are reviewing all of the information obtained in support of your claim.
  - You will get a letter stating all information they need has been received or it will tell you what more is needed or that you did not complete it correctly and your claim is suspended or withdrawn. Just keep plugging away until you get it right. I have had all happen with me this year.

- **Step 3**
  - Your claim is at the decision making level. You should expect a decision letter within 16 weeks of the date we received your application and all of your supporting documentation. Expect at least 30 or more weeks is my experience in 2016/2017.
• **Complete**
  
  - Your claim for disability benefits has been completed. If you have not received a decision letter, you can expect one shortly.
  - I have had a claim awarded for the maximum in 16 weeks and it took 6 years for my back and now more than 10 years for my ears. PTSD from start to it is what it really is today: 7 years.

If you do not use My Vac Account, the person at the end of the 1-800 number can only tell you the same information that you can see yourself on My VAC.

  - The Actual [Application Form](#) link
  - You must send in a completed form like this one for each separate claim.
  - On the other hand, many applications for PTSD are not finally decided for years. They may give you 10% one year, then another 10% another year with no final decision made as you are not stable yet. Eventually you will get a final decision. In some cases you may improve over time. If an improvement in your disability, happens, your disability % will normally remain at the highest number already awarded.
  - As per the *Pension Act*, payment of disability pensions/awards cannot exceed the maximum of 100% as set out in Schedule I or Schedule 3 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act*. There are several examples of members with a greater than 100% disability when all their individual ailments are added and they usually have a large number for PTSD and then other larger numbers for physical injuries that occurred in an SD, but not always.

### 2.1.2 Disability Allowances

  - The [Service Canada website](#) link is helpful

  - This link on **one page contains the most concise listing of VAC benefits and programs** in order by alphabet that I could find. Look at it and keep it open on a separate tab as you complete your research. It should save time and frustration.

1. First, you have to apply for a disability and then receive an award in order to qualify for a disability allowance (a monthly payment that is not a disability pension). You must have either a disability pension (awarded before 2006) and / or a disability award or in my case both as mine were awarded on either side of 2006. Then depending upon the total % of your disabilities, you have other allowance options which may be available. I have copied items from many areas within the VAC website to try to make it easier to understand. **JUST BECAUSE I WROTE THIS DOES NOT MEAN IT IS TRUE BUT SHOULD BE REAL CLOSE.** All numbers are valid as of Dec 2015 and increased 1.9% in Jan 2016 with inflation and new Liberal government election 2015 promised increases.
2. You can get more than a total of 100% disability; example 124% disability; 60% PTSD stand alone, 25% back, 20% busted leg, 10% hearing and 9% because of teeth. But max disability for a money payment remains at 100%. But, you are worth more alive than dead. Why, because you can become entitled to receive other monthly funding such as a PIA, VIP, and also payment for medical devices, clothing allowance etc. FYI, 10% is $36K tax free on 1 April 2017.

- **Legislative Summary of Bill C-55: An Act to amend the Canadian Forces Members and Veterans Re-establishment and Compensation Act and the Pension Act**

- **The law states:**
  - **2.1.2.2 Injured Veterans Already Receiving the Maximum Pension Who Are Diagnosed with a New Condition**

  Under the current rules, if a veteran has multiple injuries, an assessment is made and a percentage of disability is determined for each of them. If the percentages for each injury are added, and the total is higher than 100%, the veteran will be deemed to have a 100% disability and will never receive more than the maximum amount payable. If the veteran already receives the maximum monthly pension under the Pension Act for a deemed 100% disability, the same veteran cannot receive a disability award under the CFMVCA if he or she suffers from a newly diagnosed service-related injury. But if you reach 100% disability, you can apply for other monthly allowances.

  - **Now some math AND WHY IT IS TO YOUR ADVANTAGE TO SUBMIT ONE CLAIM WITH SAY 4 ITEMS FROM DIFFERENT TABLES TOGETHER. MY REAL LIFE EXAMPLE IS AS FOLLOWS:** applying under table 18 for skin cancer, table 22 for skin issues that may turn to skin cancer, table 2. Activities of Daily life (chronic pain) and another sub table in table 22 for scars from previous skin cancer. And let’s say that each was done separately, one small piece at a time. The number I get are firstly value for disability and then add Quality of Life for total number. I used Q of L level 2 for all assumptions. And I get (9+2 = 11, 9+ 2=11, 5+2= 7 and 7+2=9. ) They round down the % if not at 15 or ten etc. so we get a group of four numbers – 10 and 10 and 5 and 5. A 10 is worth about 30K each and a 5 is 15K so total value of 90K in four separate claims and a lot more paperwork.

  - If all four disabilities are sent into together on same submission, they will add 9+9+5+ 7 together and get a sum of 30 plus add Q of life = total of 30+6=36 round down to 35 = $107K. 17K more than if you sent them in as smaller ones in 4 separate claims. It’s their rules. Use them to your advantage. It is the law. ONLY IF YOU ARE TELLING THE TRUTH.

  - I submitted several claims at the same time including chronic pain. The pain required a separate form that I did not complete as did headaches. Some of my claims went ahead while others were put in hold awaiting more medical forms. The start date of waiting 16 weeks was then pushed back as well. Never plan financial decisions based around receiving a slam dunk disability award. I did not do this but know of others that did. You must remain patient in pursuit of a claim and persist in completing the paperwork. I thought I would be finished by June 2016 and now, I may be finished in 2017.
3. **PTSD Applications.** VAC lumps PTSD, depression, drinking too much, drug abuse **CHRONIC PAIN** etc. all together and not separately like sore right knee. I suppose that if you have chronic pain only and not PTSD that VAC has a way to deal with it without saying it’s all in your head. On the other hand one can be 75% disabled or close with PTSD. For skin cancer and all the other stuff with it a maximum of just more than 20%. You need to read the disability tables to see the details to fully understand why.

4. **THIS IS WORTH REPEATING: SO WHY HAVE I SAID THAT YOU ARE WORTH MORE ALIVE THAN DEAD WHEN THE MAX DISABILITY AWARD TOTAL IS THE SAME AS DYING?** Just over $310K now and in 2017 after 1 April $360K:

   1. You may get entitlement to other allowances such as clothing each month
   2. You may get PIA and then if 100% disabled (98%) may get TPI and the PIA supplement of $1100 or more each month
   3. You may qualify for attendance allowance (tax free from around $250 per month to more than $1600)
   4. You may be entitled to other medicines and assistance which costs a lot of money that you are now paying for from your own pocket
   5. If not on ELA, you may now get it
   6. You may get other things that I write about later.
   7. And as you fill in the VAC forms for your DR to complete and send to VAC make sure that you keep a copy and now you have more documents for Revenue Canada in order to successfully apply for the Disability Tax credit and as well CPP disability. More on this later.

- Currently, veterans – or their survivors – taking part in the rehab OR VOCATIONAL ASSISTANCE program developed and implemented by the minister may become eligible for the following financial benefits: an earnings loss benefit, a supplementary retirement benefit, an **income support benefit** and a permanent impairment allowance. **THIS MAY MEAN NOTHING TO YOU TODAY BECAUSE YOU ARE NOT YET IN YOUR 60’S YET BUT DOES TO ME as I turn 65 soon and lose my ELA.** I do have friends in the thirty’s that are 100% disabled and in receipt of many of everything I have written about. I and they wish that they had a zero% disability and were still in uniform.
2.2 A Review of Most VAC Allowances and Benefits (the most common submitted today)

2.2.1 Veterans Independence Program (VIP)
- If you are in receipt of a disability award for your back, or knees or other mobility related injuries, you may be eligible to receive VIP: Veterans Independence Program (VIP). VAC may pay for someone else to shovel your driveway, cut your grass and clean the house. And perhaps more. Lots of information here:
  - Veterans Independence Program (VIP)
  - The form to apply is here: Veterans Independence Program Application

2.2.2 The Retirement Income Security Benefit (RISB) is a Monthly Taxable Benefit
- This benefit tops up a Veteran's total annual income to at least 70% of what he or she received in financial benefits from VAC before age 65.
- Survivors may also be eligible for this benefit.
- Bill C-55 extends eligibility for the permanent impairment allowance and adds a supplement in the event of total and permanent incapacitation.

2.2.3 Exceptional Incapacity Allowance EIA (for injuries awarded a pension before 2006)
- if you are receiving a Disability Pension and are exceptionally incapacitated you may qualify for this tax-free monthly allowance. The amount of the allowance is based on the extent of the pain and loss of enjoyment or shortened life expectancy.
- You may qualify for an Exceptional Incapacity Allowance if you are in receipt of:
  - a Disability Pension for condition(s) that total 98% or more; OR
  - a Disability Pension and a Disability Award for conditions that total 98% or more; OR
  - a Disability Pension and POW compensation that total 98% or more; AND
  - you have an exceptional incapacity that is a result of, in whole or in part, the condition(s) for which you are receiving a disability benefit.
- IF YOU RECEIVE EIA YOU CANNOT GET PIA (for awards after 2005) AND VICE VERSA. Just because you have a 98% disability rating does not mean that you automatically can get EIA.

<table>
<thead>
<tr>
<th>Grade</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$1,410.13</td>
</tr>
</tbody>
</table>
2.2.3.1 What is Exceptional Incapacity?

- **Section 72** limits entitlement to an EIA to those veterans who are in receipt of a pension assessed at 98% or greater, and who suffer an exceptional incapacity. Implicit in this section is that not all veterans in receipt of an assessment of 98% or greater are entitled to an EIA.

- In this Panel’s (VRAB) experience, not all 98% or greater assessments are created equal. The Panel is aware of cases in which a veteran with a 98% assessment was totally unable to carry out any of the functions of day-to-day living. In other cases, the veteran with a 98% or greater assessment was able to drive and work.

- In order to be eligible to receive an EIA, a veteran must suffer a degree of incapacity which is greater than the limitations, disability and impairments normally associated with his/her entitled condition(s). If a veteran suffers such a degree of incapacity, and is assessed at 98% or greater, then s/he is suffering from an exceptional incapacity.

- **Example below**

- **Section 72** is clear: the exceptional incapacity may result from the cumulative impact of the entitled disability(ies), or, the impact of the entitled disability(ies) combined with a non service disability.

- For an Exceptional Incapacity Allowance, the following material factors are assessed against criteria set out in Tables 7.06 and 7.09 of the 2006 edition of the Table of Disabilities: degree of helplessness, degree of pain and discomfort, degree of loss of enjoyment of life, degree to which life expectancy has been reduced, and degree of any psychological complications.

