Veterans Affairs Canada | Anciens Combattants Canada

Income Replacement Benefit – Transition Policy

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Purpose

This policy provides guidance for the transition of Veterans, survivors and orphans from a number of current VAC benefits to the Income Replacement Benefit (IRB), and for the payment of the Supplementary Retirement Benefit (SRB) as a result of the coming into force on April 1, 2019 of amendments to the Veterans Well-being Act.

General

1. The Income Replacement Benefit (IRB) came into force on April 1, 2019.
2. The IRB is a new financial benefit that has been developed to streamline and simplify how Veterans Affairs Canada (VAC) provides compensation to Veterans for the economic impacts that health problems resulting primarily from service have on the Veteran's ability to earn income and save for retirement. The benefit may be payable for life if the health problem has caused a diminished earning capacity (DEC) in recognition of the permanent future earnings loss and the potential impact this loss may have had on career advancement opportunities and the long-term capacity to save for retirement.
3. Prior to April 1, 2019, Veterans Affairs Canada provided compensation for these economic impacts through the Earnings Loss (EL) Benefit (short term and long term), the Retirement Income Security Benefit (RISB), the Supplementary Retirement Benefit (SRB), the Career Impact Allowance (CIA) and the increase to the CIA. For the purposes of this policy, the increase to the CIA will be described as the "CIA Supplement".
4. The EL Benefit, the RISB, the SRB, the CIA and the CIA Supplement ceased on April 1, 2019. No new applications for the EL benefit, the RISB and/or the CIA/CIA Supplement are being accepted on or after April 1, 2019.
5. Veterans, survivors and orphans who have the EL Benefit, the RISB, the CIA and/or the CIA Supplement payable on March 31, 2019 will continue to be eligible to receive comparable amounts under the new legislation. Note: CIA grade levels will be protected through the Additional Pain and Suffering Compensation (APSC) transition rules.
6. Veterans, survivors and orphans are transitioned from the existing benefits to the new one in accordance with the following rules, which are discussed in more detail throughout this policy:
    a. Veterans, survivors and orphans who have the EL Benefit or RISB payable to them on March 31, 2019 will be transitioned without application to the IRB on April 1, 2019 when, if it were not for the new legislation, the benefit would have been payable in April 2019. (For example, a Veteran in receipt of the EL Benefit would not transition to the IRB if the EL benefit is ending on March 31st due to the rehabilitation plan ending and the Veteran does not have a Diminished Earnings Capacity.)
    b. A person can be both a Veteran (receiving benefits as a result of their own service in the CAF) and a survivor (receiving benefits in respect of their partner/spouse who served in the CAF). The benefits that are received as a result of their status as a Veteran are calculated and administered as per the

rules pertaining to Veterans and the benefits received as a result of their status as a survivor are calculated and administered as per the rules pertaining to survivors.

c. Veterans who have a CIA Supplement amount payable to them on March 31, 2019 and who do not have the EL Benefit or RISB payable to them on March 31, 2019 will not transition to IRB but will receive a CIA Supplement Protected Amount (see paragraph 31);
d. Applications in progress prior to April 1, 2019 for the EL Benefit (where the application for the Rehabilitation Program was approved prior to April 1, 2019), RISB, CIA and the CIA Supplement will be processed under the Veterans Well being Act as it read immediately before April 1, 2019, and amounts owing prior to April 1, 2019 will be paid under those provisions up to and including March 31, 2019. The benefit will then transition to the IRB effective April 1, 2019 pursuant to (a) above.
e. All unextinguished review rights for decisions of the EL Benefit, RISB, CIA and CIA Supplement are preserved.
f. Decisions using IRB provisions under Part 2 of the new Act, and decisions that are deemed to be decisions under Part 2 of the new Act are subject to review under section 83 of the new Act. There are no formal review rights for decisions which are based strictly on the transitional rules contained in Part 5 of the new Act.
g. Members of the Canadian Armed Forces whose applications are approved for ELB, CIA and CIA Supplement prior to April 1, 2019 and who did not release on or before March 30, 2019 are not eligible for these programs as they ceased to exist on April 1, 2019. They may become eligible for the IRB and the APSC when they become a Veteran. They will need to apply for the new benefits.

Definitions

7. “CAF” means the Canadian Armed Forces.
8. “Consumer Price index” means the annual average of the Consumer Price Index for Canada (not seasonally adjusted) published by Statistics Canada
9. “extinguished review right” means that the review right has not been exercised, or that the prescribed time limit within which a review can be initiated has now expired, unless circumstances beyond the control of the Veteran, survivor or orphan necessitate a longer period pursuant to sections 68 and 69 of the *Veterans Well-being Regulations*.
10. “former Act” means the *Veterans Well-being Act* as it read immediately before April 1, 2019.
11. “indexed” means adjusted annually each year on January 1st in accordance with the annual percentage increase to the Consumer Price Index rounded to the next 0.10%, for the year ending October 31st of the previous year.
12. “new Act” means the Veterans Well-being Act as it read on or after April 1, 2019.
13. “pending application” means an application that has been submitted to the Department and the Department has not yet rendered a decision.
14. “payable” means:
    a. the recipient meets all the eligibility requirements;
    b. eligibility has been determined by the Minister;
    c. there is a legal obligation on the Minister to pay;
    d. the application has the legal right to be paid; and
    e. the amount has not yet been paid by the Minister.

Transition Groups

15. The following describe the transitional rules for specific transition groups. If a situation arises that does not appear to be described in this policy, the case will be addressed with advice from the departmental program management and departmental policy areas.

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Veterans

EL Benefit

The EL Benefit only was payable to the Veteran on March 31, 2019

16. Pursuant to section 99 of the new Act, all Veterans to whom the EL Benefit is payable under subsection 18(1) of the former Act on March 31, 2019 are transitioned to the IRB on April 1, 2019.
    a. The EL Benefit is considered payable on March 31, 2019 if:
        i. the Department approved an Application for the EL Benefit under section 18 of the former Act prior to April 1, 2019 and the benefit was payable on March 31, 2019; or
        ii. the Department approved a pending application for the EL Benefit under section 18 of the former Act on or after April 1, 2019 and the benefit became payable for a period including March 31, 2019 (see paragraph 22); or
        iii. a review on April 1, 2019 or after of a decision rendered prior to April 1, 2019 grants entitlement to the EL Benefit for a period that includes March 31, 2019 (see paragraph 24 or paragraph 26).
    b. If the Veteran was entitled to the EL Benefit prior to April 1, 2019 but the benefit was not payable to the Veteran on March 31, 2019, the Veteran will not transition to the IRB on April 1, 2019 (For example, cancellation of the EL Benefit prior to April 1, 2019).
    c. If the IRB is payable, or becomes payable, to the Veteran on March 31, 2019:
        i. the Veteran is deemed to be entitled to the IRB under section 18 of the new Act on April 1, 2019;
        ii. the IRB begins to be payable on April 1, 2019;
        iii. the physical or mental health problem in respect of the EL Benefit (for which the Department determined, under the former Act, that the Veteran needed a VAC rehabilitation plan or vocational assistance plan) is deemed to be the physical or mental health problem referred to in subsection 18(5) of the new Act for which they were transitioned to the IRB.
        iv. The physical or mental health problem will be used in the administration of the IRB, including DEC determinations under subsection 18(5) of the new Act, continuation of payment under subsection 18(7) of the new Act, and the calculation of the amount payable under section 19 of the new Act. As per subsection 99(2) of the new Act, the Career Progression Factor referred to in subsection 19(2)(a) of the new Act does not apply when the physical or mental health problem for which the Veteran is eligible to the IRB is not resulting primarily from service in the CAF and the CIA Supplement was not payable to the Veteran on March 31, 2019 in respect of that health problem.
        v. Should an additional physical or mental health problem arise, the Veteran must apply for the VAC Rehabilitation Services and Vocational Assistance Program under section 8 of the new Act and for the IRB under subsection 18(1) of the new Act and be found eligible to be able to receive rehabilitation services and financial support for the additional health problem. The Department may also waive the requirement for applications if the available information demonstrates that the Veteran may be eligible for the programs.
    d. The IRB amount payable for a given month is calculated pursuant to section 19(1) of the new Act in accordance with the following transition provisions from section 99:
        i. The amount determined for value “A” in subsection 19(1) of the former Act that was used to calculate the EL Benefit payable for the month of March 2019, indexed to the current year, becomes the IRB Protected Amount.
        ii. The amount determined for Value “A” in the current monthly calculation under the new Act is the greater of:
            1. the amount determined for Value “A” in the current monthly calculation pursuant to the new Act; and

            2. the amount of the IRB Protected Amount as calculated pursuant to i) above.

Example:

The amount determined for Value "A" in the current monthly calculation pursuant to the new Act is $4,500.

The amount of the IRB Protected Amount is $4,606.

The amount of Value "A" therefore becomes $4,606 and the calculation continues pursuant to the new Act.

e. Subject to the transitional provisions, the continued administration of the IRB will be done in accordance with the policy direction in respect of IRB. These policies include but are not limited to:
   i. Income Replacement Benefit policy;
   ii. Diminished Earning Capacity Determination policy; and
   iii. Rehabilitation Services and Vocational Assistance Plan: Assessments, Development and Implementation policy.

