

CHAPTER 5**ATTENDANCE ALLOWANCE****5.01 - LEGISLATION**

Subsection 38(1) of the Pension Act reads as follows:

A member of the forces who has been awarded a pension, is totally disabled, whether by reason of military service or not, and is in need of attendance shall, on application, in addition to any pension payable to the member under section 21, be awarded an attendance allowance at a rate determined by Veterans Affairs Canada in accordance with the minimum and maximum rates set out in Schedule III.

(1993 rates - \$ 2,022.48 and \$ 12,638.52)

5.02 - PREAMBLE

In order to be considered for Attendance Allowance, the Act requires that a pensioner be totally disabled. If a pensioner is assessed at 100% for all conditions, including non-pensioned conditions, he is deemed to be totally disabled. However, even if his assessment totals less than 100% a pensioner can still be found to be totally disabled.

The words "in need of attendance" are descriptive of a physical or mental state and, taken together with the words "totally disabled and in receipt of pension", constitute the qualifications which must exist if an award is to be made. Once the qualifications have been met, the applicant must be awarded an Attendance Allowance within stipulated limits.

Prior to the adjudication of any claim for Attendance Allowance or an increase in Attendance Allowance, information shall be obtained from the Department of Veterans Affairs as to whether or not VIP is in payment in order to use any information available to obtain a more detailed profile of the veteran's circumstances and needs.

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TABLE 1	
I	Needs total care.
	(Former Grade 1)
II	Needs significant supervision or assistance (either personal or mechanical with all activities of daily living.
	(Former Grades 2, 3 & 4)
III	Need intermittent daily supervision or assistance in performing some activities of daily living.
	(Former Grades 5 & 6)
IV	Needs minimal supervision or assistance on a daily basis with activities of daily living but is essentially independent within home environment and can be safely left unattended for significant periods of time, overnight or throughout the day.
	(Former Grades 7, 8 & 9)
V	Needs occasional assistance or supervision with activities of daily living.
	(Former Grade 10)

TABLE 2		
<u>Special Categories</u>		
1.	<u>Paraplegics</u> With complete cord lesion.	Grade 1
2.	<u>Blindness</u>	
	(a)	Loss of both eyes or total
		includes perception of light only,
		without projection.
		Grade 1
	(b)	Light perception with some projection.
		Can distinguish light areas against dark.
		Grade 2
		E.G. open doorways, windows.
	(c)	Cannot identify hand movements.
		Grade 3
	(d)	Cannot count fingers beyond 1 foot.
		Grade 3
	(e)	Cannot count fingers beyond several feet.
		Grade 4

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	(f)	Cannot distinguish more than big letters (1st letter on chart at 8 to 10 feet).	Grade 4
	(g)	Vision in better eye not more than 6/60 (20/200).	Grade 4
	(h)	Legally blind as accepted by C.N.I.B.	Grade 4
3.	<u>Amputations</u>		
	(a)	Both arms (at or above wrist).	Grade 2
	(b)	One arm, and one leg at or above the knee.	Grade 3
	(c)	One limb at the knee or above the other below the knee but above a Syme's*	Grade 3
	(d)	Both lower limbs below the knee, but above a Syme's*	Grade 3
	(e)	One Syme's* and the other below the knee.	Grade 4
	(f)	Bilateral Syme's.*	Grade 4

These "Special Categories" shall be considered in conjunction with the "Grade Classification" Table and the applicant shall be awarded the most beneficial grade level for which he/she qualifies under the two systems.

* Amputation of the foot at the ankle with removal of both malleoli (the rounded process of protuberance on either side of the ankle joint).

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5.03 - GUIDELINES

The need of attendance is presently assessed in five grades.

Veterans Affairs Canada determines the grade of an Attendance Award based on a record of factual information covering the veteran's actual need of attendance.

Three major factors taken into consideration include:

- (I) **ADL** - veteran's activities of daily living and his ability to cope with same: or in other words, his need for assistance with, or supervision of, these ADL which are listed in the VAC 915 - A and include:
 - Eating
 - Dressing
 - Washing
 - Shaving
 - Attending to wants of nature
 - Adjusting appliances, and
 - Other Activities
- (II) **MOBILITY** - of particular importance is the need to know the veteran's requirements for attendance with his mobility. There must be a picture of his daily ambulatory activity - and as a SDMO has so aptly defined it "not a wild guess at a proud man's estimate of how far he thinks he can walk."
- (III) **SUPERVISION** - Even though the veteran may not be in need of extensive attendance, in terms of "hands on care", his need for some degree of supervision is a vital component.

In cases of mental impairment from any cause, a pensioner may be fully capable of performing normal physical functions but may require supervision and direction for his own protection. In cases of this type, an award of Attendance Allowance may be considered.

These three factors: 1) ADL; 2) mobility; and, 3) supervision, ought to be considered for each of the five grades, according to the relative need for each.

The limitations of any one function may be due to one or more disease processes. It is the degree to which performance of a particular function is impaired that is evaluated, rather than the individual process that is involved in the loss.

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These three factors must be considered in conjunction with each other recognizing that a requirement for attendance as a result of one of these factors, may increase the requirement for attendance as a result of the other two factors. In other words, these factors taken together may have a synergistic effect on the need for attendance, however, if any one factor is sufficiently dominant as to qualify a pensioner for an award or an increased award, then such award or increase shall be granted.

The above are considerations in determining what is meant by:

- a) Total care
- b) Significant supervision or assistance
- c) Intermittent daily supervision or assistance
- d) Minimal supervision
- e) Occasional assistance or supervision

Certain Assumptions Are Built In:

- 1) Subsection 38(1) of the Pension Act is based on the pensioner's need for personal care, and/or his need for care support services. This includes his needs for supervision.
- 2) Attendance Allowance awards are granted on the basis that there is an on-going need for Attendance. If the need arises out of an acute illness, Veterans Affairs Canada may review any award with a view to decreasing or terminating the award, if the evidence shows that the need no longer exists.
- 3) Review of Attendance Allowance will be done at the request of a pensioner or his representative, or at the direction of a S.D.M.O.

| For the policies regarding application, adjudication, reapplication, effective dates and
| termination upon death of pensioner, see Article 38(1)(2)(3) of the Pension Policy Manual.

CHAPTER 5**ATTENDANCE ALLOWANCE****When Attendance Allowance Ceases****Payment of Allowance on Death of Member**

Subsection 38(3) of the Act states where a member of the forces who has been awarded an Attendance Allowance under Subsection (1) dies, the Attendance Allowance shall, if the member was a person to whom an additional pension was, at the time of death, payable in respect of the member's spouse or a child living with the member, be paid for a period of one year commencing on the first day of the month following the month of the death, to the surviving spouse, if living, or, if not living, equally to any of the member's children otherwise pensionable under this Act.