- We acknowledge that some of the material Exceptional Incapacity Allowance factors listed above may be affected to a degree in your case, but not to levels that meet the Exceptional Incapacity Allowance criteria set out in Tables 7.06 and 7.09 of the 2006 edition of the Table of Disabilities.

- The evidence indicates that you remain independent in your home. You do not require personal care services or nursing interventions. Your health problems do not result in your being dependent in your activities of daily living, and your health problems do not result in your being in need of personal attendance.
2.2.4 Permanent Impairment Allowance – PIA

- **GO TO THE END CHANGES COMING IN APRIL 2017**

- **PIA ends on 31 March 2017.** If you are considering applying for PIA before then, review the PIA policy document first. By all means apply. The application is easy and payments start after you are approved but from the date that you applied. Link - and as VAC is about to expand eligibility and improve access to it, (see comments at end), apply if you have PTSD or have trouble working. MY comments. And once approved, they can actually backdate the PIA supplement a year. This makes sense as taking a pain management clinic, attend rehab and follow ups to and including being assessed for future employment and then being TPI’d takes about a year+ by the time it all rolls together.

- **It is IMPORTANT** that you understand that the VAC staff have a process that they must follow to assist you. The entire process takes many years to complete before VAC deems that they have done all that they can to assist you in becoming better and eventually classify you as unemployable. During this process you may work with a psychologist for years, attend a pain management clinic, attend alcohol or drug abuse rehab (1 to 3 months or more), be PIA’d, receive SISIP or ELA, and then after employability reporting, be TPI’d. In my case, 9 years in all. This process must be started before you reach 65 years in age as if you are 65, much of it does not apply. And then many of these benefits cease when you are 65, change their name and you or your case manager resubmit different paperwork for the new ones.

- The Permanent Impairment Allowance (PIA) is a taxable, monthly benefit—payable for life. The allowance is provided when your career options have been limited because of a service-related illness or injury. **An application for the PIA or the PIA supplement is a process rather than the submission of a single form.**

- There are 3 different payment levels in PIA.
  1. The highest level of compensation (Grade I) is for Veterans with the most severe physical, functional and/or mental impairment—for example, those who have quadriplegia or require total care and supervision.
  2. The middle level of compensation (Grade II) is for Veterans with impairments such as a single or double limb amputation or that require recurrent hospitalization for a psychiatric condition.
  3. The lowest level of compensation (Grade III) is for Veterans with less severe impairments such as requiring chronic use of medication and psychiatric care for depressive and anxiety symptoms.
2.2.4.1 Do I qualify?  Most receiving a PIA will be at grade 3.

- You may qualify if you have:
  - a severe and permanent impairment for which you have received a disability benefit, such as PTSD and
  - a VAC-approved application for rehabilitation services. A shrink, pain management clinic, alcohol rehab etc. many other areas

- The purpose of rehabilitation services is to ensure that you improve your health to the fullest extent possible and adjust to life at home, in your community or at work.

- Do I qualify?

- You may qualify for rehabilitation services if you are a Veteran of the Canadian Armed Forces who:
  - has medically-released within the last 120 days; or
  - has any health problem resulting from your military service that is making it difficult for you to adjust to life at home, in your community or at work.

- You may qualify for vocational assistance services if you are:
  - the spouse or common-law partner of an eligible Veteran who is not taking part in vocational rehabilitation due to his or her health problem; or
  - the survivor of a Canadian Armed Forces Veteran whose death was related to his or her service.

- Depending on your individual needs and goals, your rehabilitation plan may fund one or more of the following types of services:
  - Medical Rehabilitation. Health care experts work with you to stabilize and restore your health to the fullest extent possible. Pain clinic as an example
  - Psychosocial Rehabilitation. Health or rehabilitation professionals help you develop skills to support independence and adjust to living with your health problem or disability. This can include life skills training, pain management strategies, and more. A shrink
  - Vocational Rehabilitation. Vocational professionals will work with you to help transfer your skills and education to build a rewarding civilian career. Vocational rehabilitation or vocational assistance may include:
    - help to identify a suitable job;
    - career finding services (such as résumé writing and interview skills);
    - financial support for training and related costs (such as tuition and books).

- Your rehabilitation plan is developed by you and your case manager. Your family is encouraged to take part in developing your plan.
To achieve a successful outcome, the plan will identify:

- your goals;
- the services and benefits you will need to reach your goals;
- local service providers to help you achieve those goals; and
- a timeframe to complete your plan.

**MY EXAMPLE AGAIN:** STARTED REHAB IN 2011 WITH A SHRINK. MANY ASSESSMENTS AND THEN ATTENDED A PAIN CLINIC IN 2015. NEXT STEP WAS A DUAL ALCOHOL REHAB AND PTSD COURSE FOR 35 DAYS AND THEN AN EVALUATION TO SEE IF MY OLD TIRED ANGRY BODY CAN FIND A JOB AFTER A VOCATIONAL ASSESSMENT. IF YES, NO MORE ELA AND BACK TO WORK. IF NO, ELA CONTINUES AND APPLICATION FOR TPI. Once I was classified TPI (August 2016), I was granted the PIA Supplement. That was the plan as discussed and agreed with my VAC Case Manager in 2014 and it eventually happened. I feel very lucky with my VAC contacts. They have really helped me to climb back out of the gutter I keep putting myself into over the last few years. **WORTH REPEATING**, if you do not have a VAC case manager, get one.

### 2.2.4.2 How do I apply?

- Your VAC case manager can assist you with your application.
- If you do not have a case manager, the staff at any VAC office or Integrated Personnel Support Centre (IPSC) can assist you.
- You can also fill out the application and mail it to us.
- If you or your case manager end up applying for TPI, your case manager will request that your Dr and or your shrink complete a Medical Questionnaire: Employment Capacity form 671 on VAC website. The link - It is form 671 but called document 318 how is that for humour? Both my family Dr and my shrink were asked to complete it. And by the time all the paperwork was completed and assessed and a decision made by VAC more than 18 months passed from the time my VAC case manager told me that that would most likely be my future path after rehab was completed. The medical form is quite detailed and asks specific questions that require testing. Your case manager prepares a business case about you and presents it to his / her peers and manager. They then collectively agree to grant TPI status or not. You get another letter in the mail with the decision. (Case manager writes it in the West, letter is then shipped inter office mail to Quebec where it is printed and mailed back). I could walk to the office downtown and back 50 times before the letter gets to me.
2.2.4.3 What does this mean?

- a good reference I found is Revised WCA Handbook
- This UK document covers in detail a series of tests that you may be asked to complete such as hold your arm over your head for a minute etc.

- **PIA supplement**
  - If VAC has designated you as **totally and permanently incapacitated**, you may also qualify for the Permanent Impairment Allowance supplement.

- **Severe and permanent impairment**
  - This term is used to identify that the member or Veteran permanently requires supervision, is severely and permanently limited in mobility or self-care, has conditions such as an amputation or a total and permanent loss of vision or hearing or speech, or a severe and permanent psychiatric condition.

- **Total and permanent incapacity**
  - This term is used to indicate that the member or Veteran’s health issue(s) and impairment(s) are not expected to improve to the point where they will regain the ability to pursue suitable gainful employment.

- **Suitable gainful employment**
  - Suitable gainful employment is a job or career for which you are reasonably qualified by reason of your level of education, training or experience, and that provides at least 66 2/3% of your pre-release salary.

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<tr>
<th>Grade</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$1,753.97</td>
</tr>
<tr>
<td>2</td>
<td>$1,169.33</td>
</tr>
<tr>
<td>3</td>
<td>$584.66</td>
</tr>
</tbody>
</table>

The PIA supplement is $1,074.93.
2.2.5  **Earnings Loss Benefit**

- **(for veterans that received a disability award after release)**

- Those whose injury was acknowledged before release from service (many from the SE Asia tours) receive SISIP instead of ELA. As ELA increased to 90%, SISIP vets (paid at 75%) now receive 15% ELA as well. My thoughts on this one are that soldiers today that are injured on duty receive intensive medical help and their known injuries are processed before release and if needed SISIP (private paid for health insurance pays not the Federal government). In the old days a medical release was processed in weeks and months not years like the case can be today. And the paperwork for benefits took place after release. If ever submitted and processed.

**Total income**

This includes all amounts you currently receive. This includes your CAF pension, employment or disability insurance (SISIP), and worker’s compensation. DOES NOT INCLUDE CPP DISABILITY

**Pre-release military salary**

This is determined using your basic salary. It does not include additional amounts for incentive pay, overtime, overseas deployments, etc.

The Earnings Loss Benefit is a **taxable, monthly benefit** that ensures your **total income** will be at least 90% of your gross **pre-release military salary**.

Now, in the calculations which you will receive, VAC takes 90% of your release salary (after 1 Oct 2016) and then adds the annual inflation rate from when you released to it. In my case, 22 years which brought my ELB back to my release salary level and then they subtracted my army pension from the total which ended up with an after tax sum of money larger than monthly employment insurance. **Something is better than nothing.**

2.2.5.1  **Do I qualify?**

- You may qualify if you are a Canadian Armed Forces (CAF) Veteran taking part in VAC rehabilitation services.

- The benefit is also available to qualified dependents. JUST LIKE MANY OTHER BENEFITS. As soldiers we must know what should happen with respect for our family. Worth understanding and explaining to your family.

2.2.5.2  **How to apply**

- Your VAC case manager can assist you with your application.

- If you do not have a case manager, the staff at any VAC office or Integrated Personnel Support Centre (IPSC) can assist you.

- You can also fill out the application and mail it to us.
2.3 Increase to Earnings Loss Benefit

- **NEW for 15% increase effective 1 Oct 2016**
  - Effective October 1, 2016, Veterans Affairs Canada (VAC) will increase the Earnings Loss Benefit (ELB) calculation to ensure your **total income** will be at least 90% of your gross pre-release military salary. This change will also ensure that the minimum amount of your pre-tax income is at least $44,496.00. To ensure that the benefit is always keeping pace with inflation, annual increases for recipients will no longer be limited by a maximum increase of 2%.
  - If you are currently receiving ELB income support, there is nothing you need to do. Your payment will be automatically adjusted beginning on October 1, 2016. You will also be advised in writing of this change in October.

2.3.1 Notice for Recipients of Canadian Armed Forces Long Term Disability (CAF LTD) Program

- **a. If you are approved for VAC's Rehabilitation Program**
  - Currently the CAF LTD and the Earnings Loss Benefit are both calculated at 75% of gross pre-release military salary. As a result of the increase to 90%, CAF LTD recipients may qualify for some additional financial support via the ELB. You will be contacted in October if we need any additional information to calculate your benefit.