The EL Benefit was payable to the Veteran on March 31, 2019 (Veteran had a DEC)

17. Pursuant to section 99 of the new Act, all Veterans to whom the EL Benefit is payable under section 18(4) of the former Act on March 31, 2019 on March 31, 2019 are transitioned to the IRB.
    a. On April 1, 2019, the Veteran is deemed to be entitled to the IRB under section 18 of the new Act and deemed to be entitled to continue to receive the IRB for life pursuant to the provisions of subsection 18(7) of the new Act.
    b. The IRB begins to be payable on April 1, 2019.
    c. The physical or mental health problem in respect of the EL Benefit (for which the Department determined, under the former Act, that the Veteran needed a VAC rehabilitation plan or vocational assistance plan) is deemed to be the physical or mental health problem referred to in subsection 18(5) of the new Act for which they are transitioning to the IRB.
       i. The physical or mental health problem will be used in the administration of the IRB, including DEC follow-up determinations under subsection 20(1) of the new Act and the calculation of the amount payable under section 19 of the new Act. As per subsection 99(2) of the new Act, the Career Progression Factor referred to in subsection 19(2)(a) of the new Act does not apply when the physical or mental health problem for which the Veteran is eligible to the IRB is not resulting primarily from service in the CAF and the CIA Supplement was not payable to the Veteran on March 31, 2019 in respect of that health problem.
       ii. Should an additional physical or mental health problem arise, the Veteran must apply for the VAC Rehabilitation Services and Vocational Assistance Program under section 8 of the new Act, and for the IRB under subsection 18(1) of the new Act and be found eligible to be able to receive rehabilitation services and financial support for the additional health problem. The Department may also waive the requirement for the applications if the available information demonstrates that the Veteran may be eligible for the programs.
    d. Calculation of the IRB amount payable for a given month is done pursuant to section 19(1) of the new Act, taking into account the following transition provisions from section 99:
       i. The amount determined for value "A" in subsection 19(1) of the former Act that was used to calculate the EL Benefit payable for the month of March 2019, indexed to the current year, becomes the IRB Protected Amount.
       ii. Determining Value "A" under the new Act as being the maximum of:
          1. The amount determined for Value "A" in the current monthly calculation pursuant to the New Act; and

2. The IRB Protected Amount as calculated pursuant to i) above.

   Example:

   The amount obtained after applying (i)(a), (i)(b) and (i)(c) is

   $5,650.

   The amount determined in (ii)(a) is $5,625.

   The amount of $5,650 will be used for Value "A" and the calculation of the IRB payable continues as per subsection 19(1) of the new Act.

e. Pursuant to the provisions of subsection 18(10) of the new Act, the IRB may be payable to the Veteran for life.
f. Subject to the transitional rules, the continued administration of the IRB will be done in accordance with the policy direction in respect of IRB. These policies include but are not limited to:
   i. Income Replacement Benefit policy;
   ii. Diminished Earning Capacity Determination policy; and
   iii. Rehabilitation Services and Vocational Assistance Plan: Assessments, Development and Implementation policy.

The EL Benefit and the CIA Supplement were payable to the Veteran on March 31, 2019 (Veteran had a DEC)

18. Pursuant to section 99 of the new Act, all Veterans to whom the EL Benefit is payable under section 18 of the former Act on March 31, 2019 because they have a DEC and who are also in receipt of the CIA Supplement on March 31, 2019 are transitioned to the IRB.
    a. On April 1, 2019, the Veteran is deemed to be entitled to the IRB under section 18 of the new Act and deemed to be entitled to continue to receive the IRB for life pursuant to the provisions of subsection 18(7) of the new Act.
    b. The IRB begins to be payable on April 1, 2019.
    c. The physical or mental health problem in respect of the EL Benefit (for which the Department determined, under the former Act, that the Veteran needed a VAC rehabilitation plan or vocational assistance plan) is deemed to be the physical or mental health problem referred to in subsection 18(5) of the new Act for which they are transitioning to the IRB.
       i. The physical or mental health problem will be used in the administration of the IRB, including DEC follow-up determinations under subsection 20(1) of the new Act and the calculation of the amount payable under section 19 of the new Act. As per subsection 99(2) of the new Act, the Career Progression Factor referred to in subsection 19(2)(a) of the new Act does not apply when the physical or mental health problem for which the Veteran is eligible to the IRB is not resulting primarily from service in the CAF and the CIA Supplement was not payable to the Veteran on March 31, 2019 in respect of that health problem.
       ii. Should an additional physical or mental health problem arise, the Veteran must apply for the VAC Rehabilitation Services and Vocational Assistance Program under section 8 of the new Act, and for the IRB under subsection 18(1) of the new Act and be found eligible to be able to receive rehabilitation services and financial support for the additional health problem. The Department may also waive the requirement for the applications if the available information demonstrates that the Veteran may be eligible for the programs.

d. Calculation of the IRB amount payable for a given month is done pursuant to section 19(1) of the new Act, taking into account the following transition provisions from section 99:
    i. Determining the IRB Protected Amount by:
        1. taking the amount determined for value "A" in subsection 19(1) of the former Act that was used to calculate the EL Benefit payable for the month of March 2019; and
        2. adding to it the amount of the CIA Supplement that was payable for the entire month of March 2019; and
        3. indexing this total amount to the current year.
    ii. Determining Value "A" under the new Act as being the maximum of:
        1. The amount determined for Value "A" in the current monthly calculation pursuant to the New Act; and
        2. The IRB Protected Amount as calculated pursuant to i) above.

        Example:

        The amount obtained after applying (i)(a), (i)(b) and (i)(c) is

        $5,650.

        The amount determined in (ii)(a) is $5,625.

        The amount of $5,650 will be used for Value "A" and the calculation of the IRB payable continues as per subsection 19(1) of the new Act.

e. Despite paragraph e) above, the minimum amount of IRB that is payable in a given month, after income offsets and before taxes, is the amount of the CIA Supplement that was payable for the entire month of March 2019, indexed to the current year.

    Example:

    Calculation of the IRB payable pursuant to section 19(1) of the new Act, including the above provisions, resulted in an IRB payable of

    $1,100, after income offsets and before taxes.

    The amount of the CIA Supplement that was payable for the entire month of March 2019, indexed to the current year, is $1,145.

    Therefore, the amount of the IRB payable, before taxes, will be

    $1,145.

f. Subject to the transitional rules, the continued administration of the IRB will be done in accordance with the policy direction in respect of IRB. These policies include but are not limited to:
    i. Income Replacement Benefit policy;
    ii. Diminished Earning Capacity Determination policy; and
    iii. Rehabilitation Services and Vocational Assistance Plan: Assessments, Development and Implementation policy.

The EL Benefit was payable to the Veteran on March 31, 2019, the Veteran transitioned to the IRB and, on April 1, 2019 or after, it is determined that the Veteran has a DEC effective on or before March 31, 2019

19. Pursuant to section 99 of the new Act, all Veterans to whom the EL Benefit is payable under subsection 18(1) of the former Act on March 31, 2019 and who have been determined to have a DEC effective on or before March 31, 2019 pursuant to subsection 18(4) of the former Act are transitioned to IRB as per the provisions of paragraph 17, with the following additional provisions:
    a. if, on March 31, 2019, the Veteran was entitled to continue to receive the EL Benefit under subsection 18(4) of the former Act, the Veteran is deemed, on April 1, 2019, to be entitled to continue to receive the income replacement benefit under subsection 18(7) of the new Act; and
    b. the monthly amount of IRB payable will be determined with the additional following provision:

        i. Pursuant to subsection 99(2) of the new Act, if the physical or mental health problem in respect of which the Veteran is deemed to be entitled to the IRB under (b) above did not result primarily from service in the CAF and a CIA Supplement was not payable to the Veteran under subsection 38(3) of the former Act on March 31, 2019, then the monthly amount of the IRB that is payable to the Veteran under section 18 of the new Act is determined without any periodic adjustment in accordance with a career progression factor.

Veteran transitioned to the IRB from the EL Benefit, has a DEC (effective any date) and attains the age of 65 on April 1, 2019 or after

20. As per the provision of subsection 18(7) of the new Act, the IRB may continue to be paid to a Veteran for life. The monthly amount of IRB payable to Veterans for a given month after the month in which they reach the age of 65 is determined pursuant to section 19.1 of the new Act, pursuant to subsection 99(4):
    a. If, on March 31, 2019, the CIA Supplement was not payable to the Veteran, the Veteran has an IRB Protected Amount which is determined by:
        i. taking the amount determined for value “A” in subsection 19(1) of the former Act that was used to calculate the EL Benefit payable for the month of March 2019; and
        ii. indexing it to the current year.
    b. If, on March 31, 2019, the CIA Supplement was payable to the Veteran, the Veteran has an IRB Protected Amount which is determined by:
        i. taking the amount determined for value “A” in subsection 19(1) of the former Act that was used to calculate the EL Benefit payable for the month of March 2019; and
        ii. adding the amount of the CIA Supplement that was payable for the entire month of March 2019; and
        iii. indexing this total amount to the current year.
    c. If the amount determined for value “A” in section 19.1 of the new Act, indexed until the benefit is payable, is less than 70% of the IRB Protected Amount determined in accordance with a) or b) above, the amount determined for value “A” is to be replaced by 70% of the applicable IRB Protected Amount.
    d. Despite a), b) and c) above, the minimum amount of IRB that is payable for a given month, before taxes, is the amount of the CIA Supplement that was payable for the entire month of March 2019, indexed to the current year.
    e. Subject to the transitional rules, the continued administration of the IRB will be done in accordance with the policy direction in respect of IRB. These policies include, but are not limited to:
        i. Income Replacement Benefit policy;
        ii. Diminished Earning Capacity Determination policy; and
        iii. Rehabilitation Services and Vocational Assistance Plan: Assessments, Development and Implementation policy.

Veteran transitioned to the IRB on April 1, 2019. On March 31, 2019, the CIA Supplement was payable to the Veteran. The Veteran's IRB is not payable for a given month (it has ended or has been canceled).

