

Chapter 4

PAIRED ORGANS AND PAIRED LIMBS

(I) Cross Reference to Veterans Affairs Canada Pension Policy Manual or the Disability Award Policy Manual.

The provisions of this section should be read in conjunction with Article 36 of the Veterans Affairs Canada Pension Policy Manual or Article 47 of the Disability Award Policy Manual.

(II) Requirements for the Award of Entitlement under the Paired Organs and Paired Limbs in accordance with the *Pension Act* or the *Canadian Forces Members and Veterans Re-establishment and Compensation Act*.

The requirements for the award of entitlement for a paired organ or paired limb are provided for in section 36 of the *Pension Act* which reads as follows:

“Where a member of the forces who is in receipt of a pension on account of the loss of, or permanent loss of the use of, one of the paired organs or limbs of his body suffers, either before or after that loss or loss of use, the loss of, permanent loss of the use of or impairment of the pair of that organ or limb from any cause whatever, an additional pension shall, on application, be awarded to that member in an amount equal to fifty per cent of the pension that would have been awarded to the member, if the loss of, permanent loss of the use of or impairment of that organ or limb had occurred in circumstances in which a pension would have been payable under section 21.”

Or

Are provided for in section 47 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act* which reads as follows:

(1) “The Minister may, on application, pay a disability award to a member or a veteran who has received a disability award under section 45 on account of the loss of, or the permanent loss of the use of, one of their paired organs or limbs if

the member or veteran suffers, either before or after that loss or loss of use, the loss of, the permanent loss of the use of or the impairment of the other paired organ or limb from any cause whatever.

(2) The member's or veteran's extent of disability in respect of that other paired organ or limb shall be considered to be 50% of the extent of disability at which the member or veteran would have been assessed at if the loss of, the permanent loss of the use of or the impairment of that paired organ or limb had occurred in circumstances in which a disability award would have been payable under section 45."

(III) Application

Under the provisions of section 36 of the *Pension Act*, or section 47 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act*, paired organs include: ears¹, eyes, kidneys, ovaries and testes. Provisions for paired limbs include both upper limbs and lower limbs.

Section 36 of the *Pension Act* or section 47 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act* are not applicable to the lungs as entitlement for pulmonary diseases under section 21 of the *Pension Act* or section 45 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act* includes both lungs.

To be eligible for entitlement under section 36 of the *Pension Act* (paired organs/limbs), or section 47 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act* the primary condition must meet the minimum disability requirements for the total loss of or total loss of use of that organ/limb.

Minimum disability requirements for the total loss of or total loss of use of the primary organ or limb are listed as follows:

¹Generally entitlement will be awarded for bilateral hearing loss unless there is compelling evidence of disability in one ear only that is attributable or directly connected to service.

Total loss of or total loss of use of an organ or limb	Minimum Disability Assessment (total loss of) for the primary condition	
Ear	10	
Eye	29	
Kidney	15	
Ovary	5	
Testes	5	
Limb (lower)	48	
Limb (upper)	Dominant 58	Non-Dominant 43

When using the musculoskeletal lower limb **Table 17.9**, this table considers the lower limbs as a unit. The Partially Contributing Table, therefore, would need to be applied to determine the rating for one limb.

(IV) Assessment of Disability in the Paired Organ

As paired organs have a complementary and common function, the total loss of one such organ may have little immediate overall effect. Impairment of or loss of the second organ of the pair commonly results in a major increase in disability. Hence, the loss of function must be assessed as a single entity when both organs become entitled, even if the second organ is entitled under section 36 of the *Pension Act* or section 47 of the *Canadian Forces Members and Veterans Re-establishment Act*. This is best illustrated by the example of a Member/Veteran/Client entitled for blindness in the right eye (primary condition) and through a natural cause, suffers total blindness in the left eye (secondary condition). If one-half of the normal assessment for the left eye were to be considered, this would result in an assessment of $1/2$ of $29\% = 14.5\%$ under section 36 of the *Pension Act* or section 47 of the *Canadian Forces Members and*

Veterans Re-establishment and Compensation Act. In fact, by losing the total sight in the left eye, a complete loss of function has resulted. Therefore, the paired organ assessment under section 36 of the *Pension Act* or section 47 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act* should more properly be calculated as:

$$\frac{100\% - 29\%}{2} = \frac{71\%}{2} = 35.5\% \text{ (rounds up to 36)}$$

The following examples demonstrate how paired organ assessments are established for paired organs under section 36 of the *Pension Act* or section 47 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act*:

