

Ombudsman

National Defence
and Canadian Forces



Défense nationale
et Forces canadiennes

Annual Report

2001 • 2002

Fair Treatment
Positive Change

A place to turn —
Contributing to a healthy
DND/CF community



June 2002

The Honourable John McCallum, P.C., M.P.
Minister of National Defence
National Defence Headquarters
MGen George R. Pearkes Building
101 Colonel By Drive
Ottawa, Canada
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Dear Minister,

I am pleased to submit the fourth annual report from the Office of the Ombudsman for tabling in the House of Commons.

This report provides an overview of our operations from the beginning of April 2001 to the end of the fiscal year in March 2002.

Yours truly,



André Marin
Ombudsman

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Ombudsman's Message

This past year has been a memorable one, a year of growth and challenge. After many months of negotiation, the Ministerial Directives that define our mandate have been revised. We have recently moved offices, so that the entire Ottawa-based staff is now working out of the same building. A Special Ombudsman Response Team (SORT) was created to conduct major investigations. All of these structural changes will have an impact on the work we do in the future. The most significant event of the past year, however, one that will have a dramatic impact on what we do, did not occur behind the doors of our Office and was not the product of negotiation, or of our vision and efforts. It was foisted upon us. I speak, of course, of the tragedy of September 11. The horrendous affront to human decency that was perpetrated on that day not only destroyed lives in a futile attempt by some to attack a way of life, it altered the lives of the members of the Canadian Forces (CF) and their families. Fittingly, it was to the CF that Canadians looked for security. It was to the CF that Canadians turned to carry the fight against the brutality of terrorism. Members, their partners and their children are now living with the reality of increased mobilization, increased jeopardy, and the uncertainty inherent in making a career in a military organization at a time of great international danger. In that one fateful morning, the urgency of what we in the Ombudsman's Office do was driven home with cruel impact, and it created a far greater demand for the services we provide.

To date, over two thousand members of the Canadian Forces have been deployed overseas to support the war on terrorism. Many others have been deployed in peace-keeping roles in locations like Bosnia and the Middle East, trying to keep a lid on the kind of emotion and hatred that can generate unspeakable atrocity and imperil international security. It is likely that even more troops will face deployment in the coming months. This country has deployed twice as many military personnel in the past five years than it did in the five before that, and it is certain that this trend will continue.

The impact of September 11, and the horror in many hot spots around the world, was never abstract or hypothetical for members of the CF. For them, September 11 was not just an image on the television. It was an event that enveloped them immediately in the prevailing uncertainty of pending duty and risk. Sadly, tragically, the impact of



September 11 is no longer abstract for Canadians either, who have been witness to the heartrending event of watching fallen heroes, fallen Canadian heroes, being brought home from a foreign land as casualties of war. These events will always be tragic — history will call them so, and images of wives, families, friends and comrades-in-arms sharing their grief with a nation through television and in newspapers, will sear the memory of that tragedy into the Canadian consciousness.

But these powerful events are not only tragic, they are also affirming. They affirm the importance of the Canadian Forces to the welfare of this nation and the global community, and they have been reaffirming for us at the Office of the Ombudsman. They have reinforced for all of us the importance, indeed, the necessity, of our mission. Men and women invest their lives when they become members of the Canadian Forces, and they pledge their commitment to world order and domestic security when they undertake supporting roles in the Department of National Defence (DND). Canada has an obligation to ensure that these men and women are treated with dignity and respect. It is the least our country can do. Those of us who work for the betterment of the Department of National Defence and the Canadian Forces (DND/CF) have an obligation as well — to work as hard as we can to make DND/CF as fine an institution as it can be, one worthy of the faithfulness and dedication of its employees and members.

With the increase in deployment and the uncertainty of troubled times comes immense stress on resources, but more importantly, on individuals and their families.

Events of the last year have increased the urgency of our task and they will add to our caseload. With the increase in deployment and the uncertainty of troubled times comes immense stress on resources, but more importantly, on individuals and their families. As operational tempo increases, so too does the reliance of the CF on skilled and trained personnel. This, in turn, puts greater challenges on managers and leaders, and only increases the importance of treating those we rely on with fairness and respect.

