



## GENERAL INFORMATION

The Department of Veterans Affairs rules on disability pension entitlement under the provisions of the *Pension Act* or disability awards under *The Canadian Forces Members Veterans Re-establishment and Compensation Act* (anticipated to come into force and take effect as early as April 1, 2006). These Acts are the legislation under which disability entitlement is granted for disability or death related to military service. The Department also rules on disability pension claims under the *Civilian War-related Benefits Act* and the *Royal Canadian Mounted Police Superannuation Act*.

Each act provides that a relationship between a medical condition and service must be established before disability entitlement can be granted. Once entitlement has been established, it is then necessary for the Department to assess the disability resulting from the condition. The amount of pension or award must be based on the extent of disability suffered from the entitled conditions, as verified by medical examination, and paid in accordance with rates set out in the applicable Act.

The extent of disability is expressed as a percentage which may range from 0% to 100%. A disability assessed from 1% to 4% results in a settlement of a single payment. A disability assessed at 5% or higher, however, results in the payment of a monthly pension if the entitlement is granted under the *Pension Act* or a lump sum award if the entitlement is granted under *The Canadian Forces Members and Veterans Re-establishment and Compensation Act*.

For conditions granted under the *Pension Act* additional pension may be payable on behalf of qualified dependants, i.e. spouse and children, if they are living with or being maintained by the pensioner. For additional pension to be paid on behalf of a common-law partner, the pensioner must have resided with that person for at least one year. No additional pension can be paid during that first one-year period.

There is no provision for an additional disability award for dependants under *The Canadian Forces Members and Veterans Re-establishment and Compensation Act* while the Member or Veteran is alive.

Monies granted for disability are paid as a matter of right, and are not affected by other income. Amounts are adjusted on January 1 of each year to compensate for inflation. They are paid in Canadian dollars and neither the sex of the client nor the rank held while in service has any effect on the amount of monies paid. Disability pensions or disability awards are not subject to income tax.

## ELIGIBILITY REQUIREMENTS

### Service

An applicant should be able to provide details of service, i.e. dates of service and service number(s). Please note that if an applicant does not have this information, the Department is responsible for obtaining any necessary service documents and/or confirmation of service for all applicants.

## **WORLD WAR I, WORLD WAR II AND KOREAN WAR VETERANS**

Applications for injuries or illness arising out of service during one of these three conflicts will still be made under the *Pension Act*.

## **CANADIAN FORCE MEMBERS**

### **Important Notice**

*The Canadian Forces Members and Veterans Re-establishment and Compensation Act* and accompanying Regulations are anticipated to come into force as early as April 1, 2006.

This legislation affects Canadian Forces members and Veterans who served after April 1, 1947, (except for Korean War service during the period July 5, 1950, to October 31, 1953, inclusive).

On the date this new legislation comes into force (anticipated to be as early as April 1, 2006), the *Pension Act* will be closed to new applications from post war-time service applicants, except in unique circumstances. Applications for disability submitted after the coming into force date of the new Legislation will be ruled under the *Canadian Forces Members and Veterans Re-establishment and Compensation Act*.

Canadian Forces Members and Veterans who served after April 1, 1947, (except for Korean War service during the period July 5, 1950, to October 31, 1953, inclusive) and who wish to apply under the *Pension Act*, must submit a signed application prior to the coming into force date of the Legislation (expected to be as early as April 1, 2006), in order to have their claims ruled under the *Pension Act*. For more information about the requirements of a signed application, please contact Veterans Affairs Canada.

## **CANADIAN FORCE MEMBERS (continued)**

Please note the following two important points:

- (i) All signed disability applications received or postmarked prior to the anticipated coming into force date of the legislation, expected to be April 1, 2006, will be considered under the *Pension Act*.
- (ii) Any disability applications under the *Canadian Forces Members and Veterans Re-establishment and Compensation Act*, for new conditions, will have to be signed and submitted on or after the coming into force date of the new Act, which is expected to be April 1, 2006.

If you submitted an application for a disability pension to Veterans Affairs Canada in the past and the application was withdrawn, you must submit a newly signed application prior to the coming into force date of the new legislation in order to protect your rights for that claimed condition under the *Pension Act*.

Please note, if you have received a formal decision from the Department on your application under the *Pension Act*, your rights under this Act are automatically protected for that condition. Any redress for that condition will, therefore, be handled under the *Pension Act*, or the *Veterans Review and Appeal Board Act*.

## **ROYAL CANADIAN MOUNTED POLICE (RCMP)**

Disability pensions under the *Pension Act*, may also be paid to members or former members of the Royal Canadian Mounted Police (RCMP), both Regular and Civilian, who are suffering from disability or disease directly related to RCMP service or attributable to service in Special Duty Service or the Second World War.

## ALLIED FORCES

Veterans of Allied Forces may be entitled to benefits if they meet the domicile requirements. For more information on these requirements, please contact Veterans Affairs Canada.

## MERCHANT NAVY

High-seas merchant mariners, including those who served on ocean-going Canadian registered ships engaged in home or foreign trade and Canadians who served on equivalent Allied ships are eligible for pension benefits under the *Pension Act*, for service-related disabilities. Merchant mariners who served on Canadian registered ships in dangerous waters during the Korean War may also be eligible for pension benefits.

## SURVIVORS

Widows, widowers, common-law partners and orphans may apply for survivor benefits if the deceased member of the forces was or should have been in receipt of a disability pension under the *Pension Act*, or a disability award under the *Canadian Forces Members and Veterans Re-establishment and Compensation Act* at the time of death. For more information on survivor benefits, please contact Veterans Affairs Canada.

## CIVILIANS

Members of the following groups who suffered injury as the result of action or counteraction against the enemy during the Second World War may also apply for pension benefits under the *Civilian War-related Benefits Act*.

## CIVILIANS (continued)

- Canadian Merchant Seamen and Salt Water Fishermen
- Auxiliary Services Personnel
- Corps of (Civilian) Canadian Fire Fighters for Service in the United Kingdom
- Royal Canadian Mounted Police
- Royal Canadian Mounted Police (Special Constables)
- Air Raid Precaution Workers
- Personnel receiving remedial treatment while serving under the *National Resources Mobilization Act*
- Members of the Voluntary Aid Detachment
- Overseas Welfare Workers
- Canadian Civilian Air Crew of the Royal Air Force Transport Command

## ASSISTANCE

Free assistance in preparing and submitting an application for disability benefits is available by contacting Veterans Affairs Canada National Contact Centre Network toll-free at 1-866-522-2122 (English) or 1-866-522-2022 (French). Some Veterans' organizations such as the Royal Canadian Legion, the War Amputations of Canada and the Army, Navy and Air Force Veterans in Canada provide a similar service. An applicant may also retain a private solicitor, but at his or her own expense.

An applicant who resides outside Canada should contact the Foreign Countries Operations Office of Veterans Affairs Canada for assistance.

Additional information is available on our website at [www.vac-acc.gc.ca](http://www.vac-acc.gc.ca).