Veterans Affairs Canada | Anciens Combattants Canada

Critical Injury Benefit

Issuing Authority: Director General, Policy and Research
Effective Date: 21 December 2023
Document ID: 2231

Table of Contents

Purpose
Policy
Eligibility
Waiver of Application
Application
Definitions
References

Purpose

This policy provides guidance for the administration of the Critical Injury Benefit. The Critical Injury Benefit recognizes and compensates for the immediate impact of severe and traumatic service-related injuries or illnesses sustained by Canadian Armed Forces members and Veterans as a result of a sudden, single incident after March 31, 2006.

Policy

Eligibility

1. The Critical Injury Benefit is payable to a member or Veteran who establishes that they sustained one or more severe and traumatic injuries, or developed an acute disease, and that the injury or disease:
    a. was a service-related injury or disease;
    b. was the result of a sudden and single incident that occurred after March 31, 2006; and
    c. immediately caused a severe impairment and severe interference in their quality of life.
2. A member or Veteran is entitled to the Critical Injury Benefit for each incident that meets the eligibility criteria. The Definition section of this policy provides more information pertinent to establishing the eligibility criteria.
3. Survivors and surviving dependent children are not eligible to apply for and/or be paid the Critical Injury Benefit on behalf of a deceased member or Veteran.
4. A member or Veteran may be eligible for pain and suffering compensation and not be eligible for the Critical Injury Benefit and conversely, a member or Veteran may not be eligible for pain and suffering compensation; however, may be eligible for the Critical Injury Benefit.
5. The Critical Injury Benefit is intended to recognize the immediate impacts of the most severe and traumatic service-related injuries or diseases sustained by a member or Veteran. The Critical Injury Benefit is not meant to duplicate the Pain and Suffering Compensation that is provided for service-related disabilities that are chronic or permanent in nature.

6. The determination of whether a member or Veteran has suffered a severe impairment and severe interference in quality of life should be done on a case-by-case basis by the decision maker in consultation with a Medical Advisor as required.
7. For additional clarity, a member or Veteran who suffered a severe impairment and severe interference in quality of life would be unable to work immediately following a sudden and single incident and would be unable to return to work for the duration of the time frame identified in the applicable criteria from the prescribed list in sub-sections 48.3 (a-h) of the *Veterans Well-being Regulations* . (e.g., a member or Veteran who required the assistance of at least one person to perform at least 3 activities of daily living for a minimum of 112 consecutive days, would be unable work for the entirety of the 112 consecutive days).

Waiver of Application

8. If the Department is satisfied, based on the information that has already been collected or is currently available that the member or Veteran is entitled to the Critical Injury Benefit, the Department will waive the requirement for an application with the agreement of the member or Veteran.

Application

9. A member or Veteran can apply for a Critical Injury Benefit at any time. The application will follow the normal application process.

Definitions

10. **Traumatic Injury** means:
    a. the physical damage that occurs when a human body is subjected to intolerable levels of physical energy (e.g., bone fractures and soft tissue lacerations, damage to internal organs, thermal burns, head injury); or
    b. a mental health or psychological injury that occurs in response to exposure to a psychologically traumatic event. This could include disordered cognition and disordered emotional or behavioural responses (e.g., Psychosis, acute dissociative state, acute suicidality, or homicidal intent).
    c. The time frame and factors to be considered in assessing “severity” are set out in sections 13 and 14 of the policy.
11. **Acute Disease**: An “acute disease” means the early stage of a disorder of human structure or function that is primarily caused by something other than traumatic injury (e.g., infection, toxic exposure).
12. **Sudden and single incident**: A “sudden and single incident” is a one-time event – including motor vehicle accidents, falls, explosions, gunshot wounds, electrocution, and exposure to chemical agents – in which the member is abruptly exposed to external factors.
    a. For additional clarity, a sudden and single incident may also include traumatic events such as: experiencing actual or threatened death, serious injury, or an incident of sexual assault; and witnessing incidents of a horrific nature.
    b. The determination as to whether or not an event meets the definition of a sudden and single incident should be done on a case-by-case basis by the decision maker.
13. **Immediately**: “Immediately” means, for the purposes of the Critical Injury Benefit, that medical evidence demonstrates that the severe impairment and severe interference in quality of life, while not necessarily permanent, was ongoing from the time of the sudden and single incident.
    a. For additional clarity, in instances of mental health or psychological injury, immediately means that the severe impairment and severe interference in quality of life was evident during the acute or the early stage of the traumatic injury.

b. For the purposes of the Critical Injury Benefit the acute or early stage of a psychological or mental health injury spans from the initial point of injury (at the time of the sudden and single incident) up to 7 days following.
c. Sufficient evidence is required to directly link the severe impairment and severe interference in quality of life to the sudden and single incident, this is at the discretion of the decision maker and will be determined on a case-by-case basis.

14. **Severe Impairment and Severe Interference in Quality of Life**:
    a. sustained an amputation at or above the wrist or ankle;
    b. sustained legal blindness in both eyes — meaning best corrected visual acuity is less than or equal to 6/60 or they have less than 20 degrees of visual field remaining — for a minimum of 84 consecutive days;
    c. sustained quadriplegia, paraplegia, hemiplegia, or complete paralysis of a limb for a minimum of 84 consecutive days;
    d. sustained total loss of urinary or bowel function for a minimum of 84 consecutive days;
    e. required the assistance of at least one person to perform at least 3 activities of daily living for a minimum of 112 consecutive days;
    f. was admitted to an intensive care unit for a minimum of 5 consecutive days;
    g. was admitted to a hospital for acute or rehabilitative inpatient care for a minimum of 84 consecutive days; or
    h. was admitted to a hospital for acute or rehabilitative inpatient care for less than 84 consecutive days during which the member or Veteran received complex treatments.
15. **Complex treatments:** for additional clarity with respect to “complex treatments” as referred to in paragraph 14(h) the following examples and criteria should be considered:
    a. For physical injuries or diseases complex treatments may include but are not limited to multiple surgeries, multiple invasive or painful procedures (e.g., treatment of severe burns), prolonged parenteral nutrition, or mechanical ventilation of the lungs.
    b. For acute mental health or psychological injuries complex treatments should be specific to the identified traumatic injury and the cognitive, emotional, or behavioral response (e.g., Catatonia, acute psychosis, suicidal ideation, etc.). This may include but is not limited to high and intensive psychiatric care, being kept safe under supervision or observation during a mental health crisis.
16. **Activities of daily living**: for the purposes of determining whether a member or Veteran requires the assistance of at least one person to perform at least 3 activities of daily living, Chapter 19 - "Impairment in Activities of Daily Living" in the 2006 Table of Disabilities should be used by the decision maker.

References

Veterans Well-being Act, sections 44.1, 44.2 and 44.3

Veterans Well-being Regulations, sections 48.1, 48.2, 48.3, 48.4, and 62

2006 Table of Disabilities

Disability Benefits in Respect of Peacetime Military Service - The Compensation Principle

Disability Benefits in Respect of Wartime and Special Duty Service – The Insurance Principle

Reimbursement of Fees for Financial Advice

Payment of Medical Fees

Disability Benefits in Respect of Death for Survivors and Dependent Children

Application to the Minister

Review of Decisions

Pain and Suffering Compensation

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