- **b. If you are not participating in VAC's Rehabilitation Program**
  - You will not be eligible for this increased financial benefit. If you would like to participate in VAC's Rehabilitation Program in order to take advantage of this increased income support, you can apply to the program through My VAC Account or by downloading the application form and mailing it to the address on the form.

- **If you want to validate the VAC math, the Canadian CPI from before 1990 and until now can be found at this link:**

2.3.2 Attendance Allowance

- A tax free allowance if you have at least a 1% pension and are disabled. **YOU MUST** be receiving a monthly tax free disability pension from VAC. I helped a WW2 vet gets this and VAC assessed him in less than a week from receipt of the application. Perhaps you are aware of similar WW@ or Korean Vets that can receive this allowance and are not aware of it. In establishing whether a person is "totally disabled" for the purposes of Attendance Allowance, there must be evidence of prolonged impairment - lasting 12 months or expected to last at least 12 months. If you are rated 100% disabled, you automatically qualify for attendance allowance. DO NOT confuse with EIA or PIA. Different allowances.
2.3.3 Care Giver Allowance

- Family Caregiver Relief Benefit (for disability award recipients only)
- The new Family Caregiver Relief Benefit (FCRB) provides eligible Veterans with a tax-free lump sum grant. This benefit ensures Veterans continue to get the support they need when their informal caregivers are temporarily unavailable. It allows an informal caregiver to take time off and recharge or attend to their own health and well-being, while the Veteran's needs are still being provided for in his or her absence.

2.3.3.1 Eligibility Details

- You may qualify for the FCRB if you have a disability award* and:
  1. you have an informal caregiver to assist you with your illness or injuries related to your disability award.
  2. your need for care is ongoing (expected to last at least 12 months).
  3. your informal caregiver is 18 years of age or older and is not paid for providing or coordinating your care.
  4. you are not a permanent resident of a nursing home or long-term care facility.

* This program is only available to recipients of a disability award. If you have a disability pension or POW compensation of 1% or more, you can apply for Attendance allowance. Similar to the FCRB, the Attendance allowance is a significant benefit available when you need help with daily living tasks and are considered totally disabled.

2.3.3.2 Do you have both a disability award and a disability pension of 1% or more?

- If you have both a disability award and a disability pension of 1% or more, you are not eligible for FCRB, but you may be eligible for Attendance allowance.
- Persons in receipt of 100% Disability Pension from VAC are considered totally disabled for Attendance Allowance purposes; those in receipt of less than 100% pension must meet one of the following criteria:
  - Attendance Allowance

- The rate ranges from just less than $300 to $1800 per month. Once again, may not be applicable to you today but could be tomorrow.
- Then you turn 65 and are lose ELA but may qualify to get other allowances such as:
2.3.4 Supplementary Retirement Benefit

- This is a taxable, lump-sum benefit provided to individuals who were in receipt of Earnings Loss Benefits on a long term basis. It is provided in recognition of the lower pension plan contributions you may have made.
- As a Veteran, you may qualify if you were in receipt of the Earnings Loss Benefit and that benefit has ended.
- As a survivor, you may qualify if you were in receipt of the Earnings Loss Benefit for survivors and that benefit has ended. SRB is 2% of all the money you got with ELA. If you were on ELA for 20 years that’s a lot of cash. If on ELA for 3 years, a couple of thousand or a free week vacation in the south. How do I apply?
- Your VAC case manager can assist you with your application.
- If you do not have a case manager, the staff at any VAC office or Integrated Personnel Support Centre (IPSC) can assist you.
- You can also fill out the application and mail it to us.

AND MAY ALSO GET:

2.3.5 Retirement Income Security Benefit

- The Retirement Income Security Benefit (RISB) is a monthly taxable benefit.
- This benefit tops up a Veteran’s total annual income to at least 70% of what he or she received in financial benefits from VAC before age 65.
- Survivors may also be eligible for this benefit.

2.3.5.1 Eligibility Details

- Veterans of the Canadian Armed Forces who:
  - have reached age 65, and;
  - are eligible for a disability benefit, and;
  - were eligible for the Earnings Loss Benefit at the age of 65 as a result of being totally and permanently incapacitated (98% disabled), or;
  - were eligible for SISIP LTD on or after April 1, 2006.

- Survivors:
  - who are no longer eligible for Earnings Loss; or
  - of Veterans who were eligible for RISB.
2.3.5.2 **What you need before you start**

- Veterans Affairs Canada will contact Veterans and survivors who appear to be eligible for this benefit.
- If you have not been contacted and feel you meet the eligibility criteria, please contact us.
- **AND THEN DEPENDING HOW MUCH YOU WERE MAKING OR NOT, PERHAPS IF YOU MARRIED LATE AND HAD 15 KIDS OR THEN KICKED THE BUCKET JUST AFTER 65 THERE IS A POTENTIAL FOR**

2.3.6 **Canadian Forces Income Support**

**Household income**

Household income is measured in accordance with relevant legislation and takes into consideration any taxable income and any government benefits such as Old Age Security.

**Suitable gainful employment**

This is defined as an appropriate job or career based on your level of education, training or experience.

The Canadian Forces Income Support (CFIS) is a tax-free monthly benefit to help low-income CAF Veterans, survivors, and dependent children.

<table>
<thead>
<tr>
<th>Maximum per month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Veteran or Survivor</td>
</tr>
<tr>
<td>$1,545.54</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

2.3.6.1 **Do I qualify?**

- **Veterans**
  - You may qualify if you have a low *household income* and:
    - you no longer qualify for the Earnings Loss Benefit; or
    - you are under age 65 and searching for *suitable gainful employment*.

- **Survivors and dependent children**
  - You may qualify if:
    - you were in receipt of the Earnings Loss Benefit; or
    - your spouse/parent was in receipt of CFIS when they passed away.
Important Note

You need to apply for the CFIS within six months following the end of your Earnings Loss Benefit.

2.3.7 Researching and preparing the information for your disability application

1. This DOCUMENT contains WEB LINKS AND EXAMPLES OF VAC DECISIONS ON SOME COMMON DISABILITIES, HOW THE DISABILITY IS RATED AND WHY THE DISABILITY % WAS CALCULATED. I WILL ALSO INCLUDE A LINK TO THE FORMS THE MEDICAL SPECIALIST COMPLETES THAT THE REVIEWERS USE TO MAKE THEIR DECISION. IN ADDITION, I NOW KNOW HOW THEY CALCULATE THE FINAL % AND IT IS TOO COMPLICATED TO WRITE BUT I WILL WALK THOSE INTERESTED ON THE PHONE WITH AN EXAMPLE (IF I KNOW YOU) AND THEN IF INTERESTED WE CAN WALK THROUGH AN EXAMPLE FOR YOU AS IT PERTAINS TO YOU.

Entitlement Eligibility Guidelines (EEG) - A to Z Index

This list outlines all current VAC medical disabilities. To us soldiers the names may be different for the same things in different areas. Just keep working trying to figure it out. The guidelines go into detail AS TO what is examined. EACH SECTION HERE GOES INTO DETAIL AND WORTH REVIEWING SEVERAL TIMES SO THAT YOU CAN UNDERSTAND THE RULES OF THE GAME. ALSO FIND THE GUIDELINES VAC GIVES TO THE DR TO ANSWER.

Example cited within the website is described in Table 3 - Entitlement Eligibility - Assessment Example.

Assessment Example

<table>
<thead>
<tr>
<th>Situation / Condition</th>
<th>Reference</th>
<th>Reference Description</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member/Veteran/Client is entitled for chronic sinusitis and hearing loss:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical Impairment rating for chronic sinusitis</td>
<td>Table 10.2</td>
<td>Nose, Throat, Sinus Impairment Assessment chapter</td>
<td>5</td>
</tr>
<tr>
<td>QOL rating for chronic sinusitis</td>
<td>Table 2.2</td>
<td>QOL chapter at level 1</td>
<td>1</td>
</tr>
<tr>
<td>Disability Assessment for chronic sinusitis is 6%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical Impairment rating for hearing loss</td>
<td>Table 9.1</td>
<td>Hearing Loss and Ear Impairment</td>
<td>20</td>
</tr>
<tr>
<td>QOL rating for hearing loss</td>
<td>Table 2.2</td>
<td>QOL chapter at level 1</td>
<td>2</td>
</tr>
<tr>
<td>Disability Assessment for hearing loss is 22%.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Member/Veteran/Client would have a Total Disability of 28% (6% + 22%).</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

You can see that they will add items together. And if an old soldier like myself that has a pension from before 2006 and an award after 2006, they add the % from the pension to the % from the award to determine my final total level of disability.
2.3.7.1 Method of Assessment

To determine the appropriate QOL level, three (3) levels of ratings are used within Table 2.1 (Level 1, Level 2, and Level 3).

Once the appropriate QOL level is determined, and the Medical Impairment rating of the entitled condition or bracketed entitled conditions is identified, the final calculation of the QOL rating is determined using Table 2.2.

- **Level 1**
  - At this level the Member/Veteran/Client's QOL is considered mildly affected by the entitled condition or bracketed entitled conditions. "Mildly Affected" is defined as a slight degree of change in usual and accustomed QOL functioning which is due to the entitled condition or bracketed entitled conditions.

- **Level 2**
  - At this level, the Member/Veteran/Client's QOL is considered to be moderately affected by the entitled condition or bracketed entitled conditions. "Moderately Affected" is defined as a medium degree of change in usual and accustomed QOL functioning which is due to the entitled condition or bracketed entitled condition. MANY SOLDIERS WITH PTSD HAVE THIS LEVEL OF QOL.

- **Level 3**
  - At this level, the Member/Veteran/Client's quality of life is considered to be extremely affected by the entitled conditions. "Extremely Affected" is defined as a significant degree of change in usual and accustomed QOL functioning which is due to the entitled condition and or bracketed entitled conditions.

1. The Veterans Review and Appeal Board (VRAB)

   - **The Canadian Veterans Advocacy - VRAB Noteworthy Decisions**
     - It is well worth reviewing this web page. Great examples are to be found for your help.

Applications involving back conditions, knees conditions, hearing loss, tinnitus, and post-traumatic stress disorder (PTSD) are the most commonly made to the Board. THIS MEANS THE BOARD KNOWS WELL WHY A YES DECISION FOR THESE CONDITIONS WILL BE AWARDED AS THEY SEE THEM ALL THE TIME. DO NOT TRY TO BS THEM. TELL THE TRUTH AND HAVE YOUR FACTS CORRECT. These decisions are organized by medical condition for your convenience. For more information on top medical conditions, please visit our **Quick Facts**.