Ears and Hearing:	Example IX.1.(i)
Eyes and Vision:	Examples IX.2.(i), IX.2.(ii) ,and IX.2.(iii)
Testes:	Example IX.3.(i), IX.3.(ii)
Ovaries:	Example IX.3.(iii)
Kidneys:	Example IX.4.(i), IX.4.(ii)

(V) Assessment of Disability in Paired Limbs

The loss of the second limb or loss of use or impairment of the second limb is no less disabling and is assessable in its own right, subject to the principle that the overall or combined assessments for all entitled conditions, including awards under section 36 of the *Pension Act* or section 47 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act*, may not exceed 100%.

The following example demonstrates how paired limb assessments are established for paired limbs under section 36 of the *Pension Act* or section 47 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act*:

Upper and Lower Limbs:	Example IX.5.(i)
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(VI) Partial Entitlement for Primary Organ or Limb

Partial entitlement in respect of the primary organ or limb does not preclude an award under section 36 of the *Pension Act* or Section 47 of the *Canadian Forces Members*

and Veterans Re-establishment and Compensation Act for the secondary organ or limb. In such cases, the paired organ or limb will be entitled under section 36 of the *Pension Act* or section 47 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act* and pension/award paid at one-half of the actual disability in the case of a limb, regardless of the amount of partial entitlement held for the primary organ or limb. In other words, the additional pension/award in respect of the paired organ or limb will be calculated in accordance with the instructions set out in sections (IV) and (V) of this chapter as appropriate, as if the Member/Veteran/Client held full entitlement for the primary organ or limb.

The following examples demonstrate how paired organ/limb assessments are established for paired organs and paired limbs where the primary condition is partially entitled:

Ears and Hearing:	Examples IX.1.(ii) and IX.1.(iii)
Upper and Lower Limbs:	Examples IX.5.(ii)

(VII) Entitlement on a Consequential Basis

In circumstances where the loss of, permanent loss of the use of or impairment of an organ or limb may be entitled either on a consequential basis under subsection 21(5) of the *Pension Act* or section 46 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act* or as a paired organ or limb under section 36 of the *Pension Act* or section 47 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act*, the condition will be entitled and assessed under section 36 of the *Pension Act* or section 47 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act* only where a greater degree of entitlement will result.

(VIII) Consideration of section 36 Awards in Determination of Total Disability for Exceptional Incapacity Allowance

Additional awards under section 36 of the *Pension Act* are to be included in the assessment for all other entitled conditions to determine whether the Member/Veteran/Client is totally disabled for Exceptional Incapacity Allowance purposes within the meaning of section 72 and are to be considered as a factor to

determine whether and the extent to which, the Member/Veteran/Client may be exceptionally incapacitated for the purposes of section 72. Additional awards under section 36 will be rounded to the nearest whole number for purposes of this application.

(IX) Examples - An Integral Part of Instruction

The examples or illustrations which follow form an integral part of the instruction and are to be read and used in conjunction with this instruction and the medical impairment chapters specific to the paired organ or paired limb disability.

When determining paired organ assessment, if the resulting assessment is a decimal, the assessment is rounded to the nearest whole number (round up from 0.5, e.g. 5.5 would be 6; round down under 0.5, e.g. 5.3 would be 5).

(IX.1) Paired Organs - Ears

Example IX.1.(i): Member/Veteran/Client holds entitlement for hearing loss right ear (total deafness one ear) with a Disability Assessment of **10%**, entitled under section 21 of the *Pension Act* or section 45 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act*. The Member/Veteran/Client is subsequently awarded under section 36 or the *Pension Act* or section 47 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act* for hearing loss left ear.

Step 1	Assume the entire hearing loss disability assessment is 27% (24 +3). (Level 1 QOL)
Step 2	To determine the assessment for the left ear, calculate the difference between the entire hearing loss (Step 1) and the right ear assessment: 27% - 10% = 17%.