21. The CIA Supplement Protected Amount will be payable to the Veteran for a given month that the IRB is not payable to the Veteran (for example, the IRB has ended), beginning with the month of April 1, 2019 and ending with the month in which the Veteran dies.
    a. The CIA Supplement Protected Amount is the amount of the CIA Supplement payable to the Veteran for the month of March 2019.
        i. The CIA Supplement amount used to calculate the CIA Supplement Protected Amount will be for the entire month even if the CIA Supplement is only payable for a portion of March 2019.
        ii. The CIA Supplement Protected Amount will be indexed annually.
        iii. The CIA Supplement Protected Amount is not a CIA Supplement payment since the CIA Supplement provisions are repealed. The CIA Supplement Protected Amount is defined as compensation for the purposes of sections 88-90 of the new Act (overpayments; compensation not to be assigned or charged and exempt from seizure and execution; no interest payable in respect of the compensation) and subsection 93(1) (certificates as evidence). Subsection 88(4) (erroneous payments) also applies to the CIA Supplement Protected Amount.
        iv. The CIA Supplement Protected Amount ceases to be payable if the Department determines that eligibility for the amount is based on a misrepresentation or the concealment of a material fact. This decision is deemed to be a decision under Part 2 of the new Act and is subject to review under section 83.
    b. If the IRB subsequently becomes payable to the Veteran in the same month(s) that the CIA Supplement Protected Amount was paid to the Veteran (for example, a suspension of the IRB is removed on review), the amount of the CIA Supplement Protected Amount that was paid in the given month(s) will be an overpayment, as the IRB payment calculation also includes the CIA Supplement amount. An adjustment will be required when the IRB is paid so that the Veteran does not receive the CIA Supplement twice for the month(s) in question.

The Veteran's application for VAC's Rehabilitation Services and Vocational Assistance Program is approved on March 31, 2019 or earlier but, as of March 31, 2019, the application for the EL Benefit is pending

22. Pursuant to the transitional rules and section 101 of the new Act, the determination in respect of pending EL Benefit applications will be actioned applying the pertinent provisions of the former Act and corresponding Regulations as well as the relevant EL Benefit policies in place prior to April 1, 2019.
    a. If the application is approved the Department will pay the Veteran the EL Benefit he or she is entitled to under the former Act for the period beginning on the day the EL Benefit begins to be payable under the former Act to March 31, 2019.
    b. If, as a result of a) above, the EL Benefit is payable on March 31, 2019, the Veteran will transition to the IRB effective April 1, 2019 according to the applicable rules of paragraphs 16, 17 and 18.
    c. Rights of review associated with pending applications are preserved. If, on or after April 1, 2019, the Department makes a determination to deny an application for the EL Benefit that was pending on March 31, 2019 under subsection 18(1) of the former Act, the determination is deemed to be made prior to April 1, 2019 for the purpose of reviews pursuant to section 102 of the new Act (see paragraph 24).

The Veteran's applications for VAC's Rehabilitation Services and Vocational Assistance Program and for the EL Benefit are pending on March 31, 2019

23. Pursuant to section 100 of the new Act, if, on March 31, 2019, a Veteran has a pending application for VAC's Rehabilitation Services and Vocational Assistance Program and a pending application for the EL Benefit, the pending application for the EL Benefit is deemed to be an application made on April 1, 2019 for the IRB under subsection 18(1) of the new Act.

    Note: For information regarding the pending application for VAC's Rehabilitation Services and Vocational Assistance Program please consult the Rehabilitation Services and Vocational Assistance Plan: Assessments, Development and Implementation policy.

Review on April 1, 2019 or after of an EL Benefit decision rendered, or deemed to have been rendered, prior to April 1, 2019

24. Pursuant to section 102 of the new Act, unextinguished review rights associated with EL Benefit decisions made, or deemed to have been made, prior to April 1, 2019 are subject to review under section 83 of the former Act.
    a. An application for a review of an EL Benefit decision may be pending on March 31, 2019, or may be initiated by a Veteran on April 1, 2019 or after under section 83 of the former Act as long as the review right has not been extinguished.
    b. Where review rights are not extinguished, the Department must action pending reviews or reviews that are initiated on April 1, 2019 or after.
    c. The Department may also review an EL Benefit decision on the Minister's own motion under section 83 of the former Act.
    d. Subject to the transitional rules, reviews of EL Benefit decisions will be conducted applying the pertinent provisions of the former Act and corresponding Regulations as well as the relevant EL Benefit policies in place prior to April 1, 2019.
    e. The decision to approve the EL Benefit must be made no later than the day of the Veteran's 65th birthday.
        i. In circumstances where the decision-maker is satisfied that there was administrative error, oversight or omission by the Department that led to an unreasonable delay in the Veteran accessing benefits to which he or she should have received earlier, the case will be reviewed with the advice of the departmental policy area.
    f. If the Department makes a final determination to approve an application for the EL Benefit in respect of a physical or mental health problem on April 1, 2019 or after as the result of a review under section 83 of the former Act, the Veteran is deemed, on the day of the determination, to be entitled to IRB under subsection 18(1) of the new Act in respect of that health problem.
    g. Paragraph (f) above does not apply to a Veteran if the final determination it refers to is made after the day on which the Veteran attains the age of 65 years.
    h. Subject to (f) and (g) above:
        i. The EL Benefit begins to be payable in the month when the original decision was rendered and is calculated pursuant to the provisions of the former Act.
        ii. The IRB begins to be payable post-April on the first day of the month the determination is made to approve the EL Benefit under the former Act.
        iii. In accordance with the transitional provisions, the monthly amount of the IRB for Veterans transitioning from the EL Benefit will be calculated pursuant to the applicable rules of paragraphs 16, 17, 18 and 19.
        iv. Should an additional physical or mental health problem arise, the Veteran must apply for the VAC Rehabilitation Services and Vocational Assistance Program under section 8 of the new Act and for the IRB under subsection 18(1) of the new Act and be found eligible to be able to

receive rehabilitation services and financial support for the additional health problem. The Department may also waive the requirement for applications if the available information demonstrates that the Veteran may be eligible for the programs.

Review, on April 1, 2019 or after, of an unfavourable DEC decision rendered prior to April 1, 2019 for a Veteran who transitioned to the IRB on April 1, 2019 (EL Benefit was payable on March 31, 2019)

25. DEC determinations that were made prior to April 1, 2019 are subject to review under section 83 of the former Act.
    a. An application for a review of an unfavourable DEC decision rendered prior to April 1, 2019 may be pending on March 31, 2019, or may be initiated by a Veteran on April 1, 2019 or after under section 83 of the former Act as long as the review right has not been extinguished.
    b. Where review rights are not extinguished, the Department must action pending reviews or reviews that are initiated on April 1, 2019 or after.
    c. The Department may also review an unfavourable DEC decision on the Minister's own motion under section 83 of the Veteran's Well-being Act.
    d. Subject to the transitional rules, reviews of unfavourable DEC decisions that were rendered prior to April 1, 2019 will be conducted applying the pertinent provisions of the former Act and corresponding Regulations as well as the relevant EL Benefit and DEC policies in place prior to April 1, 2019.
    e. Pursuant to section 103 of the new Act, if the Department makes a final determination that a Veteran has a DEC due to a physical or mental health problem in respect of which the Veteran was entitled to the EL Benefit prior to April 1, 2019 as the result of a review under section 83 of the former Act on April 1, 2019 or after, the following rules apply:
        i. the final determination is effective on the given day that the Department made the unfavourable DEC decision prior to April 1, 2019; and
        ii. as the Veteran has transitioned to the IRB from the EL Benefit on April 1, 2019 (see paragraphs 16-18), the IRB continues to be payable to the Veteran for life or until the Veteran no longer has a DEC under subsection 18(7) of the new Act.
        iii. The calculation of the IRB payable under section 19 of the new Act is subject to subsection 99(2) of the new Act and will not include adjustments of the military salary by the Career Progression Factor if the DEC determination has been made in respect of a physical or mental health problem that did not result primarily form service in the CAF and a CIA Supplement was not payable to the Veteran pursuant to subsection 38(3) of the former Act.
    f. A Veteran who receives a favourable review as per (e) is deemed to have made an application for the CIA Supplement under subsection 38(3) of the former Act on March 31, 2019 (see paragraph 32), if:
        i. the CIA was payable to the Veteran on March 31, 2019; and
        ii. prior to April 1, 2019, the Department made an unfavourable CIA Supplement decision under subsection 38(3) of the former Act; and
        iii. a review has not been initiated for the unfavourable CIA Supplement decision.

Review, on April 1, 2019 or after, of an unfavourable DEC decision rendered prior to April 1, 2019 for a Veteran who was no longer entitled to the EL Benefit on March 31, 2019 due to the cancellation or completion of a rehabilitation or vocational assistance plan, or because of having attained the age of 65

26. DEC determinations that were made prior to April 1, 2019 are subject to review under section 83 of the former Act.

a. An application for a review of an unfavourable DEC decision rendered prior to April 1, 2019 may be pending on March 31, 2019, or may be initiated by a Veteran on or after April 1, 2019 under section 83 of the former Act, as long as the review right has not been extinguished.
b. Where review rights are not extinguished, the Department must action pending reviews or reviews that are initiated on or after April 1, 2019.
c. The Department may also review an unfavourable DEC decision on the Minister's own motion under section 83 of the former Act.
d. Subject to the transitional rules, reviews of unfavourable DEC decisions that were rendered prior to April 1, 2019 will be conducted applying the pertinent provisions of the former Act and corresponding Regulations as well as the relevant EL Benefit and DEC policies in place prior to April 1, 2019.
e. If the Department makes a final determination that a Veteran has a DEC due to a physical or mental health problem in respect of which the Veteran was entitled to the EL Benefit prior to April 1, 2019 as the result of a review under section 83 of the former Act on April 1, 2019 or after, the Veteran is deemed, on the day he or she was no longer entitled to the EL Benefit, to be entitled to continue to receive the EL Benefit under subsection 18(4) of the former Act.
f. The Department will pay the Veteran the EL Benefit he or she is entitled to under the former Act for the period beginning on the day the EL Benefit is continued under the former Act until the earlier of March 31, 2019 and the day of the Veteran's 65th birthday.
g. A Veteran who receives a favourable review as per (e) is deemed to have made an application for the CIA Supplement under subsection 38(3) of the former Act on March 31, 2019, if:
    i. the CIA was payable to the Veteran on March 31, 2019; and
    ii. prior to April 1, 2019, the Department made an unfavourable CIA Supplement decision under subsection 38(3) of the former Act; and
    iii. a review has not been initiated for the unfavourable CIA Supplement decision.
h. If the Veteran turns the age of 65 on or before March 30, 2019 during the period the EL Benefit continues to be paid, the Veteran is deemed to have made an application for the RISB under subsection 40.1(1) of the former Act on the day of his or her 65th birthday (see paragraph 29).
i. A Veteran whose review of the DEC under the above provisions results in the EL Benefit being payable on March 31, 2019 (including a Veteran who has the CIA Supplement payable on March 31, 2019) transitions to the IRB effective April 1, 2019 as per the rules in paragraph 19.