   - **Hearing Loss and Tinnitus**
   - **Knee Conditions**
   - **Post Traumatic Stress Disorder**
   - **Lower Back Conditions**
2.3.7.2  Review Board

- I love this case: young Canadian went to war in Korea and got the clap in 1952. And they gave him a pension for it in 2010 as he was injured in a war zone. Ha.

- NEW

- On the other hand you will not get a disability award for being a dumb ass and getting injured. We have all been there and most often had a few too many sips of beer. A disability resulting from an injury that occurred because of an Appellant's lack of due care is not pensionable. For example, in one of the Board's Leading and Persuasive Decisions, it states the Appellant was returning to his ship, which was in dry-dock. There was freezing rain at the time. He went up the gang-plank and slipped and fell to the deck below. The Board found that the fall and resulting disability did not arise out of the Appellant's military service because he had been drinking and did not exercise due care. More specifically, the available evidence makes it clear that the weather, the Appellant's inebriation, his repeated refusal of assistance to board the ship and his lack of care in failing to ensure his footing was secure on a icy surface were the factors which caused his accidental fall.

2010-28  
Summary  
Canadian Forces Members and Veterans Re-establishment and Compensation Act  
Gonorrhea  
Section 45 - Disability Awards

The link below is the home page for all the review board decisions.

- Veterans Review and Appeal Board of Canada - Canada (Federal)

- The top box says document type  
  - Big Hint if you want to research tinnitus type tinnitus into the box and hit the search button and only tinnitus decisions will appear. And then look at them and bookmark the ones that resemble your case.

- Easier to review if you copy the cases into word and then can cut and paste your own story from decisions already made in favor of the vet.

2.3.7.3  Medical Conditions

The list of medical conditions forms are found below:

- Medical Questionnaires

While looking at these questionnaires I discovered that there is one for skin cancer and I have more than sixty areas removed to date and more every year. So then I went to the Table of Disabilities link below to discover I have another possible claim that I did not know about but have a 20 plus year medical history of issues. (The skin cancer was denied and I could not find evidence from VAC records of one that was ever awarded).

- Table of Disabilities
Another great web link is here to test yourself:

- **Alcohol and Drugs and Related Assessments**

If you got this far, you are interested. Another link I found which can also help: The Federal Courts have occasionally overturned the VRAB Appeal Board. There is now a charity that will pay to go to court against the federal government on behalf of Veterans if you really want to go there. If so, find the group on your own.

1. To go over the decisions mentioned go to the [Federal Court](#) web site
2. If the link does not work just [Google](#) **Federal Courts Canada**.
3. Choose “**Decisions**”
4. Once there enter **Veterans Review and Appeal Board** into the box stating “containing these words”.
5. Make sure the box **Federal Court** is checked. You will have 215 Federal court decisions of which the 81 decisions I found were located.
6. Now press down on the **Control key** and then the **F key** and a search box will come up.

I also learned a great deal by reviewing USA Veterans documents - and their forms. Do a [Google](#) search with **Veterans Affairs USA** and for **bruxism** nothing but TMJ – their app form same with irritable bowel syndrome etc. Helps you to understand the questions a Dr may ask ahead of time about things that you have never thought about before. Same with Tinnitus. Etc

- Web link for their medical forms
- [US Department of Veterans Affairs - Compensation](#)

2.3.7.4 **NEW - Guidelines that the VRAB follows to provide consistent decisions:**

- REVIEW them for your claim.
- Find out how your claim will be reviewed for content and in the first go, provide the required information.
- [Veterans Review and Appeal Board Canada - Adjudicative Guidelines](#)

2.3.7.5 **Knowledge is Power**

I will also include other interesting reading.

I just realized a mistake I have been making.

- I completed research and found compelling references to support my claim. And I included them in the reference section of my SOC.
- But I did not quote from the reference in my SOC even if I highlighted the statements in the reference.
• Assume that the reviewers will be lazy and not read all 12 pages of the reference and perhaps skip over the compelling paragraph that you found.

  **Highlight** the correct reference passages and then in SOC state for example on page 4 of ref B then state title of reference and in paragraph four it states the following:

  ****************************

• The easier it is on them to find and review your material the better.

### 2.3.8 Statement of Claim Sections

The **Statement of claim sections** in my claim document outline are as follows:

• (my sample example for guidance not that you must write a claim this way, but doing so helped me organize mine)

• **Title**: MY name  my ID (K)# statement of claim –
  • and then loss of function and name of the disability

• List all references

• Paragraph 1. why am I submitting a claim now:
  • mostly because I did not know I could before now

• **Executive Summary**
  • The references one by one quoting from them to lay groundwork for proving claim

I always use the Mayo clinic website to describe the conditions and symptoms because the VRAB often quotes from this source or they quote from the Merck manual so I assumed that the claim reviewers might as well. But one knows assume means “ass of U and me”.

I then describe how my symptoms relate to the Mayo website in a paragraph and as well beside them such as:

• Signs and symptoms of TMJ disorders may include:
  • Pain or tenderness of your jaw (YES)
  • Aching pain in and around your ear (YES)
  • Difficulty chewing or discomfort while chewing (YES)
  • Aching facial pain (YES)

• Say no if the answer is no.

• **Add more references.**
  • For pain I found by accident a pain form that VAC also uses.
  • I included it on my claims although they did not request it.

• **Make it easier for them** to understand and say YES to you.
After I have finished with the references, I then describe how this disability affects my quality of life and impact on my family. Make sure that you have reviewed the relevant table of disabilities published by VAC and describe your condition in terms that relate to the TOD. Makes it easier for you to claim closer to what they assess on in the same terms.

I encourage you to not only use the references but read them. Understand them. They have helped me explain to my wife some of her issues with me because I now better understand them myself.

If you submit a claim, and it is rejected after you resubmitted it via the free VAC lawyer (BPA) in many cases I have noticed the following:

- you already had the problem (and there are notes in your military records that state so) way before you say it was caused by an accident or service in a SDA

- you went with the BPA lawyer and did not offer any new evidence or witnesses that include new or updated information that you need to win. The reviewers can’t read your mind. Nor can your BPA lawyer. If you offer no new evidence, how do you expect to win a case on the same old evidence they already said NO to before. Yet people try. What a waste of everyone’s time.

- you did not see a specialist and get a report. Easy for me now as I have been seeing so many Drs and different specialists that it’s like a full time employment getting medical treatment.

- many are proud and do not admit the truth. It will cost them and you when applying for more EIA or PIA. I am also embarrassed to tell my case manager that I piss my pants. But the way my world has spun me up and down in 2015 no longer. Want to see my piles, Ok you asked for it. Sorry but it’s true. A friend of mine was challenged about ED and he told her “well what do you want me to do? Pull it out, watch porno with me on TV while you play with me? And see if anything happens?” That’s over the top but is true, tell the truth.

- When in the VRAB website of decisions searching for good references or why people like you won or lost the same case, in the first line enter your search word or words and this example screen shot below, one is PTSD and Tinnitus. No references no award is what I have seen in the reviews. There are 7 documents with both words in the text somewhere. If only PTSD is searched, there are more than 90 documents.

2.3.9 Review Board

- Now for the real time saver I realized way too late

- Top right corner in blue bar - Figure 2 - VRAB Review - Sample - says PTSD and tinnitus with checks means both words are in this document.

- Hit the blue arrow and it will take you to where the word is in the document.
Figure 2 - VRAB Review - Sample
2.3.10 Law Allows VAC to Award Funds

The link below is to the Canadian law that allows VAC to award funds etc and how much and will need to be amended for the Liberals to give us more money for ELA etc or to increase payouts. So a long time coming for sure.

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

2.3.10.1 NEW: Veterans Review and Appeal Board - Adjudicative Guidelines

- REVIEW THIS WEBLINK AND THE SUMMARY I HAVE ALSO SENT FROM IT BEFORE SUBMITTING A NEW CLAIM
- Veterans Review and Appeal Board - Adjudicative Guidelines
- IT WILL HELP YOU
  - It is the rules of the road that the reviewers must follow.
  - It states:
    "The Board uses these adjudicative guidelines to promote consistency in decision-making. While these guidelines are helpful to Members because they clarify certain issues, they are not binding and do not interfere with the Member's role as an independent adjudicator. It is up to Members to decide whether a guideline is appropriate in a particular case."
  - Adjudicative Guidelines - Table of Contents

2.4 Pursuing a Hearing Issue

FOR THOSE PURSUING A HEARING ISSUE, the links below are used by VAC to substantiate a hearing loss so quote them as well and use them as a reference. Print and send them in with your claim. Show them to your Dr as well. I say send them in because I have seen claims denied because no proof was offered. And similar cases were awarded because they had references and medical opinions supporting their argument. Perhaps this will change in the future.

- Use of the Discussion Paper on Hearing Loss as an adjudicative tool
- Dr. John Rutka’s Discussion Paper on Hearing Loss prepared for the Board can provide useful guidance in adjudicating on hearing loss claims.
  - Hearing Loss (Prepared by Dr. John Rutka - December 2011)
    - The paper is free at this weblink
  - Noise and Military Service: Implications for Hearing Loss and Tinnitus, National Academies Press (English)
    - This book is free at this weblink
2.4.1 NEW - VAC Policy on Hearing Loss

The Department's policy on hearing loss consists of the following documents:

- *Hearing Loss Policy* - Amended 20 February 2012;
- *Entitlement Eligibility Guidelines* - Hearing Loss - April 2006 - Modified February 2012; and
- *Hearing Loss Claims Approach Document* - February 2012

2.4.1.1 Requirements for Hearing Loss Decisions

- All hearing loss decisions of the Board must:
  - address the issue of whether there is a current disabling hearing loss;
  - include an analysis and application of the Department's policy on hearing loss to each factor of the case, with a view to ensuring all Applicants' hearing loss claims are treated consistently; and
  - include evidence of a qualified expert to support any arguments submitted regarding the validity of audiometric examinations.

- 13.4 Use of the Discussion Paper on Hearing Loss as an adjudicative tool

  - Dr. John Rutka's Discussion Paper on Hearing Loss prepared for the Board can provide useful guidance in adjudicating on hearing loss claims.

2.4.1.2 A quote from the VAC staff guidelines

"The guidelines are designed to be a doorway to entitlement, and not a doorway blocking entitlement. No guideline should be used as sole reason to deny an entitlement award; however, when a claim is not supported by the inferences the guidelines can bring to bear, any medical opinion in support of an award must contain credible reasons for the claimed medical-causal link and address why the guidelines are not relevant or applicable in the individual circumstances of the case."