Step 3	<p>To determine the Disability Assessment for the left ear, as a paired organ under section 36 of the <i>Pension Act</i> or section 47 of the <i>Canadian Forces Members and Veterans re-establishment and Compensation Act</i>, calculate 1/2 of the assessment for the left ear, determined in Step 2:</p> <p>$1/2 \times 17\% = 8.5\%$ (rounds up to 9 %).</p> <p>This is the paired organ Disability Assessment under the paired organ provisions of the <i>Pension Act</i> or the <i>Canadian Forces Members and Veterans Re-establishment and Compensation Act</i>.</p>
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Example IX.1.(ii): Member/Veteran/Client holds 3/5th entitlement for hearing loss right ear (total deafness right ear) with a Disability Assessment of **9% ($3/5 \times 14$)**, entitled under section 21 of the *Pension Act* or section 45 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act*. The Member/Veteran/Client is subsequently awarded under section 36 of the *Pension Act* or section 47 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act* for otitis externa left ear.

Step 1	Assume the left ear Disability Assessment for otitis externa is 5% (4 +1). (Level 1 QOL)
Step 2	<p>To determine the assessment for the left ear as a paired organ section 36 of the <i>Pension Act</i> or section 47 of the <i>Canadian Forces Members and Veterans Re-establishment and Compensation Act</i>, calculate 1/2 of the assessment for the left ear, determined in Step 1: $1/2 \times 5\% = 2.5\%$.</p> <p>This is the paired organ Disability Assessment under the paired organ provisions of the <i>Pension Act</i> or the <i>Canadian Forces Members and Veterans Re-establishment and Compensation Act</i>.</p>

Example IX.1.(iii): Member/Veteran/Client holds 2/5th entitlement for hearing loss right ear (total deafness right ear) with a Disability Assessment of **4% ($2/5 \times 10\%$)**, entitled under section 21 of the *Pension Act* or section 45 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act*. The Member/Veteran/Client is subsequently awarded under section 36 of the *Pension Act* or section 47 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act* for hearing loss left ear.

Step 1	Assume the entire hearing loss Disability Assessment is 18% (15 +3). (Level 1 QOL)
Step 2	To determine the assessment for the left ear, calculate the difference between the entire Disability Assessment (step 1) and the right ear assessment: 18 % - 10 % = 8 % .
Step 3	To determine the Disability Assessment for the left ear, as a paired organ under section 36 of the <i>Pension Act</i> or section 47 of the <i>Canadian Forces Members and Veterans Re-establishment and Compensation Act</i> , calculate 1/2 of the rating for the left ear, determined in Step 2: $1/2 \times 8 \% = 4 \%$. This is the paired organ Disability Assessment under the Paired Organ provisions of the <i>Pension Act</i> or the <i>Canadian Forces Members and Veterans Re-establishment and Compensation Act</i> .

(IX.2) - Paired Organs: Eyes and Vision:

Example IX.2.(i): Member/Veteran/Client holds entitlement for loss of vision right eye with a Disability Assessment of **29%**, entitled under section 21. The Member/Veteran/Client is subsequently awarded under section 36 of the *Pension Act* or section 47 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act* for loss of vision left eye. Visual acuity of the left eye is 6/60.

Step 1	The entire visual Disability Assessment = 93% (76 + 17). (Level 3 QOL)
Step 2	To determine the assessment for the left eye, calculate the difference between the entire visual impairment and the right eye assessment: 93% - 29% = 64%.
Step 3	To determine the Disability Assessment left eye, as a paired organ under section 36 of the <i>Pension Act</i> or section 47 of the <i>Canadian Forces Members and Veterans Re-establishment and Compensation Act</i> , calculate 1/2 of the assessment for the left eye, determined in Step 2: 1/2 x 64% = 32%. This is your paired organ Disability Assessment under the Paired Organ provisions of the <i>Pension Act</i> or the <i>Canadian Forces Members and Veterans Re-establishment and Compensation Act</i> .

Example IX.2.(ii): Member/Veteran/Client holds entitlement for loss of right eye with a Disability Assessment of **29%**, entitled under section 21 of the *Pension Act* or section 45 of the *Canadian Forces Members and Veterans Re-establishment Act*. The Member/Veteran/Client is subsequently entitled under section 36 of the *Pension Act* or section 47 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act* for impaired vision left eye. Visual acuity in the left eye is 6/24.

Step 1	The entire visual Disability Assessment = 61% (52 + 9 = 61). (Level 2 QOL).
Step 2	To determine the assessment for the left eye, calculate the difference between the entire visual impairment and the right eye for loss of vision assessment: 61 % - 29 % = 32%.