RISB

RISB was payable to the Veteran on March 31, 2019 (including Veterans who also have the CIA Supplement payable on March 31, 2019)

27. Pursuant to section 115 of the new Act, all Veterans to whom the RISB is payable under subsection under section 40.1 or 40.2 of the former Act on March 31, 2019 are transitioned to the IRB on April 1, 2019.
    a. The RISB is considered payable on March 31, 2019, if:
        i. the Department approved an application for the RISB under section 40.1 or 40.2 of the former Act prior to April 1, 2019 and the benefit was payable on March 31, 2019; or
        ii. the Department approved a pending application for the RISB under section 40.1 or 40.2 of the former Act on or after April 1, 2019 and the benefit became payable for a period including March 31, 2019 (see paragraph 29);
        iii. the Department approved a deemed application for the RISB under section 40.1 or 40.2 of the former Act on April 1, 2019 or after and the benefit became payable for a period including March 31, 2019; or

iv. a review on April 1, 2019 or after of a decision rendered prior to April 1, 2019 grants entitlement to the RISB for a period that includes March 31, 2019.

b. The RISB is not payable to the Veteran if the RISB was cancelled prior to April 1, 2019.
c. If the RISB is payable, or becomes payable to the Veteran on March 31, 2019 under section 40.1 or 40.2 of the former Act:
    i. the Veteran is deemed to be entitled to the IRB under section 18 of the new Act;
    ii. the Veteran is deemed to be entitled to continue to receive the IRB for life under subsection 18(10) of the new Act on April 1, 2019; and
    iii. The IRB begins to be payable on April 1, 2019.

Calculation of IRB amount payable, including protected amounts of IRB

d. The monthly amount of the IRB will be calculated using the IRB formula in subsection 19.1(1) of the new Act and applying the following transition rules:
    i. The amount determined for A in the formula is 70% of the IRB the Veteran would have been entitled to in the month of March 2019 before offsets, as determined under subsection 19(1) of the new Act, not including adjustments to the monthly military salary by a career progression factor, as if:
        1. the IRB had been payable to the Veteran for that month; and
        2. the Veteran had attained the age of 65 years in that month.
    ii. The amount obtained for A will be indexed annually.
    iii. A protected amount of the IRB before offsets will be used in the calculation of the IRB for a given month where the amount of the IRB before offsets obtained pursuant to (ii) is less than the protected amount. The protected amount is the total sum of:
        1. the EL Benefit portion of the RISB amount (before offsets) payable to the Veteran for the month of March 2019; and
        2. 70% of the amount of the CIA supplement payable to the Veteran for the month of March 2019.

            Note: The CIA Supplement amount used to calculate the protected monthly amount of the IRB will be for the entire month even if the benefit is only payable for a portion of March 2019.

    iv. The protected amount of the IRB will be indexed annually.

Minimum amount of IRB for a given month

    v. The monthly amount of the IRB payable to the Veteran after offsets for a given month will never be less than the amount of the CIA Supplement payable to the Veteran for the month of March 2019, indexed annually.

        Note: The CIA Supplement amount used to calculate the minimum amount of the IRB will be for the entire month even if the benefit is only payable for a portion of March 2019.

Veteran transitioned to the IRB from the RISB on April 1, 2019. On March 31, 2019, the CIA Supplement was payable to the Veteran. The Veteran's IRB is not payable for a given month (it has ended or has been canceled).

28. The CIA Supplement Protected Amount will be payable to the Veteran for a given month that the IRB is not payable to the Veteran (the IRB has ended or has been canceled), beginning with the month of April 1,

2019 and ending with the month in which the Veteran dies.

a. The CIA Supplement Protected Amount is the amount of the CIA Supplement payable to the Veteran for the month of March 2019.
    i. The CIA Supplement amount used to calculate the CIA Supplement Protected Amount will be for the entire month even if the CIA Supplement is only payable for a portion of March 2019.
    ii. The CIA Supplement Protected Amount will be indexed annually.
    iii. The CIA Supplement Protected Amount is not a CIA Supplement payment since the CIA Supplement provisions are repealed. The CIA Supplement Protected Amount is defined as compensation for the purposes of sections 88-90 of the new Act (overpayments; compensation not to be assigned or charged and exempt from seizure and execution; no interest payable in respect of the compensation) and subsection 93(1) (certificates as evidence). Subsection 88(4) (erroneous payments) also applies to the CIA Supplement Protected Amount.
    iv. The CIA Supplement Protected Amount ceases to be payable if the Department determines that eligibility for the amount is based on a misrepresentation or the concealment of a material fact. This decision is deemed to be a decision under Part 2 of the new Act and is subject to review under section 83.
b. If the IRB subsequently becomes payable to the Veteran in the same month(s) that the CIA Supplement Protected Amount was paid to the Veteran (for example, a suspension of the IRB is removed on review), the amount of the CIA Supplement Protected Amount that was paid in the given month(s) will be an overpayment, as the IRB payment calculation also includes the CIA Supplement amount. An adjustment will be required when the IRB is paid so that the Veteran does not receive the CIA Supplement twice for the month(s) in question.

Veteran has a pending application for the RISB on March 31, 2019

29. Pursuant to sections 116 and 117 of the new Act, if a Veteran has a pending application for the RISB on March 31, 2019, the Department will make a determination in respect of the application for the RISB under subsection 40.1(1) or 40.2(1) of the former Act on April 1, 2019 or after.
    a. If the application is approved, the Department will pay the Veteran the RISB he or she is entitled to under the former Act for the period beginning on the day the RISB begins to be payable under the former Act to March 31, 2019. If the determination is made after March 31, 2020, it is deemed to be made on March 31, 2020 for the purpose of determining the date the RISB begins to be payable under subsection 40.1(2) or 40.2(2) of the former Act. This ensures that the RISB is payable prior to April 1, 2019.
    b. A Veteran who has RISB payable on March 31, 2019 (including Veterans who have CIA Supplement payable on March 31, 2019) is deemed to be entitled to IRB on April 1, 2019 (see paragraph 27).

CIA/CIA Supplement

Veteran had the CIA payable on March 31, 2019

30. The CIA is not covered in this policy as it transitions to the Additional Pain and Suffering Compensation as per its transition rules.

Veteran had the CIA Supplement payable on March 31, 2019 (and neither the EL Benefit nor the RISB were payable on March 31, 2019)

31. Pursuant to section 109 of the new Act, all Veterans to whom the CIA Supplement is payable under subsection 38(3) of the former Act on March 31, 2019 and for whom neither the EL Benefit nor RISB are payable on March 31, 2019 are given a CIA Supplement Protected Amount.
    a. The CIA Supplement is considered payable to the Veteran on March 31, 2019 under subsection 38(3) of the former Act if:
        i. the Department approved an application for the CIA Supplement under subsection 38(3) of the former Act prior to April 1, 2019, and the CIA Supplement was payable on March 31, 2019; or
        ii. the Department approves a pending application for the CIA Supplement under subsection 38(3) of the former Act on or after April 1, 2019, and the CIA Supplement became payable for a period including March 31, 2019 (see paragraph 32); or
        iii. the Department approves a deemed application for the CIA Supplement under subsection 38(3) of the former Act on or after April 1, 2019, and the CIA Supplement became payable for a period including March 31, 2019 (see paragraph 25); or
        iv. the Department approves an application for the CIA Supplement under subsection 38(3) of the former Act through a review under section 83 on or after April 1, 2019, and the CIA Supplement became payable for a period including March 31, 2019 (see paragraph 34).
    b. The CIA Supplement is not payable to the Veteran if the CIA Supplement was cancelled prior to April 1, 2019.
    c. If a CIA Supplement amount is payable, or becomes payable, to a Veteran on March 31, 2019 but neither an EL Benefit nor a RISB are payable on that day, a CIA Supplement Protected Amount will be payable to the Veteran beginning with the month of April 2019 and ending with the month in which the Veteran dies.
    d. The CIA Supplement Protected Amount is the amount of the CIA Supplement payable to the Veteran for the month of March 2019, indexed annually.

       Note: The CIA Supplement amount used to calculate the CIA Supplement Protected Amount will be for the entire month even if the benefit is only payable for a portion of March 2019.

    e. The CIA Supplement Protected Amount is not a CIA Supplement payment since the CIA Supplement provisions are repealed. The CIA Supplement Protected Amount is defined as compensation for the purposes of sections 88-90 of the new Act (overpayments; compensation not to be assigned or charged and exempt from seizure and execution; no interest payable in respect of the compensation) and subsection 93(1) (certificates as evidence). Subsection 88(4) (erroneous payments) also applies to the CIA Supplement Protected Amount.
    f. The CIA Supplement Protected Amount ceases to be payable if the Department determines that eligibility for the amount is based on a misrepresentation or the concealment of a material fact. This decision is deemed to be a decision under Part 2 of the new Act and is subject to review under section 83.