- WHERE DID THE INJURY OCCUR: IN A WAR ZONE OR PEACETIME IN GARRISON MAKES A BIG DIFFERENCE TO YOUR CLAIM

The entitlement test is different for high risk versus peacetime military service. There is neither claim nor evidence that the Applicant was deployed to a Special Duty Area. We conclude there is no legal basis under the Canadian Forces Members and Veterans Re-establishment and Compensation Act for some elevated or comprehensive type of disability entitlement outside of clearly defined Special Duty Area and Special Duty Operation military service. **No case law has been led supporting the concept of “temporary duty” as being special (24/7) for the purposes of disability entitlement.**

We conclude that the Applicant’s status on the Terra Nova in Bermuda was “peacetime” in nature and did not involve any element of higher risk deserving of insurance type disability entitlement. His case, therefore, is to be decided on the standard proofs and tests associated with peacetime military service, which canvasses all of the elements of causation.
The Panel has determined that the circumstances of the incident as described by the Applicant do not give rise to disability entitlement. It is clear that his duty day had not begun, and he was returning from a self-directed sightseeing/leisure day off, according to his testimony. He was doing no further training at the time, and there is no suggestion the accident was caused by another member of the military, faulty maintenance of a military vehicles, or some unsafe but required piece of attire or uniform.

- **In essence, he did not appear to be in the course of performing any of his assigned duties at the time of the accident.**

- **You cannot claim a military related injury for peace time off duty hours injuries that occurred while you were fooling around with your buddies.**

39. In all proceedings under this Act, the Board shall:

(a) draw from all the circumstances of the case and all the evidence presented to it every reasonable inference in favour of the applicant or appellant;

- **MEANS ALL YOUR FACTS ARE BACKED UP FROM A WITNESS OR DR ETC IN YOUR INITIAL APPLICATION**

(b) accept any uncontradicted evidence presented to it by the applicant or appellant that it considers to be credible in the circumstances; and

- **SAME AS ABOVE**

(c) resolve in favour of the applicant or appellant any doubt, in the weighing of evidence, as to whether the applicant or appellant has established a case.

- **BACK TO TOP BUILD THE BEST STRONGEST CASE THAT YOU CAN FIRST BEFORE SENDING IT INTO VAC TO BE ASSESSED**

In another very long article about USA VA fraud cases, it reviews soldiers claiming items to reach 100% and then no more applications when in fact those that are really hurt should over time be claiming more than 100% and claiming for worsening conditions and other new conditions. And this is a valid concern as already written about earlier. Your disabilities may worsen over time and others secondary to it may start and you can then get access to medical supplies etc by applying for them to be subsidized. Diapers for the elderly are expensive. You may be 30 something today but one day you may need them, like many I know that are now in their 60s. In a VAC document, 10% of the VAC clients on disability have an IBS issue.
2.5 PTSD

I have included web links to the documents.

- I AM NOT A LAWYER OR A SHRINK. NEITHER ARE YOU. MY WORDS HERE ARE INTENDED TO ASSIST YOU IF YOU HAVE PTSD.
- GET LOCAL HELP TO ASSIST YOU IN A CLAIM AND GET PROFESSIONAL MEDICAL HELP FIRST AS YOU NEED IT ANYWAYS TO SUBMIT A SUCCESSFUL CLAIM.
- WE ALL HAVE GOOD AND BAD DAYS. DO A LITTLE BIT OF WORK ON GOOD DAYS. NOT BAD DAYS.

1. Review the shrink guidelines as to how the medical report will be completed.
   - Veterans Affairs Canada - Posttraumatic Stress Disorder (PTSD)

   Many that have PTSD will also have depression (and it does not mean that you cry or are sad all day long) and these are the VAC guidelines for what depression means:
   - Veterans Affairs Canada - Depressive Disorders

2. Then review the VAC assessment rules to see what they consider for a PTSD ruling or not. Then look at the medical report that the shrink completes.
   - Veterans Affairs Canada - Chapter 21 - Psychiatric Impairment

3. Now review table 21 which outlines how they figure out what the disability award will be that you get 20 % and not 10%

   **Table 4 - Psychiatric Impairment Rating Tables**

<table>
<thead>
<tr>
<th>Table</th>
<th>Loss of Function</th>
<th>Other Impairment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Table 21.1</strong></td>
<td>Loss of Function - Thought and Cognition</td>
<td>This table is used to rate impairment of thought and cognition.</td>
</tr>
<tr>
<td><strong>Table 21.2</strong></td>
<td>Loss of Function - Emotion, Behaviour and Coping (Adaptability)</td>
<td>This table is used to rate impairment of emotion, behaviour and coping.</td>
</tr>
<tr>
<td><strong>Table 21.3</strong></td>
<td>Loss of Function - Activities of Daily Living</td>
<td>This table is used to rate impairment of activities of daily living.</td>
</tr>
<tr>
<td><strong>Table 21.4</strong></td>
<td>Other Impairment - Treatment Needs</td>
<td>This table is used to rate impairment associated with treatment needs.</td>
</tr>
</tbody>
</table>
2.5.1 Key Words

The key words that eventually determine how much an award will be, if you deserve an award, are:

- **Rare** = at least once per year
- **Occasional** = once or twice per month
- **Frequent** = at least once per week
- **Persistent** = daily or almost daily

You may have nothing in a year for one section but every day in another and will get an award for the worst case scenario not an average.

2.5.2 Quality of Life

Yes this stuff is very complicated and I now understand most of it (if I can remember) that’s why I am writing it down. And Table 2 is attached as Table 2 Quality of Life.

- [Veterans Affairs Canada - Quality of Life Rating Chapter](#)

2.5.3 Forms

Forms the DR must complete, I attached the link to the PTSD one.

2.5 PTSD continued

4. And then review this chapter from Table 21

- Other disabilities possible with PTSD

The list of Section C conditions is not all inclusive. Conditions, other than those listed in Section C, may be claimed to have a consequential relationship to Posttraumatic Stress Disorder and / or its treatment. Other conditions may be considered for entitlement based on the individual merits and medical evidence provided for each case. Consultation with Medical Advisory should be considered.

- Sexual Dysfunction (e.g., Erectile Dysfunction)
- Irritable Bowel Syndrome – look it up
- Bruxism = grind your teeth and have a sore jaw when you wake up and teeth break
- Xerostomia = dry mouth, normally caused by medications
- Periodic Limb Movement Disorder = repetitive cramping or jerking of the legs during sleep.
- Restless Leg Syndrome= uncomfortable sensations in their legs (and sometimes arms or other parts of the body) and an irresistible urge to move their legs to relieve the sensations
- Obstructive Sleep Apnea = repetitive pauses in breathing during sleep
JUST BECAUSE THESE CAN BE SECONDARY PROBLEMS FROM PTSD DOES NOT MEAN THAT IF YOU HAVE A DISABILITY AWARD FOR PTSD MEANS THAT YOU AUTOMATICALLY CAN GET AN AWARD FOR EACH OF THESE CONDITIONS.

I KNOW THAT MANY SOLDIERS THINK THAT it is easy to get a VAC decision for ED and that is not the case. You have to really have the condition for years and a history of it and comments from medical specialists if you are to win the claim. Once again tell the truth and have it backed up with the correct medical reports. On the other hand, I started developing more of these secondary issues over time as I changed medications. As one gets awarded points for these small items one gets medication benefits and 2 x 20 $ bottles of special mouthwash a month is a lot of cash spent each year.

There is proof that if you have PTSD it can help cause tinnitus after your release medical stated that your hearing was perfect despite the fact that you are half deaf now. VAC will compensate for it if you quote the right references.

The above example is just one of secondary injuries resulting from the initial injury. There are many others possible.

2.5.4 Tinnitus Policy

- Hearing Loss and Tinnitus - Policy Document - Veterans Affairs Canada

2.5.5 Multiple Medications - Better Control

If you have multiple medications to take at various times of the day, get your pharmacy to put them in a blister pack to assist you taking the correct medication at the correct time. Not only will you have better control over your medications but it helps you remember if you have taken your meds or not.

- Best of patience and luck with your claims.
3   Your service related disability and other possible VAC financial streams of income

- If you have a disability or two or many, you may be entitled to the CPP Disability Pension for yourself and children.

3.1  Canada Pension Plan Disability Benefit

- **Canada Pension Plan Disability Benefit - Overview**
  - CPP disability benefit
  - Children\'s benefit
  - Other disability resources
  - **IF ON SISIP, THEY MAY DEDUCT THE CPP DISABILITY. BUT NOT THE MONEY FOR YOUR CHILDREN SO YOU END UP TO THE GOOD.**
  - And once granted, they may grant one year back award.
  - Google the web links.

3.2  Disability Tax Credit

- And you may also be entitled to receive a [Disability Tax Credit](#) and up to 10 years backwards credit.
  - **Canada Revenue Agency (CRA) - Disability Tax Credit**
  - You are eligible for the DTC only if CRA approves [Form T2201](#)
  - [Form T2201, Disability Tax Credit Certificate](#)
  - [How to fill out Form T2201](#)

3.3  Comments and Hints

I did not know about either of these items until recently and because my back was broken in 1990 I could have applied for and received both of these awards in the 90s not now in 2016. You can use the VAC medical forms that have to be completed to win your disability awards as the medical proof that you have a disability.

- **Effective October 1, 2012 disability pension benefits payable under the Pension Act are no longer deducted from EL and CFIS benefits. This change is effective on a go forward basis only.**
- **As a time saver, the sooner you start your CPP payment, the less money you receive each month.**
  - But you have more money sooner.
• The longer you wait, the more you receive each month.
• The answer about how you get the most money depends on how long you live.

An example is below.

3.4 Example
For me, the starting point to answering the question is looking at the mathematical breakeven point. Here’s the chart for 2012.

<table>
<thead>
<tr>
<th>Age</th>
<th>60</th>
<th>61</th>
<th>62</th>
<th>63</th>
<th>64</th>
<th>65</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monthly Income</td>
<td>$678.83</td>
<td>$740.40</td>
<td>$801.97</td>
<td>$863.53</td>
<td>$925.10</td>
<td>$986.67</td>
</tr>
<tr>
<td>Reduction</td>
<td>$307.84</td>
<td>$246.27</td>
<td>$184.70</td>
<td>$123.14</td>
<td>$61.57</td>
<td>$0.00</td>
</tr>
<tr>
<td>Advanced Income</td>
<td>$40,729.74</td>
<td>$35,539.06</td>
<td>$28,870.75</td>
<td>$20,724.81</td>
<td>$11,101.22</td>
<td>$0.00</td>
</tr>
<tr>
<td>Breakeven (months)</td>
<td>132</td>
<td>144</td>
<td>156</td>
<td>168</td>
<td>180</td>
<td></td>
</tr>
<tr>
<td>Breakeven (age)</td>
<td>76</td>
<td>77</td>
<td>78</td>
<td>79</td>
<td>80</td>
<td></td>
</tr>
</tbody>
</table>

3.4.1 Eligible Medical (Drug) Expenses
The web link below will take you to a VAC search pane for eligible medical (drug) expenses.