Step 3	To determine the Disability Assessment for the left eye, as a paired organ under section 36 of the <i>Pension Act</i> or section 47 of the <i>Canadian Forces Members and Veterans Re-establishment and Compensation Act</i> , calculate 1/2 of the assessment for the left eye, determined in Step: $1/2 \times 32\% = 16\%$. This is the paired organ Disability Assessment under the Paired Organ provisions of the <i>Pension Act</i> or section 47 of the <i>Canadian Forces Members and Veterans Re-establishment and Compensation Act</i> .
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Example IX.2.(iii): Member/Veteran/Client holds entitlement for loss of vision of the right eye with a Disability Assessment of **29%** (26 + 3). He is later entitled for an enucleation of the same eye in which a medical impairment of 9 is applicable. However, since these two conditions can not be separated for pension/award purposes, a combined assessment is determined. The medical impairments from both conditions is added together (**26 + 9 = 35**) and then the QOL is added (**35 + 6 = 41**). The Member/Veteran/Client is subsequently awarded under section 36 of the *Pension Act* or section 47 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act* for impaired vision of the left eye with a visual acuity of 6/48.

Step 1	The entire visual disability assessment = 79% (68 + 11 = 79%). (Level 2 QOL)
Step 2	To determine the assessment for the left eye, calculate the difference between the entire visual impairment and the right eye for loss of vision assessment: 79% - 29% = 50% .
Step 3	To determine the Disability Assessment for the left eye, as a paired organ under section 36, calculate 1/2 of the assessment for the left eye, determined in Step: $1/2 \times 50\% = 25\%$. This is the paired organ Disability Assessment under the Paired Organ provisions of the <i>Pension Act</i> or the <i>Canadian Forces Members and Veterans Re-establishment and Compensation Act</i> .

(IX.3) - Paired Organs: Testes

Example IX.3.(i): Member/Veteran/Client holds entitlement for loss of right testicle with a Disability Assessment of **5%**, entitled under section 21 of the *Pension Act* or section 45 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act*. The Member/Veteran/Client is subsequently awarded under section 36 of the *Pension Act* or section 47 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act* for spermatocele left testicle.

Step 1	Assume the entire Disability Assessment for symptomatic spermatocele left testicle = 5% (4 + 1). (level 1 QOL)
Step 2	To determine the disability assessment for the symptomatic spermatocele left testicle under section 36 of the <i>Pension Act</i> or section 47 of the <i>Canadian Forces Members and Veterans Re-establishment and Compensation Act</i> : $1/2 \times 5\% = 2.5\%$ (rounded up to 3 %) . This is your paired organ Disability Assessment under the Paired Organ provisions of the <i>Pension Act</i> or the <i>Canadian Forces Members and Veterans Re-establishment and Compensation Act</i> .

Example IX.3.(ii): Member/Veteran/Client holds entitlement for loss of right testicle with a Disability Assessment of **5%**, entitled under section 21 of the *Pension Act* or section 45 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act*. The Member/Veteran/Client is subsequently awarded under section 36 of the *Pension Act* or section 47 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act* for loss of left testicle.

Step 1	Assume the entire Disability Assessment for loss of both testicles is 29% (26 + 3) (level 1 QOL) .
Step 2	To determine the assessment for the loss of the left testicle, calculate the difference between the entire impairment and the loss of the right testicle: $29\% - 5\% = 24\%$

Step 3	To determine the Disability Assessment for the loss of right testicle under section 36: $1/2 \times 24\% = 12\%$. This is your paired organ Disability Assessment under the Paired Organ provisions of the <i>Pension Act</i> or the <i>Canadian Forces Members and Veterans Re-establishment and Compensation Act</i> .
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IX.3. - Paired Organs: Ovaries

Example IX.3.(iii): Member/Veteran/Client holds entitlement for loss of left ovary with a Disability Assessment of **5%**, entitled under section 21 of the *Pension Act* or section 45 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act*. The Member/Veteran/Client is subsequently awarded under section 36 of the *Pension Act* or section 47 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act* for loss of right ovary.

Step 1	Assume the entire Disability Assessment for loss of both ovaries is 29% (26 + 3) (level 1 QOL) .
Step 2	To determine the assessment for the loss of the right ovary, calculate the difference between the entire impairment and the loss of the left ovary: 29% - 5% = 24%
Step 3	To determine the Disability Assessment for the loss of right ovary under section 36: $1/2 \times 24\% = 12\%$. This is your paired organ Disability Assessment under the Paired Organ provisions of the <i>Pension Act</i> or the <i>Canadian Forces Members and Veterans Re-establishment and Compensation Act</i> .