Since the creation of this Office, I have worked hard to help build an institution that is capable of achieving long term and systemic improvements for DND/CF members and their families, and to help resolve problems that affect individuals where those problems can rob them of their sense of belonging, worth and commitment to the organization. That is why we are proud of our past accomplishments, and even more committed to the future. As in the three years before it, in this last year we worked to meet our mission and vision statements: *Fair Treatment — Positive Change* and *A place to turn — Contributing to a healthy DND/CF community*. By any standard, we have had tremendous success in advancing those goals. This past year has cemented the foundation that will enable us to deal with the increased demands we are now experiencing.

The Mandate

In September 2001, my Office concluded many months of negotiations with DND/CF relating to our mandate. Those negotiations resulted in the signing of revised Ministerial Directives for the Ombudsman. Did we get everything we wanted? No. Did we get enough to make a difference? Certainly.

This new mandate extends the authority of my Office to deal with complaints from applicants to DND/CF. This is not a minor development. I see this as a real opportunity to help DND/CF in its efforts to recruit new personnel, an issue of burning importance, which I will address in more detail below.

My role in overseeing existing complaint processes has been clarified, making it crystal clear that I am expected to review the processes employed by the existing complaint mechanisms available to CF members, such as the Grievance Board and the Military Police Complaints Commission. This clarification was essential. These mechanisms have to function effectively, as more and more CF members are looking for complaint resolution mechanisms to address issues and concerns that, in the past, were simply left to fester. We are committed to ensuring that these mechanisms operate efficiently and effectively, and offer fair processes to deal with members' problems.

The current mandate is not perfect, but it is just that, the "current mandate," something we see as a work in process.

One thing about our mandate should be clear. This Office is committed to making the greatest impact possible, wherever problems arise that threaten the morale and quality of life of DND/CF members. The current mandate is not perfect, but it is just that, the "current mandate," something we see as a work in process. Although formal discussions regarding the role of my Office have concluded, the Office will continue to evolve. As we achieve positive change and good in the institution, the demand for our services will increase, and so will the range of services we are asked to offer. Skepticism about the Office, present when the Ombudsman initiative was first announced, will continue to fall, as will resistance to our involvement in new and different areas where we can have a positive impact. Ultimately, we will be given all of the tools we need to maximize our potential. In the meantime, I will continue to identify and report on areas of concern and on areas where the authority of the Ombudsman needs to be strengthened, supported or clarified.

Systemic Issues

This year I was pleased to release a systemic report on the treatment of CF members suffering from post traumatic stress disorder (PTSD). When we undertook this report, we did not realize how timely it would be. The deployment of troops who are dealing with the aftermath of September 11 will only increase the need to respond positively and effectively to those who suffer from PTSD. I make 31 recommendations in the report, embodying the kind of systemic improvements contemplated by our vision statement, recommendations that seek to address this profound and widespread problem. If implemented with commitment, these recommendations will result in real and concrete improvements for hundreds, if not thousands, of members of the CF and their families — people who will be in real need as a direct result of discharging their obligations as members of the Canadian Forces. I hope that the report and its recommendations will be a driving force behind long-term, cultural and attitudinal change. I am optimistic that its focus on education and support will promote acceptance of the reality of PTSD, and compassion for those who are afflicted, a compassion that will replace the ignorance and mean-spirited cynicism that victims of PTSD have so often experienced in military environments. I believe that the implementation of these recommendations will lay to rest the ‘disposable soldier’ model that, to our everlasting embarrassment, often characterized the treatment of victims in an institution that believed, for a time, that being tough meant being psychologically impervious to horror. That belief was always a myth, and it cannot stand the light of day or the heat of the truth. I am particularly proud of this report and its recommendations because I am convinced that for each of those recommendations implemented, more human beings who have jeopardized their well-being on our behalf will be treated with humanity and decency. They will be recognized as contributing, valuable members of DND/CF. And for each of these recommendations implemented, DND/CF will be saved cost, in man-hours lost, in the waste of human resources.