• Drug Formulary Search Form

• Those with a disability award after 2006 will receive some additional money after 1 April 2017 as the total for 100% disability was raised to $360,000 and all other awards less than 100% after 2006 increased proportionally.

• The Minister of VAC is working hard to rectify what many see as issues THAT VAC imposed within the last 20 years. Give him and his team time to solve the problems. There are many veterans invited to assist him. IMHO

On 13th May 2016, VAC published their thoughts and date timelines for the budget changes and increased payments for veterans as promised:

• Veterans Affairs Canada - Budget 2016
3.5 PIA TO BECOME CAREER IMPACT ALLOWANCE 1 April 2017

- The Permanent Impairment Allowance is a monthly allowance paid to Canadian Armed Forces (CAF) Veterans who have a permanent and severe impairment resulting from a service-related injury or illness that has affected their employment potential and career advancement. It is payable at three different grade levels (rates).

- A number of factors are considered when assessing the grade level of a Veteran eligible for the PIA. The proposed changes would introduce an individual functional capacity assessment which would measure the impact a service-related impairment has on a Veteran’s career advancement opportunities, and consider years of service, to determine Permanent Impairment Allowance grade level. The changes would ensure Veterans are more appropriately compensated for the specific impact on their careers. No Veteran will receive less money as a result of this assessment.

- Upon implementation on April 1, 2017, the program name would also be changed to “Career Impact Allowance” (from Permanent Impairment Allowance) to better reflect the intent of the program, which is to compensate for loss of employment potential and career advancement opportunities. THIS IS GOOD NEWS FOR YOU YOUNGER INJURED VETERANS. Especially if you on a fast stream merit list for promotion etc. But we must see how the CIA is in fact implemented. It does not really impact the older over the hill grey haired farts like myself other than we are grandfathered into our previous award as a minimum.

3.5.1 Background Information

3.5.1.1 Rehabilitation Program Expenditures and Participants

- Expenditures have increased annually and are forecast to continue to increase

- According to the initial Program forecast, the Department did not anticipate the current level of expenditures or number of participants in the Program. The forecast was based on industry standards for rehabilitation that assumed, on average, participants would require rehabilitation treatment between 18 and 24 months.¹

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¹ New Veterans Charter Evaluation - Phase I: December 2009
How to Succeed With VAC and Get Your Justified Disability Award Payments Faster
VAC and Disability Awards Aide Memoire

Figure 3 - Rehabilitation Participants and Expenditures (Actuals and Forecasts) 2006-07 to 2017-18

Table 6 - Rehabilitation Participants and Expenditures (Actuals and Forecasts) 2006-07 to 2017-18

<table>
<thead>
<tr>
<th>Year</th>
<th>Actuals and 2013 Forecast ($)</th>
<th>Original Forecast ($)</th>
<th>Actuals and 2013 Forecast Eligible Participants</th>
<th>Original Participant Forecast</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>$599</td>
<td>$14,900</td>
<td>1139</td>
<td>767</td>
</tr>
<tr>
<td>2008</td>
<td>$2,300</td>
<td>$30,300</td>
<td>1897</td>
<td>1536</td>
</tr>
<tr>
<td>2009</td>
<td>$4,836</td>
<td>$30,900</td>
<td>2591</td>
<td>1539</td>
</tr>
<tr>
<td>2010</td>
<td>$7,868</td>
<td>$22,000</td>
<td>3417</td>
<td>1067</td>
</tr>
<tr>
<td>2011</td>
<td>$11,662</td>
<td>$12,900</td>
<td>4515</td>
<td>596</td>
</tr>
<tr>
<td>2012</td>
<td>$13,926</td>
<td>-</td>
<td>5256</td>
<td>-</td>
</tr>
<tr>
<td>2013</td>
<td>$18,360</td>
<td>-</td>
<td>5866</td>
<td>-</td>
</tr>
<tr>
<td>2014</td>
<td>$24,345</td>
<td>-</td>
<td>6700</td>
<td>-</td>
</tr>
<tr>
<td>2015</td>
<td>$25,742</td>
<td>-</td>
<td>7400</td>
<td>-</td>
</tr>
<tr>
<td>2016</td>
<td>$32,717</td>
<td>-</td>
<td>8100</td>
<td>-</td>
</tr>
<tr>
<td>2017</td>
<td>$33,623</td>
<td>-</td>
<td>8700</td>
<td>-</td>
</tr>
<tr>
<td>2018</td>
<td>$36,187</td>
<td>-</td>
<td>9100</td>
<td>-</td>
</tr>
</tbody>
</table>

- Sources:
  - Original forecast from the Integrated Results-based Management Framework and Risk-based Audit Framework (RMAF/RBAF) for the NVC Memorandum to Cabinet.
  - Actual and 2013 Forecast data is from the 2013 VAC Client and Expenditure Forecast document.
Figure 3 / Table 6 - Rehabilitation Participants and Expenditures (Actuals and Forecasts) above illustrate the original forecast, actuals, and recent forecasts of both participants and expenditures. At inception, the Department expected a sharp increase and corresponding decline in the number of participants in the Program. In actuality, participants and expenditures have continued to increase year over year.

- **Best of luck in the future. See you on the trail again.**


I was sore, wounded but not slain.

I took enough rest and quit bleeding,

And then I got back up to beat the bastards. Again and again.

I never gave up.
4 What's NEW in this Version

4.1 Claim times in 2017

1. The number of applications for disability have increased significantly in 2016-2017 from the past years.

2. Trained staff at VAC that review these documents has not increased in proportion to the current amount of work.

3. Consequently, there is a large backlog of applications and the wait time for a final decision is no longer 16 weeks but approaching 9 to 12 months.

4. It is not the fault of the front line staff so don't yell at them on the phone. They will help you if they can.

- I initially submitted an application on 6 Jan 2016 and it was rejected as not detailed enough.
- I added 2 more words which VAC included in my rejection letter and resubmitted it.
- The application then moved to Stage 3 on 16 May 2016.
- As of 14 February 2017 my application was still in Stage 3 with the following explanation:

  “Your claim is at the decision making level. All your supporting documentation was received on May 16, 2016. Although we strive to provide a decision within 16 weeks, we are currently experiencing a higher than normal volume of applications.”

4.2 My Comments Here

- VAC now tries to complete medical decisions with releasing soldiers before they get released. Very different from the 90s when we were released without even speaking with a case manager from VAC and gone in weeks not years.

  - As many releasing soldiers have been to war (once again different than being released in the early 90s,) many have medical issues. Hence the too much work now for the lack of trained staff at VAC.

- In the event that you are seriously ill and perhaps almost dying and VAC is made aware of the illness, your file gets red flagged and VAC staff then really start working on your behalf.

  - I know this from the work completed by VAC staff with three of my very ill friends. Results occur in days and weeks not months and years.

  - If you have a case manager and your really ill friend does not, bring him or her to see your case manager. It worked well to get a friend of mine into a fast track priority lane.

  - On occasion VAC staff are very proactive is assessing our needs and get the ball rolling on our behalf.

  - Most often, you need to submit an application first, with or without assistance. This document will assist you and your friends in completing the initial paperwork better.
4.3 Back Issues
- There is a section related to back issues.
  - If you are submitting a back related claim you need to look at this section.
  - The same with headaches.
  - Go to the end of the document.

4.4 Encouragement
- Best of luck in your paper war
  - I define luck as 90% perspiration and 10% inspiration.
  - You are in for a long but worthwhile fight to get the benefits you earned as a soldier.
- Do not give up.

4.5 NEW Federal Budget 2017 Comments

Federal Budget 2017:

Life Long Pension: not in this budget but up to Minister of VAC mandate to complete.

The Liberals were the only party to promise in the election to re-introduce the pensions, which were replaced by a lump-sum payment, career training and targeted income-replacement programs in 2006.

While the budget says progress has been made, and further details will be announced by the end of the year, it also sends a strong signal that the old pension system won’t be coming back.

Officials insisted no decision has been made, but the budget suggests that the lump-sum payment, known as the disability award, could simply end up being spread out through monthly payments for life.

The Minister of VAC briefed many stakeholders from his committees on 23rd March. Speaking points included:

a. Life long pensions-
b. Budget includes up to $80,000 to long-serving veterans who leave the military and want to go back to school, as well as a new program that will offer job-coaching and other assistance obtaining a civilian job. In short, this benefit would provide more money for veterans to go to college, university or a technical school after they complete their service. The new program would begin in April 2018 for veterans honourably released on or after April 1, 2006. Veterans with 6 years of eligible service would be entitled to up to $40,000 of benefits, while veterans with 12 years of eligible service would be entitled to up to $80,000 of benefits.
The budget also expands the financial benefits available to family members and others caring for disabled veterans, while making it easier for them to also access career training and counselling services.

From a VAC audit: Studies of the Canadian Veteran population show that half of Veterans become recipients more than 15 years after release. So those not releasing with medical conditions, have a 50% chance of submitting a claim for a service related injury many years after release. Almost all of my applications were submitted more than 15 years after I resigned. It is forecasted that Veterans will require the services of VAC for chronic health problems and related disability attributed to service in the years to come. This is consistent with VAC’s forecast which reflects a continued intake for the program going forward.

Although VAC does not track the reasons why applications are denied, it is the opinion of the evaluation team and interviewees that the majority of unfavorable decisions are a result of an applicant’s injury not being related to service. Each year, VAC approves between 70 to 75% of all applications. In 2015, almost 2000 veterans received ELB. 21% of veterans receiving ELB also received PIA. (400) Of those receiving PIA, 17% also received the PIA Supplement (around 75).
5 New Medical Benefits

5.1 New Medical Benefits Outline

- **Benefits and Services - Programs of Choice (POC)**
  - a review of the various medical benefits in 14 different groups
  - You will receive a card from VAC which no longer, for privacy reasons has numbers and the letter A under some numbers.
  - If you are seriously injured, you may receive a card with a B category which means that you get covered for the medical items you require without in most cases, having to jump through hoops. A B card also provides entitlement to dental and glasses benefits.

