

Minister
of Veterans Affairs and
Associate Minister of National Defence



Ministre
des Anciens Combattants et
ministre associé de la Défense nationale

Ottawa, Canada K1A 0P4

Commander (Retired) James P. Hutton, CD
Director
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Dear Commander:

Thank you for your emails, one of which was forwarded to me by the Office of the Prime Minister, regarding the processing of disability benefit applications for Veterans suffering from cancer. As well, my senior officials have shared with me a copy of the "Discussion Paper: Addressing the Need for Equity Among Veterans" you submitted to them, and I have reviewed it carefully.

First, allow me to respectfully acknowledge your long and dedicated service to our country as a member of the Royal Canadian Navy. All Canadians owe a debt of gratitude to our men and women in uniform, and we must never forget the tremendous sacrifices they have made so that we and others around the world can live in freedom.

I read your correspondence with care and appreciate the valuable perspective of your organization on the subject of cancers that may be related to military service. Be assured that Veterans Affairs Canada's top priority is the care and well-being of all those who have served this country. We are committed to providing them with all the benefits to which they are entitled under the governing legislation and policies.

I understand a departmental official contacted you to discuss your concerns, and I hope this was helpful.

Disability benefits are awarded to current and former members of the Canadian Armed Forces who have a service-related illness or injury. Anyone who believes they have a condition related to chemical exposure is encouraged to apply. Each disability benefits application is decided on its own merits based on the evidence presented.

As you know, to reach a favourable decision, Veterans Affairs Canada requires supporting medical documentation, such as a diagnosis of a recognized medical condition provided by a

qualified health practitioner and medical records that show the progression of the condition resulting in a permanent disability. The documentation submitted must also show that the condition was caused or aggravated by the applicant's service.

Your emails include the suggestion that the *Veterans Well-being Act* and the associated regulations be amended to expedite the processing of disability benefit claims for certain cancers that have been linked to exposure to specific chemicals during military service. In support of this suggestion, you refer to the *PACT Act* of the United States.

Veterans Affairs Canada's existing legislation allows those whose disabilities are shown to be related to hazardous material exposure during their service to be approved for disability benefits, without the requirement for presumptive conditions to be named. Therefore, there is no need for Canada to amend the *Veterans Well-being Act* or the *Pension Act* to be in line with the *PACT Act*, since broad authority already rests with the Department to grant entitlement for disabilities that are the result of service-related injuries or diseases that are linked to exposure to burn pits and other sources of hazardous materials.

In particular, where links have been established through evidence between a military occupation or location, an environmental exposure, and a medical diagnosis, it is only necessary for a member or Veteran to demonstrate that they served in a given occupation or location for a sufficient period of time and that they have a related diagnosis in order to be eligible for disability benefits.

I note that every application for a disability benefit is reviewed by a decision-maker who is specially trained to review and make decisions on claims. Decision-makers may send applications to a Medical Advisor (a physician within the Department) for reasons such as a clarification of the diagnosis or a determination of the cause of a condition in order to establish a service relationship.

As well, our Entitlement Eligibility Guidelines provide decision-makers with current, medically accurate information about how certain medical conditions may be caused or aggravated by service. This allows us flexibility when the medical research indicates a correlation and the applicant presents with evidence of

disability and verification of military occupation. Where the Department has sufficient evidence to link certain medical conditions to specific occupations or lengths of service—as discussed above—these Guidelines reduce the evidentiary burden on the applicant and streamline decision-making.

Decisions on disability benefit applications for cancer attributed to an exposure while in service are based on an Exposure Reference Guide and evidence presented by the applicant. When the Guide does not address a particular chemical, a Medical Advisor can perform a literature review

on the condition to help decision-makers better understand the link between the chemical and the condition. The Exposure Reference Guide is updated regularly as medical literature evolves.

Departmental policies affirm that the merits of each claim are considered on a case-by-case basis and any reasonable doubt about causation is resolved in favour of the applicant. You can read the relevant policies in full at the following links:

- [Hazardous Material and Radiation Exposure](#)
- [Assessing and Categorizing Health-Related Expert Opinion\(s\) and Scientific Evidence](#)

Together, the Department's tools, policies and governing legislation provide for a consistent and transparent approach to disability claims and ensure that when scientific evidence establishes a causal link between an individual's disability and their service—including exposure to hazardous chemicals or materials—a disability benefit will be provided.

Finally, Veterans Affairs Canada constantly monitors new research into the correlation between Veterans' health conditions and their military service. As highlighted in our research reports and publications, understanding the links between military exposures and Veteran health is a priority for our Department. We actively collaborate with key external research partners, including the Department of National Defence, to examine chronic health conditions, including cancers, in serving personnel and Veterans.

Again, thank you for writing, and please accept my best wishes.

Sincerely,

The Honourable Darren Fisher, P.C., M.P.

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