I believe that the implementation of these recommendations will lay to rest the ‘disposable soldier’ model that, to our everlasting embarrassment, often characterized the treatment of victims in an institution that believed, for a time, that being tough meant being psychologically impervious to horror.

Follow-Up Reports

The *Systemic Treatment of CF Members with PTSD* report is too important to release only to see it filed on shelves throughout DND/CF. In the fall of 2002, nine months after the report's publication, I will issue a follow-up report on the implementation of my recommendations. I will be looking for concrete improvements, not only by examining the extent to which the structures I propose have been adopted, but by speaking to those affected and touched by this affliction. I will be looking for improvements in the quality of life of these people and the quality of their military experience. To date, the experiences have been positive. There has been constructive dialogue, and more. Efforts by our Office has been well received by those most immediately involved in the implementation of our recommendations, and we have worked with decision-makers to ensure that changes will be made in fact and not just on paper. We are intent on seeing changes in practice, to achieve the goals intended.

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This follow-up report will be the first public report by this Office on the implementation of recommendations. Issuing such follow-up reports reflects an important function of this Office. It is only by discharging my responsibility to follow up on the administration of recommendations that I can ensure real change for members and their families. In the future, CF members and the general public can expect to see more reports on the implementation of recommendations.



Individual Cases

This past year, our Office received 1489 individual cases. In that time, we resolved 1378 cases, through hard work and imagination by members of my Office. But they were also solved because of the cooperation received in the overwhelming majority of cases from people and offices within DND/CF. Read the case studies gathered in this report in the section called 'This Year's Greatest Successes'. When you do, bear in mind that the complainants we dealt with are real people, not stories. These real people were often in pain and in need, and we were able to help. Not only were our efforts and the cooperation we received able, together, to help those employees and members in solving problems and minimizing pain or angst, those efforts and that cooperation no doubt prevented, in many cases, the kind of escalation that leads to lawsuits and grievances. Justice is better found in the way that people are treated, than in remedies furnished by courts and tribunals after injustice has occurred. Moreover, resolving problems satisfactorily through the kind of quick, informal, low-level intercession that these case examples reveal will enhance and protect the reputation of DND/CF. Many of these complainants will now talk to their peers and associates about positive results. They would not do so as disgruntled members and former members, whose experiences will only discourage others from serving, or whose tales of mistreatment would only harm the repute of DND/CF. Positive change breeds positive results, breeds positive repute, breeds a better military.

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after injustice has occurred.**

The Price of Failure in Our Mission

The importance of our role and of our successes can be measured against the costs if we and others who are committed to the betterment of DND/CF fail, or cease making progress. The CF has had many struggles. The federal Auditor General reports that from 1994 to 2000, the Canadian Forces managed to recruit fewer than half of the people it lost. At the time of her report, the Canadian Forces had 3,300 vacant positions in 72 of its occupations. While deployments are increasing, the military workforce is smaller and less able to carry the burden of increased responsibility. Fewer people are staying on.

Young skilled people are in great demand, and they are looking for trustworthy, dependable employers who will value them and treat them fairly.

To deal with this problem, the military has taken action to improve its recruitment record. It has held itself out, appropriately, as offering career options to young Canadians. The Auditor General has observed that the Department is trying to raise its profile through increased advertising, supported by a performance measurement plan. The CF is spending \$13.78 million in advertising. So far, however, targets continue to be unmet. During the first three quarters of 2001-2002, the CF was only able to recruit 63% of the non-commissioned members it needs, and 55% of the officers. Young skilled people are in great demand, and they are looking for trustworthy, dependable employers who will value them and treat them fairly. If the military will not, these potential recruits will not respond.

This Office can be an ally in the drive to re-staff the military. The more the public is aware of what we do, the more we can help. Prospective recruits will view the Ombudsman as a sign of commitment by the leaders and managers of DND/CF to transparency, accountability and fair treatment. Those prospective recruits will also know that if they do join and experience problems, there will be an outside, independent body who will support them where support is needed and warranted.