5.2 NEW - Who at VAC Can Approve What Expense?

- I have been going around in an endless loop on this question. I am not sure that there is a single known list on this one. It seems to be a moving target we need to hit blindfolded.
- My request for more than 15 massages in a year (for the third different year now) has been in endless limbo. A real catch 22. So I just keep calling the 1800 number as does my provider and I emailed my case manager. I kept at it until I got approval and as well payment for the massages already taken more than 15.
- There seems to be a mindset in the Blue Cross medical health system to pass the buck as if they get a bonus for saying NO. Their hands are tied by their guidelines and common sense does not seem to apply. IMHO.

5.2.1 What I do know

- A case manager can approve travel for health reasons and you may need to submit a medical letter ahead of time from a specialist stating why you need the travel.
- The case manager can also submit documents on your behalf which they approve and you may receive additional funds or benefits. (VIP, PIA).
- A case manager can approve a treatment plan up to $5K.
  - For more expensive items such as $15K to attend rehab for 5-6 weeks, or to be TPI’d the case manager needs to prepare a business case about you that is presented to the regional case managers and their leadership at a biweekly meeting with a set agenda.
  - If they concur, then you are recommended for the item in discussion.
- **ON THE PLUS SIDE**, I am aware that there are efforts underway to streamline the process at VAC.
  - An example: if you were in the Army, deployed to three SDA tours and say your right knee is a mess and your back as well, chances are 99.99% correct that you are telling the truth. So, they will give you the benefit of doubt faster and easier. Don’t hold your breath waiting for the changes though. I know that this has been on work more than a year already.
5.3 NEW: Back Issues And Headaches

The Departmental Medical Guidelines regarding degenerative disc disease of the lumbar spine and the Orthopaedic Handbook prepared by Dr. Stanish for the Veterans Review and Appeal Board in March 2011 indicate that lumbar disc disease, like osteoarthritis, is fundamentally a natural degenerative condition associated with the aging process, commencing early in life and progressing steadily thereafter. In any individual the rate of this progression is determined mainly by constitutional factors.

Degenerative disc disease is usually not due to one insult but to the combined ravages of biochemical and mechanical changes associated with aging. Trauma may alter this natural process. A healthy normally functioning disc can withstand vertical stresses of approximately 600 kg force applied in flexion and rotation. Force applied in flexion and rotation further increases the risk of injury. The relative importance of degenerative change and injury causing clinical disability varies with age and individual factors.

In establishing the question of relationship to service, this Review Panel also had the benefit of the Applicant’s testimony. The Applicant gave credible testimony that he suffered a serious fall in 1989 while on the Gatineau. This is supported by the statement of [POI Nw Tech], (ER-P2), who describes the incident in detail. He described the Applicant as being in considerable pain and discomfort. The Panel is satisfied that the Applicant suffered a serious trauma to his spine when he fell in 1989 on the Gatineau.

The challenge is that the Applicant’s medical record is absent any complaints until 2007, 18 years after the fall on the Gatineau. Normally such circumstances would weigh heavily against entitlement. The Applicant testified that in-spite of his lack of complaints he had constant back pain since the incident on the Gatineau. He coped with the pain by taking over the counter pain medications. He was in his early 20s when the incident occurred and although his trade was very rigorous involving lots of heavy lifting in odd off-balance positions. He just put up with it. It was not until he transferred to submarines in 2005 that the pain became so bad he sought medical attention. He attributed his greater pain to having to conduct his duties in the very confined space of a submarine. This resulted in the rigorous parts of his duties, such as lifting heavy items, putting even greater strain on his back.

This is supported by the medical record in 2007/08 which indicates back pain for the last 10 years gradually getting worse in the last two years which coincides with the Applicant’s transfer to submarines in 2005.

The Panel notes the Applicant was diagnosed with moderate degenerative disc disease at the age of 40. It is also noteworthy that the Applicant was diagnosed with obesity during his military career.

In arriving at its decision, the Panel found Dr. Baker’s opinion persuasive. Dr. Baker is a practicing Chiropractor with advanced training in the specialized management of discogenic disorders. Dr. Baker spent six years as a Chiropractor for the Canadian Armed Forces. He was involved in the care of the Applicant since 2007.

The Board must frequently examine, interpret and evaluate evidence. The Board must assess the credibility of the evidence presented by applicants and appellants. The resources listed below assist the Board in accomplishing these tasks.
6  Main Tools and Resources

6.1  Veterans Affairs Canada

- Annotated Pension Act
- Interpretation Decisions of the Board and its predecessors
- Federal Court decisions
- Leading and Persuasive decisions
- Table of Disabilities
- Medical Guidelines
- Entitlement Eligibility Guidelines
- VRAB Adjudicative Guidelines

6.2  Discussion Papers

The objective of the two discussion papers below is to provide general information on medical issues. Their aim is to present a balanced view of the current medical knowledge on a particular topic. They have been prepared by experts selected by the Board. They are not peer reviewed. They are updated from time to time to keep up with the evolving knowledge of the topic they address.

- Hearing Loss (Prepared by Dr. John Rutka - December 2011)
- Orthopaedic Handbook (Prepared by Dr. William D. Stanish - March 2011)

6.3  External Reference Books and Documents

- AMA Guides to the Evaluation of Permanent Impairment (English)
- The Compendium of Pharmaceuticals and Specialties (bilingual)
- Dorland's Illustrated Medical Dictionary (English)
- Harrison's Principles of Internal Medicine (English)
- Diagnostic and Statistical Manual of Mental Disorders - DSM-IV-TR (bilingual)
- Le Larousse médical (French)
- Merck Manual (bilingual)
- Noise and Military Service: Implications for Hearing Loss and Tinnitus, National Academies Press (English)
- Pathologie médicale de l'appareil locomoteur (French)
- Taber's Cyclopedic Medical Dictionary (English)
- Textbook of Cancer Epidemiology (English)
6.4 Other Documents

- Agent Orange Studies (bilingual)
- Cancer Incidence Study 2003 Australia Veterans of the Korean War (English)
- Health Study 2005 Australian Veterans of the Korean War (English)
- Mortality Study 2003 Australian Veterans of the Korean War (English)
- Statements of Principles, Australia, Department of Veterans Affairs (English)

6.5 Medical Sites

- Health on the Net Foundation (bilingual)
- Mayo Clinic (English)
- Medline Plus (English)
- Merck Manual of Diagnosis and Therapy (English)
- The New England Journal of Medicine (English)
6.6 NEW - Infographic

The infographic shown in Figure 4 is new and describes soldiers receiving ELA of 90% of pre-release salary.

![Infographic - Soldiers receiving ELA of 90% of pre-release salary](image_url)

**Figure 4 - Infographic - Soldiers receiving ELA of 90% of pre-release salary**

The infographic shown in Figure 4 is new and describes soldiers receiving ELA of 90% of pre-release salary.
7  NEW - Summary

7.1  Service Canada can now assist veterans with several different applications:

7.1.1  Services for Veterans and their families
Veterans and their families can visit any Service Canada centre to receive the following Veterans Affairs Canada (VAC) services:

- **Get information about VAC programs and services**
  - You can receive general information on any of VAC's [programs and services](#).

- **Apply for disability benefits**
  - You can get help applying for [disability benefits](#) and submit your disability application. Service Canada will review for completeness and forward securely to VAC along with any supporting documentation.

- **Apply for the Veterans Independence Program (VIP)**
  - You can get help applying for [VIP](#) and submit your VIP application. Service Canada will review for completeness and forward it securely to VAC along with any supporting documentation.

- **Learn about My VAC Account**
  - You can visit a Service Canada Centre to access a computer to apply online for VAC’s programs and services, update your personal information and send secure messages through [My VAC Account](#)—a simple and secure way to do business online with VAC.

- **Find a Service Canada location** near you.
- **You can also visit your VAC area office** to access VAC programs and services.

7.1.2  Hint
- **And if you got this far, congrats!**
  - Well, one last comment:
    - For the first time in many years, I can now be pain free for an hour or two thanks to VAC and medical marijuana. Just wish I had started sooner.
    - It is never too late to teach an old dog new tricks as long as the old dog has enough energy to move off the couch. HINT.
7.2 Increase in AWARD payments on 1 April 2017

- The maximum monthly disability pension currently paid for a single individual is $2,695.73 (prior to 2006).
- The current maximum disability award lump sum amount is $310,378.59.
- The Government will increase the value of the Disability Award lump-sum amount to a maximum of $360,000. This amount aligns with the maximum amount that would be awarded in civil court for a disability related to a workplace accident or condition.
- The $360,000 will be indexed to inflation, and paid retroactively to all Veterans who have received this award since 2006.
- As of December 2015, 54,089 Veterans were receiving the disability award and 71,194 Veterans were receiving the disability pension. Some receive both.

Disability Award

7.2.1 Important Notes

- If you are receiving a Disability Award, you have flexible payment options: a lump-sum payment, annual payments over the number of years of your choosing, or a combination of these two payment options.
  - The Disability Award Payment Calculator can help give you an idea of what your annual payments could be.
- We encourage you to speak with a financial advisor to help you determine how to manage the money you receive.
  - Veterans Affairs Canada can pay up to $500 to cover the costs related to getting this financial advice.
7.3 INCREASE TO DISABILITY AWARD PAYMENTS ON 1 APRIL 2017

Budget 2016 reaffirmed the Government’s intent to support the long-term financial security of ill and injured Veterans.

The maximum Disability Award will be increased from $310,378 to $360,000 on April 1, 2017. In addition, Death and Detention Benefit amounts will also be increased accordingly.

The increase to the Disability Award and the Death Benefit will also mean that Canadian Armed Forces members, Veterans and survivors who have already received a Disability Award and/or a Death Benefit under the New Veterans Charter will benefit from the new rate and receive a supplementary payment.

The monetary value of a Veteran’s disability benefits is based on an assessment of his or her disability. The two factors that determine the assessment are the level of medical impairment resulting from an illness/injury and the resulting impact on the individual’s quality of life. While the degree of a Veteran’s disability is measured in one percent increments, disability benefits are paid in in 5% increments accordance with legislation.

The maximum Disability Award lump-sum amount will be comparable to or greater than similar non-economic compensation amounts payable in Canada under private and public sectors insurance plans, by the Workers’ Compensation Board or as non-pecuniary damages awarded by Canadian courts.

