



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

Effective Date: September 27, 2019

Purpose

The purpose of this policy is to provide direction on how to determine if a disability arose out of or was directly connected with military service under the *Pension Act* and the *Veterans Well-being Act*, commonly referred to as the Compensation Principle coverage related to peacetime military service under the *Pension Act* or the *Veterans Well-being Act*.

This policy also provides direction on adjudicating claims using the streamlined decision-making models and the information necessary to comply with evidentiary requirements.

Policy

General

1. Both the *Pension Act* and the *Veterans Well-being Act* state that disability benefits (disability pension, disability award, or pain and suffering compensation) may be given for disabilities that arose out of or are directly connected with service.
2. When determining whether a disability arose out of or is directly connected with service, the Acts must be liberally construed and interpreted in order to recognize and fulfil the obligation of the people and Government of Canada to show just and due appreciation to Canadian Armed Forces personnel and Veterans for their service to Canada

Determining if an applicant's claimed condition is related to their service

3. To determine if an applicant's injury or disease is related to service, an adjudicator should answer the following questions:
 - a. Is there reasonable evidence to connect an injury or disease to a service event and/or factor?
 - b. Is the claimed ongoing disability associated with the service-connected injury or disease?

The Applicant Statement

4. The *Application for Disability Benefits* requires an applicant to complete section B – Applicant Statement. This section requires the applicant to provide a statement on how they relate their claimed condition(s) to:
 - a. their military service;
 - b. a specific service period;
 - c. a previously entitled condition.
5. In the Applicant Statement, the applicant is asked to provide the date and circumstances of the injury or illness that resulted in the disability. If the claimed condition was caused by cumulative events, a listing of military (or RCMP) occupations (with codes), duties and time spent in each occupation may be provided to show the relationship between the claimed condition and service.



6. The Applicant's Statement in the application for disability benefits is key evidence in determining whether the injury or disease is connected to service. The Applicant's Statement should be considered credible and reliable as it is a sworn statement. An applicant who knowingly makes a false or misleading statement in an application is guilty of an offense.
7. The Department accepts that Canadian Armed Forces personnel may not report an incident or event and, therefore, the incident or event may not be captured in the Personnel records including the Service Health Records. Therefore, the lack of documented, objective evidence to show that military duties or factors caused or contributed to an injury or disease is not to be considered as evidence that the Applicant's Statement is not true.
8. The following should be considered when determining if a link exists between the claimed condition and service:
 - a. special hazards, circumstances, requirements and demands of military service;
 - b. the general military environment (e.g. military base, training camp, facility, ship, submarine, air plane);
 - c. the culture of the military environment; and
 - d. time and place.
9. An injury does not have to occur on a military base to be service-related. Similarly, every death, disease, injury or event that occurs on military property, or during service, is not service-related.

It is important to distinguish between mandatory events which are service-connected and recreational events which are not, i.e. a mess dinner is generally a mandatory event (unless a member is excused by the Commanding Officer, Base/Wing Commander, or the Regimental Sergeant Major or Base/Wing Chief Warrant Officer), an unofficial dance at the mess, on the other hand, is a recreational event, with a member free to choose whether to attend.
10. Any credible, uncontradicted evidence that clearly establishes a medical condition may be service-related should be accepted and every reasonable inference in favour of the applicant should be made.
11. The extent of investigation and documentation required to determine a claim is discretionary.

Sexual Trauma

12. The following sections of this policy clarify how it will be applied by Veterans Affairs Canada when adjudicating applications for disability benefits involving claims of Sexual Trauma. Sexual Trauma includes incidents of sexual assault and/or sexual harassment.
13. When an application for disability benefits involves a condition (either physical or psychiatric) that is claimed to have been caused by Sexual Trauma, VAC will accept that the incident(s) of Sexual Trauma occurred as described in the applicant's credible statement, in the absence of contradictory evidence (see [Benefit of Doubt Policy](#)).
14. While VAC may accept that the incident(s) occurred as described by the applicant, the presence of a service relationship must also be established in order to grant entitlement.
15. All applications for disability benefits must include a diagnosis of the applicant's claimed condition, provided by a qualified health professional. For claims related to Sexual Trauma, the health professional's report must support the link between the incident(s) of Sexual Trauma, and the onset of the claimed condition.
16. For additional clarity: an incident(s) of Sexual Trauma may be service-related even where:
 - a. the sexual assault or sexual harassment occurred off CAF property, or at a non-mandatory event; or



b. the aggressor was not in a position of power over the applicant.