       If the EL Benefit or RISB becomes payable in the month of March 2019 due to decisions on or after April 1, 2019

    g. Pursuant to section 109 of the new Act, if the EL Benefit or RISB becomes payable on March 31, 2019 as a result of a decision on or after April 1, 2019, then the Veteran will transition to the IRB on April 1, 2019 pursuant to paragraphs 16 and 17 above for the EL Benefit, and paragraph 27 for the RISB.

       If the IRB becomes payable for the month of April 2019 or any month afterwards

h. If the IRB becomes payable to the Veteran under subsection 18(1) of the new Act for the month of April 2019 or any month onward, the CIA Supplement amount payable to the Veteran on March 31, 2019 under subsection 38(3) of the former Act begins to be protected through the IRB, and the CIA Supplement Protected Amount ceases to be payable as a separate payment.

   Despite subsections 19(1) and 19.1(1), the amount of the IRB payable to the Veteran, after offsets, for each month after the month the CIA Supplement Protected Amount ceases to be paid as a separate amount will not be less than the amount of CIA Supplement payable to the Veteran for the month of March 2019, indexed to the current year.

   i. The CIA Supplement amount used to calculate the minimum amount of the IRB will be for the entire month even if the benefit is only payable for a portion of March 2019.
   ii. If the IRB begins to be payable in a month in which the CIAS Protected Amount was paid, then the amount of the IRB in this(these) month(s) will be calculated without the minimum amount in (g).

Veteran has a pending application for the CIA and/or the CIA Supplement on March 31, 2019

32. Pursuant to section 110 of the new Act, if a Veteran has a pending application for the CIA and/or the CIA Supplement on March 31, 2019, the Department must make a determination in respect of the application for CIA and/or the CIA Supplement under subsection 38(1) and/or (3) of the former Act on or after April 1, 2019.
    a. Subject to the transitional rules, determinations in respect of pending CIA and/or CIA Supplement applications will be actioned applying the pertinent provisions of the former Act and corresponding Regulations as well as the relevant CIA and/or CIA Supplement policy in place prior to April 1, 2019.
    b. If the application is approved, the Department will pay the Veteran the CIA and/or the CIA Supplement he or she is entitled to under the former Act for the period beginning on the day the CIA and/or the CIA Supplement begins to be payable under the former Act to March 31, 2019. If the decision is made after March 31, 2020, it is deemed to be made on March 31, 2020 for the purpose of determining the date the CIA and/or the CIA Supplement begins to be payable under section 39 of the former Act. This ensures that the CIA and/or the CIA Supplement is payable prior to April 1, 2019.
    c. If the Veteran transitioned to IRB under section 99 of the new Act because the EL Benefit or RISB was payable to the Veteran on March 31, 2019, the Department will need to re-calculate the IRB payable as the CIA Supplement amount payable to the Veteran on March 31, 2019 now needs to be considered as per the transition rules (see paragraphs 16 and 17 (EL Benefit); see paragraph 27 (RISB)). As a result, there may be a change to the amount of IRB payable from April 2019 onward.
    d. A Veteran who has the CIA Supplement payable on March 31, 2019 (no EL Benefit or RISB payable on March 31, 2019) as a result of a favourable determination of a pending application is given a CIA Supplement Protected Amount on April 1, 2019 (see paragraph 31).
    e. Veterans who have the CIA payable on March 31, 2019 will transition to the Additional Pain and Suffering Compensation.
    f. Pursuant to section 111 of the new Act, rights of review associated with pending applications are preserved in the transitional provisions. If, on or after April 1, 2019, the Department makes a determination to deny an application for the CIA and/or the CIA Supplement that was pending on March 31, 2019 under subsection 38(1) and/or 38(3) of the former Act, the determination is deemed to be made prior to April 1, 2019 for the purpose of reviews pursuant to section 111 of the Veteran's Well-being Act.

Review of the CIA grade level

33. Pursuant to section 111 of the new Act, an application for a review of a decision respecting the CIA grade level rendered prior to April 1, 2019 may be pending on March 31, 2019, or may be initiated by a Veteran on or after April 1, 2019 under section 83 of the former Act, as long as the review right has not been extinguished. Pursuant to section 112 of the new Act, where review rights are not extinguished, the Department must action pending reviews or reviews that are initiated on or after April 1, 2019.
    a. The Department may also review a decision respecting the the CIA grade level on the Minister's own motion under section 83 of the former Act.
    b. Subject to the transitional rules, reviews of decisions respecting the CIA grade level that were rendered prior to April 1, 2019 will be conducted applying the pertinent provisions of the former Act and corresponding Regulations as well as the relevant CIA and CIA Supplement policy that was in place prior to April 1, 2019. Please see Annex A of the Additional Pain and Suffering Compensation policy for direction on this matter.
    c. If the Department makes a determination to approve a change to the amount of the CIA payable to the Veteran for a period prior to April 1, 2019 as the result of a review of the CIA grade level under section 83 of the Veterans Well-being Act on or after April 1, 2019, the Department will pay the Veteran the difference in the amount of the CIA he or she is entitled to under the former Act for the period beginning on the latest of the following and ending on March 31, 2019:
        i. the day on which the application was made under subsection 38(1) of the former Act;
        ii. the day that is one year before the day on which the determination to approve the grade level change is made; and
        iii. the day after the day the Veteran was released from the CAF.

        If the determination to approve the grade level change is made after March 31, 2020 it is deemed to be made on that date for the purpose of determining the date the difference in the amount of the CIA begins to be payable under section 39 of the former Act. This ensures that the CIA and/or the CIA supplement is payable prior to April 1, 2019.

Review of an Unfavourable CIA and/or CIA Supplement decision

34. Pursuant to section 111 of the new Act, an application for a review of an unfavourable CIA and/or CIA Supplement decision rendered prior to April 1, 2019 may be pending on March 31, 2019 or may be initiated by a Veteran on or after April 1, 2019 under section 83 of the former Act as long as the review right has not been extinguished. Where review rights are not extinguished, the Department must action pending reviews or reviews that are initiated on or after April 1, 2019.
    a. The Department may also review CIA and/or CIA Supplement decisions on the Minister's own motion under section 83 of the Veteran's Well-being Act.
    b. Subject to the transitional rules, reviews of unfavourable CIA and/or CIA Supplement decisions that were rendered prior to April 1, 2019 will be conducted applying the pertinent provisions of the former Act and corresponding Regulations as well as the relevant CIA and CIA Supplement policy in place prior to April 1, 2019.
    c. If the Department approves an application for the CIA and/or the CIA Supplement on or after April 1, 2019 as the result of a review under section 83 of the Veterans Well-being Act, the Department will pay the Veteran the CIA and/or the CIA Supplement he or she is entitled to under the former Act for the period beginning on the day the CIA and/or the CIA Supplement begins to be payable under the former Act to March 31, 2019.

i. If the determination is made after March 31, 2020, it is deemed to be made on March 31, 2020 for the purpose of determining the date the CIA and/or the CIA Supplement begins to be payable under section 39 of the former Act. This ensures that the CIA and/or the CIA Supplement is payable prior to April 1, 2019.

d. A Veteran who has the CIA Supplement payable on March 31, 2019 as the result of a favourable review and also has the EL Benefit or RISB payable on March 31, 2019 is deemed to be entitled to the IRB on April 1, 2019 (see paragraph 18 (EL Benefit); see paragraph 27 (RISB)).
e. A Veteran who has the CIA Supplement only payable on March 31, 2019 as the result of a favourable review (no EL benefit or RISB payable on March 31, 2019) is given a CIA Supplement Protected Amount on April 1, 2019 (see paragraph 31).
f. Veterans who have the CIA payable on March 31, 2019 will transition to the Additional Pain and Suffering Compensation (APSC).

SRB

Veteran who was at any time prior to April 1, 2019 entitled to continue to receive the EL Benefit due to a favourable DEC decision

35. Pursuant to section 124 of the new Act, an SRB amount is payable to a Veteran if the Veteran was at any time prior to April 1, 2019 entitled to continue to receive the EL Benefit under subsection 18(4) of the former Act and has not receive the SRB amount to which he or she is entitled to.

    Calculation of the SRB payment

    a. As per subsection 124(2) and sections 127, 128 and 129 of the new Act:
        i. the amount payable to the Veteran is an amount equal to 2% of the EL Benefit before offsets that would have been payable to the Veteran under section 18 of the former Act until March 31, 2019;
        ii. the amount payable is to be reduced by any SRB amount that has already been paid;
        iii. the amount is paid as a lump sum;
        iv. the Veteran is required to provide the Department with any information or document specified by the Department as needed to establish his or her entitlement to the SRB payment; and
        v. the SRB amount paid is not an SRB payment as the SRB provisions have been repealed on April 1, 2019. The SRB amount paid is defined as compensation for the purposes of sections 88-90 of the new Act (overpayments; compensation not to be assigned or charged and exempt from seizure and execution; no interest payable in respect of the compensation) and subsection 93(1) (certificates as evidence). Subsection 88(4) (erroneous payments) also applies to the SRB amount paid.

Survivors and Orphans

EL Benefit

Survivor or orphan to whom the EL Benefit was payable on March 31, 2019

36. Pursuant to section 106 of the new Act, all survivors and orphans to whom EL Benefit was payable under subsection 22(1) of the former Act on March 31, 2019 are transitioned to the IRB.
    a. The EL Benefit is payable to the survivor or orphan on March 31, 2019 under section 22 of the former Act if:

i. the Department approved an application for the EL Benefit under section 22 of the former Act prior to April 1, 2019 and the Benefit was payable on March 31, 2019; or
ii. the Department approves a pending application for the EL Benefit under section 22 of the former Act on or after April 1, 2019 and the benefit became payable for a period including March 31, 2019 (see paragraph 37); or
iii. the Department approves an application for the EL Benefit under section 22 of the former Act, through a review under section 83 on or after April 1, 2019, and the benefit became payable for a period including March 31, 2019 (see paragraph 38).

b. The EL Benefit is not payable to the survivor or orphan under section 22 of the former Act prior to April 1, 2019 if the benefit was cancelled prior to April 1, 2019.
c. If the EL Benefit is payable to the survivor or orphan on March 31, 2019, as defined above, the survivor or orphan transitions to the IRB and is deemed to be entitled to IRB on April 1, 2019.
d. The IRB begins to be payable on April 1, 2019.