The CF has also recognized that the retention of existing personnel, who are already trained and experienced members, is a particularly urgent matter. Existing personnel represent past investment. Their departure is a wasted resource, while their retention promises continuing dividends. In spite of this, a number of surveys conducted by the CF show that there are challenges in retaining existing personnel. Analysis of trends relating to why personnel leave the military reveal that many members depart because of unfairness in the workplace, an inability to get equal pay for work of equal value, and the sense that, as members of the military, they are undervalued by Canadian society. A recent DND/CF quality of life (QOL) survey found that less than 50% of respondents felt that they were well-prepared for deployment. And over half of the CF members surveyed disagreed to some degree with the statement that senior leadership cared about their quality of life. As the editors of the survey noted, this conveys a powerful message. The quality of life survey concluded that “interventions must be undertaken by the CF to improve the QOL for its members and their families. Interventions seem necessary in order to retain some members, as some have stated that they will leave as soon as they can because they are not satisfied with their QOL and QOL of their family.”

These are serious problems. Again, this Office can be an ally in improving retention of those who have already been recruited. The more we are accepted within DND/CF and aided in our work, the more we can contribute to the resolution of complaints

and to identifying long-term, systemic problems. The more we can do that, the more satisfaction there is apt to be among members. As the public perception of the institution improves, so too will the sense by those in the military that they are valued.

I therefore encourage the leaders and decision-makers to recognize the Ombudsman, not as an obstacle that has to be contended with, but as an ally who can assist in meeting the tremendous challenges relating to morale, quality of life, and retention. The more this Office is embraced, the more it can accomplish. The more this Office is accepted and assisted, the stronger the message. The CF requires as many positive signs that it is a healthy organization committed to positive change as it can muster, so that potential recruits and members will gain respect and trust in the institution and its leaders. By embracing and assisting this Office, the leadership and decision-makers in all branches of DND/CF can demonstrate their commitment to the fair treatment and well-being of those to whom we as Canadians owe so much.

I therefore encourage the leaders and decision-makers to recognize the Ombudsman, not as an obstacle that has to be contended with, but as an ally who can assist in meeting the tremendous challenges relating to morale, quality of life, and retention.

Welcome and Goodbye

Just as we were going to press, a new Minister of National Defence, the Honourable John McCallum, was appointed. I want to welcome the new Minister and wish him the best of success in fulfilling his mandate. The Ombudsman's Office will continue to thrive under the Honourable John McCallum as we continue to vigorously pursue and investigate individual and systemic issues and make the best recommendations we can to improve the welfare of members and employees. I would like to also thank the departing Minister, the Honourable Art Eggleton, for marshalling the creation of the Office. Despite initial mandate discussions spanning a painful three years, he ensured, in the end, that we would have the means to be a real catalyst of change. We are grateful for this and for the support he lent to the Office over the last four years. We wish him well.

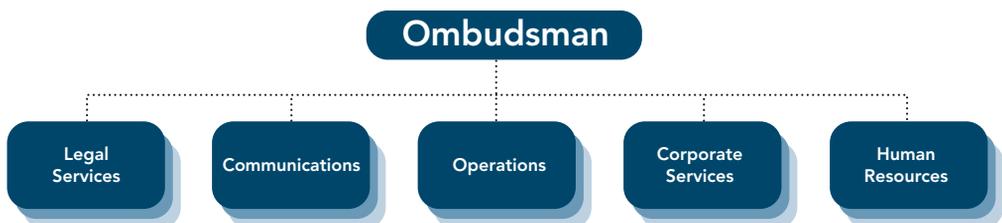
The Ombudsman Team

The Ombudsman was appointed in June 1998 for a term of 3 years on good behaviour. In 2001, the Ombudsman was renewed for a second term, which runs for 5 years.

The Ombudsman's team consists of approximately 50 staff members, all of whom are civilians who have sworn an oath of confidentiality.

Ombudsman Intake staff answer the toll-free phone line (1-88-88-BUDMAN) and process all incoming complaints. As the front line workers, they act as the first point of contact with the Office, listening to callers' concerns and drawing on their extensive knowledge of DND/CF to provide options that will help callers resolve their problems.