(IX.4)- Paired Organs: Kidneys

Example: IX.4.(i): Member/Veteran/Client holds entitlement for loss of left kidney with a Disability Assessment of **15%**, entitled under section 21 of the *Pension Act* or section 45 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act*. The Member/Veteran/Client is subsequently entitled under section 36 of the *Pension Act* or section 47 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act* for diabetic nephropathy right kidney.

Step 1	Assume the entire Disability Assessment for loss of both kidneys is 63% (57% + 6) (level 1 QOL) .
Step 2	To determine the assessment for the impairment of the right kidney, calculate the difference between the entire impairment and the loss of the left kidney: 63% - 15% = 48% .
Step 3	To determine the Disability Assessment for the diabetic nephropathy right kidney under section 36 of the <i>Pension Act</i> or section 47 of the <i>Canadian Forces Members and Veterans Re-establishment and Compensation Act</i> , $1/2 \times 48\% = 24\%$. This is your paired organ Disability Assessment under the Paired Organ provisions of the <i>Pension Act</i> or the <i>Canadian Forces Members and Veterans Re-establishment and Compensation Act</i> .

Example IX.4.(ii):

Member/Veteran/Client holds entitlement for loss of left kidney with a Disability Assessment of **15%**, entitled under section 21 of the *Pension Act* or section 45 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act*. The Member/Veteran/Client is subsequently awarded under section 36 of the *Pension Act* or section 47 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act* for renal calculi right kidney.

Step 1	Assume the entire Disability Assessment for renal calculi right kidney is = 10% (9 + 1). (Level 1 QOL)
Step 2	<p>To determine the Disability Assessment for the right kidney as a paired organ under section 36 of the <i>Pension Act</i> or section 47 of the <i>Canadian Forces Members and Veterans Re-establishment and Compensation Act</i> : $1/2 \times 10\% = 5\%$.</p> <p>This is your paired organ Disability Assessment under the Paired Organ provisions of the <i>Pension Act</i> or the <i>Canadian Forces Members and Veterans Re-establishment and Compensation Act</i>.</p>

(IX.5) - Paired Limb

Example IX.5.(i) : Member/Veteran/Client holds entitlement for mid-thigh amputation right leg with a Disability Assessment of **83%** under section 21 of the *Pension Act* or section 45 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act*. The Member/Veteran/Client subsequently is entitled under section 36 of the *Pension Act* or section 47 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act* for osteoarthritis of the left knee.

Step 1	Assume the entire Disability Assessment for osteoarthritis left knee is 20% (18 +2). Level 1 QOL used in this example.
Step 2	<p>To determine the disability assessment for osteoarthritis left knee under paired limb section 36 of the <i>Pension Act</i> or section 47 of the <i>Canadian Forces Members and Veterans Re-establishment and Compensation Act</i>: $1/2 \times 20\% = 10\%$.</p> <p>This is your paired limb Disability Assessment under the paired limb provisions of the <i>Pension Act</i> or the <i>Canadian Forces Members and Veterans Re-establishment and Compensation Act</i>.</p>

Example IX.5.(ii): Member/Veteran/Client holds one-fifth (1/5) entitlement for below knee amputation right leg with a Disability Assessment of **10% ($1/5 \times 48\%$)**, entitled under section 21 of the *Pension Act* or section 45 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act*. The Member/Veteran/Client is subsequently awarded under section 36 of the *Pension Act* or section 47 of the *Canadian Forces Members and Veterans Re-establishment and Compensation Act* for varicose veins left leg.

Step 1	Assume the Disability Assessment for varicose veins left leg = 10 % (9+1) . Level 1 QOL used in this example.
Step 2	To determine disability assessment for varicose veins left leg under paired limb section 36 of the <i>Pension Act</i> or section 47 of the <i>Canadian Forces and Veterans Re-establishment and Compensation Act</i> : $1/2 \times 10\% = 5$. This is your paired limb disability Disability Assessment under the paired limbs provisions of the <i>Pension Act</i> or the <i>Canadian Forces Members and Veterans Re-establishment and Compensation Act</i> .