Calculation of IRB – for months before and including the month of the member or Veteran's 65th birthday

e. The monthly amount of IRB for months before and including the month of the member's or Veteran's 65th birthday for a survivor or orphan will be calculated pursuant to section 23 of the new Act, including adjustments to the monthly military salary by a career progression factor, and taking into account the following transition provisions from section 106:
    i. Survivors and orphans have a protected amount of IRB before offsets equal to the amount of the EL Benefit (before offsets) payable to the survivor or orphan for the month of March 2019 (indexed annually). The EL Benefit amount used to calculate the protected monthly amount of the IRB will be for the entire month even if the benefit is only payable for a portion of March 2019.
    ii. When the amount obtained in 23(1)(a) of the new Act is less than the protected amount of IRB determined in (i) above, the protected amount of IRB will be used in the calculation for a given month.
        1. The protected amount of the IRB for the survivor or orphan is not used in a given month when the amount of the IRB before offsets in a given month is equal to or greater than the protected amount.
        2. The protected amount of the IRB for the survivor or orphan is no longer used when the facts that were used to determine the percentage of the IRB amount payable to the survivor or orphans under subsection 23(2) of the new Act are different than the facts that were used to determine the percentage of the EL Benefit payable to the survivor or orphan under the former Act for the month of March 2019.
            a. The protected amount for an orphan or orphans will cease when there is a change in the number of orphans eligible for the benefit. The calculation of the IRB amount payable will continue without a protected amount.
            b. The protected amount for the survivor will cease when there are no longer any eligible orphans, or if there were no eligible orphans on March 31, 2019 and there is now one or more eligible orphans. The calculation of the IRB amount payable will continue without using a protected amount.

Calculation of IRB – after the month the member or Veteran, if alive, would have attained the age of 65

f. The monthly amount of IRB payable for a given month after the month the member or Veteran, if alive, would have attained the age of 65 (paragraph 23(1)(b) of the new Act) for a survivor or orphan will be calculated under section 23 of the new Act, taking into account the following transition provisions from section 106:
    i. Where the protected amount of the IRB for the survivor is still being used in the calculation of the IRB on the first day of the month following the month the member or Veteran, if alive, would have attained the age of 65, the protected amount will be recalculated according to the following formula:
        1. 70% x (70% of the protected amount of the IRB for the survivor in the month following the member's or Veteran's 65th birthday); and
        2. This new protected amount will continue to be indexed annually.
        3. The protected amount of the IRB for the survivor is not used when the amount of the IRB before offsets in a given month, as calculated under the new Act, is equal to or greater than the protected amount.
        4. The protected amount of the IRB for the survivor is no longer used when the facts used to determine the percentage of the IRB amount payable to the survivor are different than the facts that were used to determine the percentage of the EL Benefit payable to the survivor under the former Act for the month of March 2019, i.e.:
            a. there are no longer any eligible orphans; or
            b. if there were no eligible orphans on March 31, 2019, there is now one or more eligible orphans.
    ii. If the protected amount of IRB for the orphan(s) is still being used, it stops being used starting with the month after the month where the member or Veteran, if alive, would have attained the age of 65.
    iii. When the protected amount is no longer being used, the calculation of the IRB amount payable continues under the provisions of the new Act without using a protected amount.

Survivor or orphan who has a pending application for the EL Benefit on March 31, 2019

37. Pursuant to section 107 of the new Act, if a survivor or orphan has a pending application for the EL Benefit on March 31, 2019, the Department must make a determination in respect of the application for the EL Benefit under subsection 22(1) of the former Act on or after April 1, 2019.
    a. If the application is approved, the Department will pay the survivor or orphan the EL Benefit he or she is entitled to under the former Act for the period beginning on the day the EL Benefit begins to be payable under the former Act to March 31, 2019. If the determination is made after March 31, 2020, it is deemed to be made on March 31, 2020 for the purpose of determining the date the EL Benefit begins to be payable under subsection 22(2) of the former Act. This ensures that the EL Benefit is payable prior to April 1, 2019.
    b. A survivor or orphan who has the EL Benefit payable as the result of (a) above is deemed to be entitled to the IRB on April 1, 2019 (see paragraph 36).
    c. If the EL Benefit that is payable to the survivor as indicated in (a) above ceases to be payable before March 31, 2019 due to the fact that the member or Veteran, if alive, would have attained the age of 65, the survivor is deemed to have made an application for the RISB under subsection 40.4(1) of the former Act on the day the member or Veteran, if alive, would have attained the age of 65 (see paragraph 43).
    d. Rights of review associated with pending applications are preserved in the transitional provisions. If, on or after April 1, 2019, the Department makes a determination to deny an application for the EL Benefit that was pending on March 31, 2019 under subsection 18(1) of the former Act, the determination is deemed to be made prior to April 1, 2019 for the purpose of reviews pursuant to

section 108 of the Veteran's Well-being Act (see paragraph 38).

Review of an EL Benefit Decision rendered, or deemed to have been rendered, prior to April 1, 2019

38. Pursuant to section 108 of the new Act, an application for a review of an EL Benefit decision rendered, or deemed to have been rendered, prior to April 1, 2019 may be pending on March 31, 2019 or may be initiated by a survivor or orphan on or after April 1, 2019 under section 83 of the former Act, as long as the review right has not been extinguished.
    a. Where review rights are not extinguished, the Department must action pending reviews or reviews that are initiated on or after April 1, 2019.
    b. The Department may also review an EL Benefit decision on the Minister's own motion under section 83 of the Veteran's Well-being Act.
    c. Subject to the transitional rules, reviews of EL Benefit decisions that were rendered prior to April 1, 2019 will be conducted applying the pertinent provisions of the former Act and corresponding Regulations as well as the relevant EL Benefit policies in place prior to April 1, 2019.
    d. If the Department makes a final determination to approve an application for the EL Benefit on or after April 1, 2019 as the result of a review under section 83 of the former Act, the Department will pay the survivor or orphan the EL Benefit he or she is entitled to under the former Act for the period beginning on the day the EL Benefit begins to be payable under the former Act to March 31, 2019. If the determination is made after March 31, 2020, it is deemed to be made on March 31, 2020 for the purpose of determining the date the EL Benefit begins to be payable under subsection 22(2) of the former Act. This ensures that the EL Benefit is payable prior to April 1, 2019.

        i. A survivor or orphan who has the EL Benefit payable on March 31, 2019 is deemed to be entitled to the IRB on April 1, 2019 (see paragraph 36).

        ii. If the EL Benefit that is payable to the survivor ceases to be payable before March 31, 2019 due to the member's or Veteran's 65th birthday, the survivor is deemed to have made an application for RISB under subsection 40.4(1) of the former Act on the day the member or Veteran, if alive, would have attained the age of 65 (see paragraph 43).

RISB

RISB was payable to the Survivor on March 31, 2019 (Veteran who died after the age of 65 prior to April 1, 2019 and who was eligible for the RISB at the time of his or her death or would have been eligible if he or she had applied)

39. Pursuant to section 118 of the new Act, all survivors to whom the RISB is payable on March 31, 2019 pursuant to section 40.3 of the former Act (Veteran who died after the age of 65 prior to April 1, 2019 and who was eligible for the RISB at the time of his or her death, or would have been eligible if he or she had applied), will transition to the IRB on April 1, 2019.
    a. Orphans are not eligible under this provision as orphans were not eligible to the RISB. Orphans, however, may apply for the IRB. See the Income Replacement Benefit policy for direction on this matter.
    b. The RISB is considered payable to the survivor on March 31, 2019 under section 40.3 of the former Act if:

i. the Department approved an application for the RISB under section 40.3 of the former Act prior to April 1, 2019 and the benefit was payable on March 31, 2019;
ii. the Department approved a pending application for the RISB under section 40.3 of the former Act on or after April 1, 2019 and the benefit became payable for a period including March 31, 2019 (see paragraph 41, paragraph 42 or paragraph 43 as applicable); or
iii. the Department approved a deemed application for the RISB under section 40.3 of the former Act on or after April 1, 2019 and the benefit became payable for a period including March 31, 2019 (see paragraph 44).

c. The RISB is not payable to the survivor if the benefit was cancelled prior to April 1, 2019.
d. If the RISB is payable to the survivor on March 31, 2019 under section 40.3 of the former Act, the survivor is deemed to be entitled to the IRB under section 26 of the Veterans Well-being Act on April 1, 2019.
e. The IRB begins to be payable on April 1, 2019 and is indexed annually.

Calculation of the IRB amount payable, including protected amounts of IRB

f. The monthly amount of the IRB payable, before offsets, will be determined under paragraph 26.1(1)(a) of the new Act and section 118 of the new Act (transition provisions), using the following formula:

A x B

A is 70%

B is 70% of the IRB the Veteran would have been entitled to in the month of March 2019, before offsets and taxes, not including adjustments to the military salary by the Career Progression Factor, as if:

the IRB had been payable to the Veteran for that month; and the Veteran had attained the age of 65 years in that month.

g. The amount of the IRB before offsets determined using the rules above will be indexed annually.
h. A protected amount of the IRB before offsets will be used in the calculation of the IRB for a given month where the amount of the IRB before offsets determined above is less than the protected amount.

i. The protected amount is the amount of the RISB payable to the survivor under section 40.3 of the former Act in March 2019, indexed annually.

ii. The protected amount of the IRB will be indexed annually.

i. When the amount of the IRB before offsets obtained pursuant to (e) and (f) above is less than the protected amount obtained in (g) above, the protected amount is used.
j. The rest of the calculation of the amount of the IRB payable to the survivor will be done pursuant to subsection 26(2) of the new Act (division of benefit) and subsection 26(3) of the new Act (reducing the amount payable to the survivor by amounts payable to the survivor for a month - in respect of the Veteran – from prescribed sources.
k. The division of the IRB between the survivor and eligible orphan(s) under subsection 26.1(2) of the new Act does not apply as orphans were not eligible to the RISB under the former Act.

