Veterans Affairs Canada | Anciens Combattants Canada

# Waiver of Requirement for Application

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# Table of Contents


Purpose
Authority
Policy
Definitions
General
Notice of Intent to Waive the Requirement for an Application
Acceptance of the Waiver
Requests for Additional Information
Date of the Waiver
Eligibility Decisions
Cancellation of the Waiver
References


# Purpose

This policy provides guidance on the waiver of requirement for an application for the following benefits: compensation, Career Transition Services, Rehabilitation Services and Vocational Assistance under the *Veterans Well-being Act* and an award under the *Pension Act*.

# Authority

Section 78.1 of the *Veterans Well-being Act* and section 80.1 of the *Pension Act* authorize the Minister to waive the requirement for an application.

# Policy

## Definitions

1. **Waiver:** means a dated and documented record of agreement (made orally or in writing) between a person and Veterans Affairs Canada which indicates that the person is not required to submit an application for a specified benefit or service.
2. **Compensation:** as defined under the Veterans Well-being Act, means the Education and Training Benefit, Education and Training Completion Bonus, Income Replacement Benefit, Canadian Forces Income Support Benefit, Critical Injury Benefit, Pain and Suffering Compensation, Additional Pain and Suffering Compensation, Death Benefit, Clothing Allowance, Detention Benefit, or Caregiver Recognition Benefit.

3. **Award:** as defined under the Pension Act, means the Disability Pension, Death Benefit, Prisoner of War Compensation, Attendance Allowance, Exceptional Incapacity Allowance, or a Clothing Allowance.
4. **In writing:** means words visually represented or reproduced in any format.

## General

5. Applications for benefits made under the *Veterans Well-being Act* and the *Pension Act* should be made "in writing". However, VAC may waive the requirement for an application if VAC believes, based upon information that has been collected or obtained by VAC as part of its ongoing administration of programs and services and daily operations, that the person may be eligible for the benefit (compensation, service or assistance) if the person applied for it.
6. The overall intent of waiving the requirement for an application is to decrease administrative burden on Veterans, their families and VAC staff.
7. VAC may choose to waive the requirement for an application in circumstances such as:
    a. VAC is in possession of all of the information necessary to complete an eligibility decision; or
    b. VAC is in possession of almost all of the information necessary to complete an eligibility decision and the person to whom the waiver applies agrees to submit any information or documentation necessary to complete the eligibility decision.
8. As per Section 80 of the *Veterans Well-being Act* and section 109.1 of the *Pension Act*, upon request by VAC, personal information held by another government institution will be made available to VAC for the purposes of program administration. Accordingly, VAC may obtain relevant personal information necessary to establish whether a Veteran may be eligible for a benefit or service prior to notifying the Veteran of VAC's intent to waive an application.
    a. For example, in cases of casualty notification where VAC is notified of a very serious injury of a serving member of the CAF, VAC may request personal information from the CAF regarding the nature and extent of the injury and its treatment in order to determine whether the Veteran may be eligible for the Critical Injury Benefit and whether VAC intends to waive the requirement for an application.
9. A waiver of application is not a guarantee that a favourable eligibility decision will be made on the benefit, rather a waiver simply removes the requirement for the person to submit a written application. The delegated decision maker must still weigh all the evidence presented and make the decision as to the person's eligibility for the benefit as per usual practice.
10. It is up to the discretion of VAC, following a review of the information on file, as to whether to waive the requirement for an application.
11. Waivers only apply to first level eligibility decisions, waivers do not apply to applications for reviews of decisions.
12. Waivers only apply to benefits authorized under the *Veterans Well-being Act* and the *Pension Act*. Waivers do not apply to benefits authorized under the *Veterans Health Care Regulations* or any other Act or Regulation or Order in Council administered by Veterans Affairs Canada.

## Notice of Intent to Waive the Requirement for an Application

13. If, following review of the information that has been collected or obtained, VAC believes that a person may be eligible for a benefit or service, VAC may notify the person of the intent to waive the requirement for an application.
14. If VAC intends to waive the requirement for an application, VAC shall notify the person of the intent to waive the requirement for an application. VAC may notify the person either orally or in writing.
15. Notice of intent to waive an application must be documented in VAC records.

### Acceptance of the Waiver

16. A person may accept a waiver either orally or in writing.
17. Notification that the person has accepted the waiver must be documented in VAC records.

### Requests for Additional Information

18. When notifying a person of the intent to waive the requirement for an application, VAC must inform the person of any information or documentation that is required to complete the decision. In doing so, VAC must also notify the person of:
    a. the date by which the requested information or documentation must be provided to VAC; and
    b. that failure to provide this information by the date specified may result in cancellation of the waiver.

### Date of the Waiver

19. The date that VAC is notified that a person accepts a waiver is considered to be the date of application for the service or benefit, unless the waiver is subsequently cancelled.
20. The date that the Department is notified that a person accepts the waiver will be the date used for the purposes of decision making and any applicable service standard measurement for the timeliness of decisions.

### Eligibility Decisions

21. No decision on the person's eligibility for a benefit or service can be made until a waiver has been accepted and any required information that has been requested has been received by VAC.

### Cancellation of the Waiver

22. VAC may cancel a waiver at any time up until the date that the person is notified in writing of the eligibility decision on the benefit to which the waiver applies.
23. A waiver may be cancelled for any reason that the decision maker deems reasonable. Reasons for cancellation of a waiver may include, but are not limited to:
    a. The person does not provide the information or documentation requested by the date specified;
    b. Information is identified which makes VAC believe that the person is not eligible for the benefit; or
    c. The person requests that the waiver be cancelled.
24. If a waiver is cancelled, no application is deemed to have been made for that benefit.
25. Notification to the person that the waiver has been cancelled must be provided to the person in writing.
26. A waiver is canceled on the day that VAC notifies the person, in writing, that should they wish to pursue eligibility for the benefit, they are required to make an application in writing for the benefit or service or which the waiver applied.
27. There are no rights of review related to the cancellation of a waiver.

## References

*Pension Act*

*Veterans Well-being Act*

*Veterans Well-being Regulations*