- **Changes to the Disability Award will come into effect April 1, 2017.**
- **Example:**
  - If in 2010, you received a 50% disability award payment of $150K, when 100% was worth $300K (not true but easy math). You will now receive after or near 1 April 2017 an extra $30K. (50% of 360K = 180K - $150K that you already received - CPI.)
# VAC Disability Claim Process

## 8.1 Chart Format with Notes

<table>
<thead>
<tr>
<th>Slide</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>VAC Disability Claim Process</td>
<td>The notes are quotes directly from VAC or from my own experiences with VAC starting in 1994. They are used with a PowerPoint deck that attempts to review in graphic form VAC claim process workflow and decision points. I have received awards within a 16 weeks timeframe and others to finally be settled after more than 8 years. I never give up.</td>
</tr>
</tbody>
</table>

In chart format with Notes and V3.0 VAC awards Primer
<table>
<thead>
<tr>
<th>Slide</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. <strong>Note 1</strong>. Step 1 VAC has received your application form and is awaiting additional medical information from you or your health practitioner(s) in support of your claim. If any additional action on your part is needed, VAC will contact you with more information. Once all of your supporting documentation is received, a decision can be expected within 16 weeks. My note now: That’s the official line and today because of backlogs the time frame has slipped to in my experience in 2016 to more than 27 weeks. And That’s after all the other time gathering the information.</td>
<td></td>
</tr>
<tr>
<td>2. <strong>Note 2</strong>. Step 2 We are reviewing all of the information obtained in support of your claim. <strong>HINT</strong> time for documents in the mail can cause huge delays. They all add up. Upload documents on My VAC and get action in 3 days on this step not 3 weeks. Or worse, the documents sit in an inbox for 2 months which happened to me.</td>
<td></td>
</tr>
<tr>
<td>3. <strong>Note 3</strong>. Step 3 Your claim is at the decision making level. You should expect a decision letter within 16 weeks of the date we received your application and all of your supporting documentation. See note 1. Reality vs red tape metrics.</td>
<td></td>
</tr>
<tr>
<td>4. <strong>Note 4</strong>. <strong>Complete</strong> Your claim for disability benefits has been completed. If you have not received a decision letter, you can expect one shortly.</td>
<td></td>
</tr>
</tbody>
</table>
| 5. **Note 5**. You may also receive a call from a VAC Benefits analyst as the paperwork transitions from stage 2 to stage 3. Especially if there has been claim rejections, confusion, other documents submitted etc **TIP** – The medical documentation will be on paper and some are 16 pages long. A Dr would have to fill this in by hand and how many are willing to spend say 3 minutes a page times 16 pages answering questions. You can find the same document in a fillable PDF on the VAC website. You can complete much of the information ahead of time with a computer and fill in many of the questions. And you have the time to research the question. In many cases, I said I do not have that (fancy medical term) completed due diligence and realized yes I have had that for years. Just did not know it had a medical name. Your Dr can then complete the rest with more time in areas he needs to complete.
### Slide 3

**Process when you receive your decision letter – Answer is Yes you will receive a disability award and you agree with the decision**

<table>
<thead>
<tr>
<th>Slide</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The answer is yes with a % number: disability and quality of life rating and perhaps a temporary % pending another assessment later in a year or 2 (common with PTSD).</td>
<td></td>
</tr>
<tr>
<td>2. You will receive 100%, 80%, 60%, 40% or 20% of the award: see Note 6</td>
<td></td>
</tr>
<tr>
<td>3. You complete a form with the award letter telling VAC how you wish your funds: all now or over time</td>
<td></td>
</tr>
<tr>
<td>4. You return this information to VAC: see Note 7</td>
<td></td>
</tr>
<tr>
<td>5. Your funds (tax free) arrive in your bank account if direct deposit</td>
<td></td>
</tr>
</tbody>
</table>

The letters in the mail are the longest time spans here.

### Note 6: Why a % of an award.

You may get 100% award for an injury. And for ease of math the injury was awarded 10% for disability. And say that 10% is worth $30,000. VAC then also states that you will receive an award of 60% of it as they attribute 40% of it to factors not from military service. So you would receive 60% of 30K = $18K as an award. Many disputes with VAC are about this less than 100% of an award. You would still receive the $18K even if you start to dispute the 60% of the award.

### Note 7: HINT Get your money awarded faster.

If you mail the letter back to VAC you may wait 3 to 4 weeks to get the money depending on how the mail flow went. I received funds in

### Note 8.

If the answer is NO and the NO letter does not clearly tell you why the answer is NO, write or email VAC via your MY Vac account them and ask for a detailed explanation. You then need to gather more NEW information to support your claim. From my research, the incorrect or lack of medical information is missing and you may need witness statements as your files at DND are missing or did not include the injury. DON’T TRY TO BS VAC. They have people digging up the facts in your files.

### Note 9.

Bureau of Pension Advocates: a free lawyer for you. Read word V3.0 Primer document for more information. And see note 11 for my experiences with BPA. And VRAB – the appeal panel.

### Note 10.

We are talking many months from the start to the finish of the actions in most cases here.
11. **Note 11**: BPA sessions for myself. I have had 3 separate and very different experiences with BPA. The first started in 1992 when I retired and went to a SISIP briefing and they said if you were ever severely injured to apply to VAC for a pension.

- **Round one**: I had injured my back in a SDA in 1990 so applied and was denied a pension. I appealed and in a hearing with VRAB was awarded a pension of 0% for my injuries. That was critical because I now had the condition and as my back got worse, I then received funds each month. But once again I appeared in front of a hearing to testify. In 1994 in back hearing awarded 0%. 10 years later, my back injury went from 0% to 27%.

- **PTSD**: I applied and was told no as there was no record in my file of me serving in that specific SDA. I then reapplied and was told no. I then had 4 witnesses each write me a letter testifying that I in fact was in the SDA area of conflict. I then received a letter stating that due to the witness statements, I was awarded a disability claim.

- **Hearing**: My hearing claim is now in its 10th year, Most of it waiting for the correct medical appointments. Back and forth with BPA and a paper war. I may have a YES decision in 2017.

12. **Note 12**: In the 2015 Cole vs VRAB decision at the Federal Court of Appeal, (in the primer document) VAC was directed to give veterans the benefit of the doubt in claims so hopefully less claims denied therefore less need to go to BPA. Last year, VAC staff awarded 80% of awards on the initial application.
8.2 PowerPoint Presentation

Attachment 1 includes the entire PowerPoint presentation in its original form.

Attachment 1 VAC Disability Claim Process
9 References

A. Legion article:
B. Claxton PDF: review this article helps you to understand today's veteran population
C. Definitions page:
D. Dr Medical Questionnaire used for PTSD see the weblink later
E. Guidelines for assessment to the Dr. for all disabilities
F. Table 21 Disabilities for PTSD weblink later
G. Liberal budget 2016 and VAC impact
## 10 Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>BPA</td>
<td>Bureau of Pension Advocates (i.e. free VAC lawyer)</td>
</tr>
<tr>
<td>CIA</td>
<td>Critical Injury Allowance (the new PIA after 1 Apr 2017)</td>
</tr>
<tr>
<td>CFMVRCA</td>
<td>Canadian Forces Members and Veterans Re-establishment and Compensation Act</td>
</tr>
<tr>
<td>CFIS</td>
<td>Canadian Forces Income Support</td>
</tr>
<tr>
<td>DR</td>
<td>doctor</td>
</tr>
<tr>
<td>EIA</td>
<td>Exceptional Incapacity Allowance</td>
</tr>
<tr>
<td>ED</td>
<td>you have trouble getting your pride and joy to stand to attention</td>
</tr>
<tr>
<td>ELA</td>
<td>earnings loss allowance</td>
</tr>
<tr>
<td>FCRB</td>
<td>Family Caregiver Relief Benefit</td>
</tr>
<tr>
<td>IBS</td>
<td>irritable bowel syndrome – (on occasion leaving skid marks in your underwear)</td>
</tr>
<tr>
<td>IMHO</td>
<td>in my humble opinion</td>
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<tr>
<td>IPSC</td>
<td>Integrated Personnel Support Centre</td>
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<tr>
<td>LTD</td>
<td>Long Term Disability</td>
</tr>
<tr>
<td>NVC</td>
<td>New Veterans Charter</td>
</tr>
<tr>
<td>PIA</td>
<td>Permanent Impairment Allowance</td>
</tr>
<tr>
<td>PTSD</td>
<td>Post Traumatic Stress Disorder</td>
</tr>
<tr>
<td>QOL</td>
<td>quality of life</td>
</tr>
<tr>
<td>RISB</td>
<td>Retirement Income Security Benefit (for some replaces ELA when you turn 65)</td>
</tr>
<tr>
<td>SDA</td>
<td>Special Duty Area (i.e. war zone)</td>
</tr>
<tr>
<td>SOC</td>
<td>Statement of Claim</td>
</tr>
<tr>
<td>VIP</td>
<td>Veterans Independence Program (VAC pays for someone to cut your grass, shovel snow, etc.)</td>
</tr>
<tr>
<td>TMD</td>
<td>Pain in your jaw like bruxism</td>
</tr>
<tr>
<td>TPI</td>
<td>Totally Permanently Incapacitated</td>
</tr>
<tr>
<td>VAC</td>
<td>Veterans Affairs Canada</td>
</tr>
<tr>
<td>VRAB</td>
<td>Veterans Review and Appeal Board</td>
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<tr>
<td>VSA</td>
<td>Veteran Service Agent</td>
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</tbody>
</table>
# 11 Definitions

<table>
<thead>
<tr>
<th>Item</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Veteran</td>
<td>Any former member of the Canadian Armed Forces who successfully underwent basic training and is honourably released (= Phase 1 Chilliwack, Borden, Ocdts) etc or Cornwallis or St Jean for NCM. If you were later injured in CTC training such as phase 2, or PL 3 etc you are a veteran.</td>
</tr>
<tr>
<td>Disability</td>
<td>The loss or lessening of the power to will and to do any normal mental or physical act.</td>
</tr>
</tbody>
</table>
| Survivor     | the surviving spouse, who was, at the time of the member’s death, residing with the member;  
OR  
the person who was, at the time of the Canadian Armed Forces member’s death, the member’s common-law partner (a common-law partner means a person who is cohabiting with the member in a conjugal relationship, having so co-habited for a period of at least one year). |
| Dependent Child | A dependent child is defined as  
the child of a Canadian Armed Forces member (or of their spouse or common-law partner) who is under 18 years of age,  
OR  
under 25 years of age and attending school, or an adult but physically or mentally incapacitated and prevented from earning a living. In addition, the child must have been living in the home of the Canadian Armed Forces member to be considered a dependent child. |