RISB was payable to the Survivor on March 31, 2019 (Service-related death of a Member or Veteran prior to the age of 65)

40. Pursuant to section 119 of the new Act, all survivors to whom the RISB is payable on March 31, 2019 in respect of a Veteran whose death is related to service and occurred before the Veteran reached the age of 65 will transition to the IRB on April 1, 2019.
    a. Orphans are not eligible under this provision as orphans were not eligible to the RISB. Orphans, however, may apply for the IRB. See the Income Replacement Benefit policy for direction on this matter.
    b. The RISB is considered payable to the survivor on March 31, 2019 under section 40.4 of the former Act if:
        i. the Department approved an application for the RISB under section 40.4 of the former Act prior to April 1, 2019 and the benefit was payable on March 31, 2019;
        ii. the Department approved a pending application for the RISB under section 40.4 of the former Act on or after April 1, 2019 and the benefit became payable for a period including March 31, 2019 (see paragraph 43); or
        iii. the Department approved a deemed application for the RISB under section 40.4 of the former Act on or after April 1, 2019 and the benefit became payable for a period including March 31, 2019 (see paragraph 37).
    c. The RISB is not payable to the survivor if the benefit was cancelled prior to April 1, 2019.
    d. If the survivor was entitled to the RISB prior to April 1, 2019 but the benefit was not payable to the survivor on March 31, 2019, the survivor will not transition to the IRB. (For example, suspension or cancellation of the RISB prior to April 1, 2019).

        i. The RISB may subsequently become payable to the survivor on March 31, 2019 under section 40.4 of the former Act due to a decision made by the Department on April 1, 2019 or after. In this case, the survivor will transition to IRB, effective April 1, 2019. (For example, the RISB becomes payable on March 31, 2019 because the Department removes a suspension of the RISB when, on or after April 1, 2019, a survivor submits the required information or documentation to verify income.)

    e. If the RISB is payable to the survivor on March 31, 2019 under section 40.4 of the former Act, the survivor is deemed to be entitled to the IRB under section 22 of the new Act on April 1, 2019.
    f. The IRB begins to be payable on April 1, 2019 and is indexed annually.

        Calculation of the IRB amount payable, including protected amounts of IRB

    g. The monthly amount of the IRB payable, before offsets, for a survivor for months after the month the member or Veteran, if alive, would have attained the age of 65 will be determined pursuant to section 23 of the new Act, including adjustments to the monthly military salary by a Career Progression Factor, and section 119 of the new Act using the following formula:

        A x B

        A is 70%

        B is 70% of the IRB the Veteran would have been entitled to in the month of March 2019, before offsets, as if:

the IRB had been payable to the Veteran for that month; and the Veteran had attained the age of 65 years in that month.

h. The amount of the IRB before offsets determined using the rules above will be indexed annually.
i. A protected amount of the IRB before offsets will be used in the calculation of the IRB for a given month where the amount of the IRB before offsets determined above is less than the protected amount.
    i. The protected amount is 50% of the amount of the value of A in subsection 40.4(4), before offsets, on March 31, 2019.
    ii. The protected amount of the IRB will be indexed annually.
j. When the amount of the IRB before offsets obtained pursuant to (e) and (f) above is less than the protected amount obtained in (g) above, the protected amount is used.
k. The rest of the calculation of the amount of the IRB payable to the survivor will be done pursuant to section 23 of the new Act and the amount of the IRB payable to the survivor will be reduced by amounts payable to the survivor in respect of the Veteran.
l. The division of the IRB between the survivor and eligible orphan(s) under subsection 23 (2) of the new Act does not apply as orphans were not eligible to the RISB under the former Act.

Survivor has a pending application for the RISB on March 31, 2019 (The Veteran died prior to March 1, 2019, was 65 years old or more at the time of death, was receiving or eligible to receive RISB at the time of death)

41. Pursuant to section 120 of the new Act, if a survivor has a pending application for the RISB on March 31, 2019 in respect of a Veteran who died after the age of 65 prior to March 1, 2019:
    a. The Department must make a determination in respect of the application for the RISB under subsection 40.3(1) of the former Act.
        i. If the application is approved, including as the result of a review of an unfavourable RISB decision made on or after April 1, 2019, the Department will pay the survivor the RISB he or she is entitled to under the former Act for the period beginning on the day the RISB begins to be payable under the former Act to March 31, 2019. If the determination is made after March 31, 2020, it is deemed to be made on March 31, 2020 for the purpose of determining the date the RISB begins to be payable under subsection 40.3(2) of the former Act. This ensures that the RISB is payable prior to April 1, 2019.
        ii. As the survivor now has the RISB payable on March 31, 2019, the survivor is deemed to be entitled to IRB on April 1, 2019 (see paragraph 39).

Survivor has a pending application for the RISB on March 31, 2019 (The Veteran died in March 2019, was 65 years old or more at the time of death and was receiving or eligible to receive the RISB)

42. Pursuant to subsection 120(3) of the new Act, if a survivor has a pending application for the RISB on March 31, 2019 with respect to a Veteran who died in March 2019:
    a. Since, if favourable, the RISB would only be payable in April 2019 and cannot be paid as the benefit ceases on March 31, 2019, pursuant to section 120(3) of the new Act, the survivor is deemed not to have made the application for RISB.
    b. Pursuant to section 123 of the new Act, the survivor is deemed to have made an application for the IRB on April 1, 2019.
    c. For the purpose of this deemed application for IRB by the survivor, the Veteran is deemed to have been entitled to the IRB at the time of their death if:.
        i. at the time of his or her death, the Veteran was eligible for the RISB, or would have been eligible if he or she had applied, under subsection 40.1(1) or 40.2(1) of the former Act.

d. If the Veteran is deemed to have been entitled to the IRB at the time of their death, the survivor's deemed application for IRB is processed pursuant to paragraph 26(1) of the new Act and the Income Replacement Benefit policy, pursuant to paragraph 118(2) of the new Act.
e. If the survivor's application for IRB is approved:
    i. The IRB begins to be payable on the later of:
        1. April 1, 2019; and
        2. The day that is one year before the first day of the month in which the Department determines that the survivor is entitled to the IRB.
    ii. The amount of IRB payable is determined under section 26.1 pursuant to section 118(2) of the new Act, using the formula:

        A x B

        A is 70%

        B is 70% of the IRB the Veteran would have been entitled to in the month of March 2019, before offsets and taxes, not including adjustments to the military salary by the Career Progression Factor, as if:

        the IRB had been payable to the Veteran for that month; and

        the Veteran had attained the age of 65 years in that month.

    iii. The amount of the IRB before offsets determined using the rules above will be indexed annually.
    iv. The rest of the calculation of the amount of the IRB payable to the survivor will be done pursuant to section 26.1 of the new Act and the amount of the IRB payable to the survivor will be reduced by amounts payable to the survivor in respect of the Veteran.
    v. The division of the IRB between the survivor and eligible orphan(s) under subsection 26.1(2) of the new Act does not apply as orphans were not eligible to the RISB under the former Act.

Survivor has a pending application for the RISB on March 31, 2019 (The Veteran died prior to April 1, 2019 and the Veteran's death is related to service)

43. Pursuant to section 121 of the new Act, if a survivor has a pending application for the RISB on March 31, 2019 in respect of a Veteran who died prior to April 1, 2019 and the death was related to service:
    a. the Department must make a determination in respect of the application for the RISB under subsection 40.4(1) of the former Act.

        i. If the application is approved, including as the result of a review of an unfavourable RISB decision made on or after April 1, 2019, the Department will pay the survivor the RISB he or she is entitled to under the former Act for the period beginning on the day the RISB begins to be payable under the former Act to March 31, 2019. If the determination is made after March 31, 2020, it is deemed to be made on March 31, 2020 for the purpose of determining the date the RISB begins to be payable under subsection 40.4(2) of the former Act. This ensures that the RISB is payable prior to April 1, 2019

ii. As the survivor now has the RISB payable on March 31, 2019, the survivor is deemed to be entitled to IRB on April 1, 2019 (see paragraph 41).

Survivor has not applied for the RISB prior to April 1, 2019 (The Veteran died prior to March 1, 2019; the Veteran was 65 years old or more at the time of death and the Veteran had a DEC)

44. Pursuant to section 123 of the new Act, a survivor who did not apply for the RISB prior to April 1, 2019 in respect of a Veteran who died prior to March 1, 2019 and the Veteran was eligible, or would have been eligible if he or she would have applied, for the RISB at the time of death is deemed to have made an application for the RISB under subsection 40.3(1) of the former Act on March 31, 2019 and:
    a. the Department will make a determination in respect of RISB pursuant to subsection 40.3(1) of the former Act.

        i. if the application is approved, including as the result of a review of an unfavourable RISB decision made on or after April 1, 2019, the Department will pay the survivor the RISB he or she is entitled to under the former Act for the period beginning on the day the RISB begins to be payable under the former Act to March 31, 2019. If the determination is made after March 31, 2020, it is deemed to be made on March 31, 2020 for the purpose of determining the date the RISB begins to be payable under subsection 40.3(2) of the former Act. This ensures that the EL Benefit is payable prior to April 1, 2019.

            1. As the survivor now has the RISB payable on March 31, 2019, the survivor is deemed to be entitled to IRB on April 1, 2019 (see paragraph 39).

