Loss of Paired Organ or Limb

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Purpose

The purpose of this policy is to provide guidance on providing a disability pension or Pain and Suffering Compensation for the loss of the second organ or limb of a pair when the Veteran or member is in receipt of a disability pension, disability award, or Pain and Suffering Compensation for the loss of the other paired organ or limb.

Policy

General

1. The relevant authorities for paired organ or limb entitlement are section 36 of the *Pension Act* and section 47 of the *Veterans Well-being Act* (Veterans Well-being Act).
    a. An application for a paired organ or limb will be adjudicated under the same legislation that the Veteran or member holds entitlement for the first organ or limb of the pair. For example, if the first organ or limb is pensioned under section 21 of the *Pension Act*, then the application for the second organ or limb of the pair will proceed under section 36 of the *Pension Act.*
    b. In cases where entitlement for the second organ or limb of a pair may be provided either as paired organ entitlement or consequential relationship entitlement (i.e. subsection 21(5) or 36 of the *Pension Act* or section 46 or 47 of the Veterans Well-being Act) a ruling can be provided for a consequential relationship where a greater degree of entitlement will result.
2. The intent of paired organ or paired limb entitlement is to recognize the fact that the loss or impairment of the second organ or limb of a pair from any cause increases the disability resulting from the loss of the other organ or limb for which the Veteran or member received a disability pension, disability award, or Pain and Suffering Compensation.
3. Paired organs include ears, eyes, kidneys, ovaries and testes. Paired limbs include both upper and lower limbs
4. In order to be awarded a disability pension or Pain and Suffering Compensation for a paired organ, the Veteran or member must be receiving a full or partial disability pension or disability award or Pain and Suffering Compensation for the loss of, or the permanent loss of the use of an organ or limb, and must suffer the loss of, the permanent loss of the use of or permanent impairment of the other organ or limb of

the pair.

5. The following factors should be considered when determining “permanent loss of the use of” and “permanent impairment":
    a. If the loss of part of the second organ or limb of a pair cancels the effective use of the whole of that organ or limb then it meets the requirement of “permanent loss of the use of.” It is not necessary that the disability of the second organ or limb of the pair be at or below the anatomical level of the entitled organ or limb if it cancels the effective use of the second organ or limb.
    b. Impairment only of the organ or limb for which the Veteran or member holds disability pension, disability award, or Pain and Suffering Compensation entitlement does not justify an award of paired organ for the other organ or limb of the pair. It is necessary that he or she has the loss of or the loss of the use of the second organ or limb of the pair.
    c. Claims for paired organ or limb for which the 2006 Table of Disabilities applies must meet the minimum requirements for total loss of or total loss of the use of the organ or limb for which the Veteran or member holds disability pension, disability award, or Pain and Suffering Compensation entitlement. These requirements are found in Chapter 4 – Paired Organs and Paired Limbs.
6. The Veteran or member who is granted a paired organ or limb entitlement is awarded an amount that is 50% of the disability pension, disability award, or Pain and Suffering Compensation that would have been awarded if the entitlement for the second organ or limb of the pair was granted under section 21 of the *Pension Act* or section 45 of the Veterans Well-being Act, respectively. Otherwise, an award for paired organ or limb holds all the same rights and privileges as a disability pension under section 21 of the *Pension Act*, or Pain and Suffering Compensation under section 45 of the Veterans Well-being Act.
7. Assessments for paired organs or limbs are included in the total assessment of disability pensions and Pain and Suffering Compensation. Reassessments may also be requested. For specific information on how to determine an assessment for a paired organ or limb see the Table of Disabilities.

Reference

Pension Act, section 36

Veterans Well-being Act, section 47

2006 Table of Disabilities – Paired Organs and Paired Limbs

1995 Table of Disabilities – Paired Organ or Limb Disabilities

Date Payable – Disability Benefits, Allowances, and Prisoner of War/Detention Benefit Compensation

Consequential Disability

Assessment and Reassessment of a Disability

Pain and Suffering Compensation Policy