17. Each decision as to whether or not an applicant's claimed condition is connected to their service will be made based on all factors relevant to the individual's case.

Determining if the relationship of the claimed condition to service is medically reasonable

18. The timeline for the onset of the medical condition is an important factor to be considered when determining whether or not a service relationship exists. The length of time from the injury to the onset of the claimed condition must be medically reasonable.

19. Consultation with medical advisory may be necessary when the evidence is insufficient to determine if it is medically reasonable for the claimed condition to be linked to service.

20. To determine if the service-connected disease or injury caused the claimed disability the following should be considered:

- a. not every service-connected disease or injury results in a permanent disability, or the permanent worsening of a disability;
- b. in some circumstances a disability may be partially service connected and partially connected to non-service factors;
- c. medical evidence must reasonably confirm a link between the service-connected disease, injury or event and the death, disability or aggravation of a disability before benefit entitlement can be awarded;
- d. medical evidence may indicate a service connected disease or injury could have caused the disability to develop earlier than it might otherwise have.

Streamlined Decision-making Models

21. The etiology of certain medical conditions is often strongly linked to the physical and mental demands of military service and the environmental conditions under which members must operate. For claim types where the medical research supports a strong link to service, an Applicant's Statement linking the injury or disease to service along with evidence of a disability, may be enough to support an entitlement decision. Therefore, the adjudicator may not need to review the applicant's full Service Health Records to establish a connection to service.

22. The evidence to support the connection to service may not be specific to the applicant, but may include evidence such as expert opinion, historical, and statistical information. The evidence required can vary from one claim type to the next.

23. There are a number of claim types (such as hearing loss, tinnitus, Post-traumatic Stress Disorder, and musculo-skeletal conditions) where limited evidence may be sufficient for determining that the claimed condition is linked to service.

For example, in the case of musculo-skeletal conditions, the following is reasonable and sufficient evidence for adjudicating the claim:

- the Applicant Statement;
- an established diagnosis of the claimed condition (see Policy on Establishing the Existence of a Disability);
- an enrolment medical;
- a release medical (or a current medical report for still-serving members); and



- a Member Personnel Record Resume (MPRR).

The Adjudication Manual provides more guidance on the types of documents which contain the information necessary to comply with the evidentiary requirements.

24. Entitlement Eligibility Guidelines (EEGs) provide information that can help to establish when the relationship of a claimed condition to service is medically reasonable.
25. The decision maker should consult with a medical advisor for cases where the diagnosis needs clarification.

Eligibility - Qualifying Service

26. Qualifying service includes:

- a. Permanent Force: full-time service between World War I and World War II; September 1, 1921 to August 31, 1939 inclusive;
- b. Non-Permanent Active Militia (NPAM): the NPAM during World War II; September 1, 1939 to April 1, 1947 inclusive;
- c. Reserve Force: the part-time Militia/Reserve Army during World War II or peacetime;
- d. Divisional Strength: Naval Reserve personnel awaiting assignment to a ship prior to being T.O.S. Active Force; September 1, 1939 to April 1, 1947 inclusive;
- e. *National Resources Mobilization Act (NRMA)*: the thirty day call-out training period under the *National Resources Mobilization Act (1939)*, providing service did not continue without interruption beyond this training period. If service continued, refer to the policy entitled [Disability Benefits in Respect of Wartime and Special Duty Service – The Insurance Principle](#);
- f. Regular Force: former and still serving members of the fulltime peacetime force from April 2, 1947 to the present;
- g. Royal Canadian Mounted Police: former and still serving members in accordance with the *Pension Act* as per section 32 of the *Royal Canadian Mounted Police Superannuation Act* and section 5 of the *Royal Canadian Mounted Police Pension Continuation Act*.
- h. Travel to and from Special Duty Area (SDA): Travel to and from an SDA, prior to September 11, 2001, is considered to be normal peacetime service with claims subject to provisions of the compensation principle. As of September 11, 2001, such travel is covered under the insurance principle (see policy entitled [Disability Benefits in Respect of Wartime and Special Duty Service – The Insurance Principle](#)).

References

[Veterans Well-being Act](#), section 45; subsection 2(1)

[Veterans Well-being Act Regulations](#), section 50

[Pension Act](#), subsections 21(2) and (3)

[Royal Canadian Mounted Police Pension Continuation Act](#), section 5

[Royal Canadian Mounted Police Superannuation Act](#), section 32

[Disability Benefits in Respect of Wartime and Special Duty Service – The Insurance Principle](#)

[Establishing the Existence of a Disability](#)



Pain and Suffering Compensation