Survivor has not applied for the RISB prior to April 1, 2019 (The Veteran died in March 2019; the Veteran was 65 years old or more at the time of death and the Veteran had a DEC)

45. Pursuant to section 123 of the new Act, a survivor who did not apply for the RISB prior to April 1, 2019 in respect of a Veteran who died in March 2019 and the Veteran was eligible, or would have been eligible if he or she would have applied, for the RISB at the time of death is deemed to have made an application for the IRB under subsection 26.1 of the new Act on April 1, 2019, and:
    a. For the purpose of this deemed application for IRB by the survivor, the Veteran is deemed to have been entitled to the IRB at the time of their death.
    b. The survivor's deemed application for IRB is processed pursuant to paragraph 26(1) of the new Act subject to the transition rules and the Income Replacement Benefit policy.
        i. If the survivor's application for IRB is approved:
            1. The IRB begins to be payable on the later of:
                a. April 1, 2019; and
                b. The day that is one year before the first day of the month in which the Department determines that the survivor is entitled to the IRB.

            2. The amount of IRB payable is determined under section 26.1 pursuant to section 118(2) of the new Act, using the formula:

                A x B

                A is 70%

B is 70% of the IRB the Veteran would have been entitled to in the month of March 2019, before offsets, not including adjustments to the military salary by the Career Progression Factor, as if:

the IRB had been payable to the Veteran for that month; and

the Veteran had attained the age of 65 years in that month.

3. The amount of the IRB before offsets determined using the rules above will be indexed annually.
4. The rest of the calculation of the amount of the IRB payable to the survivor will be done pursuant to section 26.1 of the new Act and the amount of the IRB payable to the survivor will be reduced by amounts payable to the survivor in respect of the Veteran.
    a. The division of the IRB between the survivor and eligible orphan(s) under subsection 26.1(2) of the new Act does not apply as orphans were not eligible to the RISB under the former Act.

Review of a RISB decision for a survivor (Veteran who died after the age of 65 prior to April 1, 2019 and who was eligible for the RISB at the time of his or her death or would have been eligible if he or she had applied)

46. Pursuant to section 122 of the new Act, a RISB decision rendered for a survivor under subsection 40.3(1) of the former Act is subject to review pursuant to section 83 of the former Act when the review right is not extinguished.
    a. An application for a review of an RISB decision for a survivor may be pending on March 31, 2019, or may be initiated by a survivor on or after April 1, 2019 under section 83 of the former Act>, as long as the review right has not been extinguished.
    b. Where the review rights are not extinguished, the Department must action pending reviews or reviews that are initiated on or after April 1, 2019.
    c. The Department may also review an RISB decision for a survivor on the Minister's own motion under section 83 of the former Act.
    d. Subject to the transitional rules, reviews of RISB decisions for survivors will be conducted applying the pertinent provisions of the former Act and corresponding Regulations as well as the relevant RISB policies in place prior to April 1, 2019.
    e. If the Department makes a determination to approve an application for the RISB under subsection 40.3(1) of the former Act on or after April 1, 2019 as the result of a review under section 83, the Department will pay the survivor the RISB he or she is entitled to under the former Act for the period beginning on the day the RISB begins to be payable under the former Act to March 31, 2019. If the determination is made after March 31, 2020, it is deemed to be made on March 31, 2020 for the purpose of determining the date the RISB begins to be payable under subsection 40.3(2) of the former Act. This ensures that the RISB is payable prior to April 1, 2019.
    f. A survivor who has the RISB payable on March 31, 2019 is deemed to be entitled to the IRB on April 1, 2019 (see paragraph 39 or paragraph 40, as applicable).

SRB

Survivor of a Veteran who, at the time of the death of the Veteran, was entitled to continue to receive the EL Benefit and the death of the Veteran is not related to service

47. Pursuant to section 125 of the new Act, the survivor of a Veteran who, at the time of his or her death, was entitled to continue to receive the EL Benefit under subsection 18(4) of the former Act shall receive an SRB amount if the survivor has not already received the SRB payment to which he or she is entitled to under subsection 25(2) of the former Act.

    Calculation of the SRB payment

    a. As per subsection 125(2) and sections 127, 128 and 129 of the new Act:
        i. the amount payable to the survivor is an amount equal to 2% of the EL Benefit before offsets that would have been payable to the Veteran under section 18 of the former Act until his or her death;
        ii. the amount payable is to be reduced by any SRB amount that has already been paid;
        iii. the amount is paid as a lump sum;
        iv. the survivor is required to provide the Department with any information or document specified by the Department as needed to establish his or her entitlement to the SRB payment; and
        v. the SRB amount paid is not an SRB payment as the SRB provisions have been repealed on April 1, 2019. The SRB amount paid is considered compensation for the purposes of sections 88- 90 (overpayments; compensation not to be assigned or charged and exempt from seizure and execution; no interest payable in respect of the compensation) and subsection 93(1) (certificates as evidence) of the new Act. Also, subsection 88(4) (erroneous payments) applies to the SRB amount paid.

Survivor who was at any time prior to April 1, 2019 entitled to receive the EL Benefit due to the service-related death of a Member or Veteran

48. Pursuant to section 126 of the new Act, a survivor shall receive an SRB amount if the survivor was, at any time prior to April 1, 2019, entitled to continue to receive the EL Benefit under subsection 22(1) of the former Act and the survivor has not already received the SRB payment to which he or she is entitled to under subsection 25(3) of the former Act.

    Calculation of the SRB amount

    a. As per subsection 126(2) and sections 127, 128 and 129 of the new Act:
        i. the amount payable to the survivor is an amount equal to 2% of the sum of the following amounts:
            1. the total amount of the EL Benefit before offsets that would have been payable to the Veteran under section 18 of the former Act until his or her death; and
            2. the total amount of the EL Benefit before offsets that would have been payable to the survivor under section 22 of the former Act until March 31, 2019.
        ii. the amount payable is to be reduced by any SRB amount that has already been paid;
        iii. the amount is paid as a lump sum;
        iv. the survivor is required to provide the Department with any information or document specified by the Department as needed to establish his or her entitlement to the SRB amount; and
        v. the SRB amount is not an SRB payment as the SRB provisions have been repealed on April 1, 2019. The SRB amount is considered compensation for the purposes of sections 88-90 of the former Act (overpayments; compensation not to be assigned or charged and exempt from seizure and execution; no interest payable in respect of the compensation) and subsection

93(1) (certificates as evidence). Subsection 88(4) (erroneous payments) also applies to the SRB amount paid.

Members of the Canadian Forces (still-serving)

CAF Still-Serving Members - EL Benefit

49. The EL Benefit was payable to eligible Veterans. A CAF member could apply for the EL Benefit and the Department could render decisions on the EL Benefit prior to a member's release from the CAF in the interest of the member's transition. The member was not eligible for the EL Benefit, and the benefits were not payable, until such time that the member became a Veteran (the day after the day the member released from the CAF).

    CAF member received an ELB determination prior to April 1, 2019 and did not release from the CAF on a day before March 31, 2019

    a. Pursuant to section 104 of the new Act, if, before April 1, 2019, the Department made a determination in respect of an EL Benefit application by a member under subsection 18(1) of the former Act but the member did not release from the CAF on a day before March 31, 2019, then the application and the decision are deemed not to have been made.
        i. The member may apply for the IRB or the Department may also waive the requirement for an application if the available information demonstrates that the Veteran may be eligible for the benefit.

    CAF Member has a pending application for the EL Benefit on March 31, 2019 and did not release from the CAF on a day before March 31, 2019

    b. If, before April 1, 2019, a CAF member applied for the EL Benefit under subsection 18(1) of the former Act, and:
        i. the application was pending on March 31, 2019; and
        ii. the member did not release from the CAF prior to March 31, 2019; then
        iii. the application is deemed not to have been made.
            1. The member may apply for the IRB or the Department may also waive the requirement for an application if the available information demonstrates that the Veteran may be eligible for the benefit

CAF Still-Serving Members – CIA and CIA Supplement

50. The CIA and CIA Supplement were payable to eligible Veterans. A member could apply for the CIA and the Department could render decisions on the CIA prior to a member's release from the CAF in the interest of the member's transition. The member was not eligible for the CIA, and the benefit was not payable until such time that the member became a Veteran (the day after the day the member released from the CAF).

    CIA decisions

    a. Information regarding CIA decisions rendered for CAF members prior to April 1, 2019 can be found in the Additional Pain and Suffering Compensation policy.

CIA Supplement decisions

CAF member was determined to be eligible for the CIA Supplement prior to April 1, 2019 and did not release from the CAF on a day before March 31, 2019

a. Pursuant to subsection 113(2) of the new Act, if, before April 1, 2019, the Department made a determination in respect of the CIA Supplement under subsection 38(3) of the former Act but the member did not release from the CAF prior to March 31, 2019, then the application and decision are deemed not to have been made.

   CAF member's application for the CIA Supplement was pending on March 31, 2019 and the member did not release from the CAF on a day before March 31, 2019

b. Pursuant to subsection 114(2) of the new Act, if, before April 1, 2019, the member applied for the CIA Supplement under subsection 38(3) of the former Act and the application was pending on March 31, 2019 and the member did not release from the CAF prior to March 31, 2019, then the application is deemed not to have been made.

References

Additional Pain and Suffering Compensation policy

Income Replacement Benefit policy

Diminished Earning Capacity Determination policy

Review of Part 1, Part 1.1, Part 2 and Part 3.1 Decision under the *Veterans Well-being Act* Policy

Rehabilitation Services and Vocational Assistance Plan: Assessments, Development and Implementation policy

Veterans Well-being Act – sections 18-19.1, 22, 23, 26, 26.1, 83, 88-90, 99-129; subsections 93(1), 88(4) and 56.5(1)

Veterans Well-being Act (previous version immediately before April 1, 2019) – sections 18, 22, 38, 39, 40.1-40.4

Waiver of Requirement for Application policy