

Steven Harris
Senior Assistant Deputy Minister of Service Delivery
Veterans Affairs Canada
PO Box 7700
Charlottetown, PE C1A 8M9

December 03, 2025

Dear Mr. Harris,

RE: Systemic Issues with N1LA/N2LA Decision-Making Process

I am writing to bring to your attention serious concerns regarding the N1LA/N2LA decision-making process that directly contravenes established Supreme Court jurisprudence and compromises the quality of service provided to veterans.

I note that the Veterans Ombudsperson released a report today addressing the failure of N1LA/N2LA decision-makers to provide veterans with clear reasons for their decisions, which is inconsistent with the requirements established in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65. As you know, *Vavilov* mandates that administrative decision-makers provide transparent, intelligible, and justifiable reasons for their decisions. This requirement is reinforced by the [Veterans Ombud's Report](#) that states:

"N1LA and N2LA decision letters are thus required by either regulation, policy, or administrative law to include the reasons for decision, and these reasons must show that the decision maker reached their decision through an exercise of understandable reasoning, taking into account all of the relevant evidence and decision-making criteria."

My Recent Experience

My case illustrates the practical impact of these systemic failures. While Veterans Affairs Canada has consistently approved reimbursement for incontinence pads related to my service-connected condition, my recent claim for leg-bag collection units—a similar incontinence product available over-the-counter—was denied. The decision-maker stated that I required a prescription from my doctor for this non-prescription product. My urologist found this requirement to be not only medically unnecessary but inconsistent with the treatment of comparable products already approved under my file.

The functional difference is significant: incontinence pads confine me to areas near public washrooms, while leg-bag collection units enable me to participate in extended walks and hikes—activities essential to my physical and mental well-being.

Procedural Concerns

Following my N1LA rejection, I submitted two written requests over four weeks asking the decision-maker to provide clear reasons for the denial, particularly given the approval history

.../2

for functionally similar products. I received no response. This delay jeopardized my ability to meet the 60-day deadline for requesting an N2LA review, and I was required to seek an extension, which was fortunately granted.

Systemic Issues Identified

This case exposes two critical deficiencies in the current appeals process:

1. **Failure to Comply with Legal Standards:** Decision-makers are not providing the transparent, intelligible, and justified reasons required by *Vavilov*, denying veterans the ability to understand the basis for decisions affecting their care and entitlements.
2. **Absence of Critical Analysis:** The rejection of my claim suggests a failure to consider relevant file history, medical context, and the functional equivalence of approved versus denied products. This indicates decisions may be made through rote application of rigid criteria rather than reasoned analysis appropriate to individual circumstances.

These deficiencies have real consequences: they undermine veterans' access to necessary medical supplies, create unnecessary administrative burden, and erode confidence in Veterans Affairs Canada's commitment to serving those who served.

Request for Action

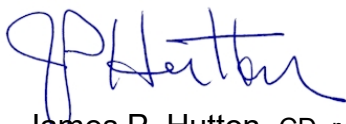
I respectfully request that you:

1. Review the decision-making processes within N1LA/N2LA to ensure compliance with *Vavilov* and other relevant administrative law principles;
2. Provide guidance to decision-makers on the requirement to furnish timely, comprehensive reasons that enable veterans to understand decisions and exercise their appeal rights effectively; and
3. Consider implementing quality assurance measures to ensure decisions reflect critical analysis of individual circumstances rather than mechanical application of criteria.

I remain available to discuss this matter further and to provide any additional information that may assist in addressing these systemic concerns.

Thank you for your attention to this important matter.

Sincerely



James P. Hutton, CD, rmc, BSc, MSc, MBA
Commander (ret'd)

CC: Colonel (Ret'd) Nishika Jardine. Veterans Ombud