The Office also employs 24 full time investigators. Ombudsman investigators come from a variety of backgrounds, including police work, provincial and university ombudsman, other federal government investigative bodies and former commissioned and non-commissioned members of the CF. The majority of investigators work from the office in Ottawa, while seven investigators telework from major centers across Canada. The presence of regional investigators allows the Office to keep in touch with local issues, to maintain an ongoing presence in centers close to major CF bases and to develop a positive and constructive working relationship with key decision-makers at the operational level. Over the next fiscal year, the Office will be reviewing and assessing the advantages and cost effectiveness of the telework project, as well as the locations of the regional investigators.



The Ombudsman also has his own independent General Counsel and communications staff. Communications officers handle media inquiries and co-ordinate outreach visits to military and civilian groups, as well as meetings with members of the international ombudsman community. They also publicize the results of investigations that are of great public interest and manage the Office's sites on the Web (www.ombudsman.forces.gc.ca) and the intranet (<http://\ombudsman.mil.ca>).

Corporate Services staff provide financial services. A human resources manager deals with all personnel issues. The Office also has its own Access to Information and Privacy (ATIP) co-ordinator who is responsible for administering ATIP legislation within the Ombudsman's Office.

New Location

After much anticipation, in March 2001 the Ombudsman's Office moved into its new location at 100 Metcalfe Street in downtown Ottawa. Where previously the Office's staff were divided between two smaller locations, this new space allows the entire Ottawa office to operate from one central location. The new office space includes a reference library for staff and specially designed meeting and interview rooms. Coinciding with the move to the new space, the Ombudsman's Office also acquired a new state-of-the-art telephone system to facilitate the handling of complaints and to improve the Office's ability to keep statistics on the volume of complaints received.



Ombudsman Advisory Committee: A Retrospective on the Office

The Ombudsman's Advisory Committee was created so that the civilian-staffed Ombudsman's Office could benefit from military knowledge and experience. The committee consists of seven serving or retired Canadian Forces members, chosen by the Ombudsman and approved by the Minister of National Defence. Committee members act as a sounding board for initiatives or recommendations being considered by the Ombudsman. The confidentiality of cases is preserved and the group does not make decisions on specific complaints. The current Advisory Committee members are: Major-General (Retired) Clive Addy, Major (Retired) Dee Brasseur, Lieutenant-Colonel Kevin Cotten, Captain Sharon Donnelly, Sergeant (Retired) Thomas Hoppe, Major-General Keith Penney and Mr. Grant White. Mr. Ed Ratushny chairs the Advisory Committee meetings.

One of the first Ombudsman Advisory Committee members offers his thoughts on the Office's progress as the Ombudsman rounds the corner on his fourth year in office:

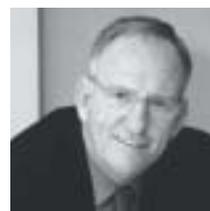
When André Marin was appointed Ombudsman for the Department of National Defence and the Canadian Forces on June 9, 1998, there was considerable speculation as to what his role would be and, of course, once that was revealed, just how effective he would or could be. To say that there were doubts as to whether or not his office could make a difference could probably be considered among the understatements of 1998.

For those who don't remember, the appointment of Mr. Marin as the DND/CF Ombudsman was the direct result of a recommendation of the Minister of National Defence in his March 25, 1997, Report to the Prime Minister on the Leadership and Management of the Canadian Forces. The intent was that the Ombudsman would provide informal information, advice, and guidance to all personnel, military and civilian, in need of help or who believe they have been treated improperly. The Ombudsman would provide a neutral, confidential and informal alternative to the formal complaint system and would report directly to the Minister of National Defence.

Trepidation was rampant. Non-commissioned members doubted his ability to effectively deal with their concerns while shielding them from career damaging, or career ending, retribution. Throughout all levels of the officer corps there appeared to be concern that Mr. Marin would interfere with, or run counter to, the chain of command.



Professor Ed Ratushny
Chair



Major-General (Retired)
Clive Addy



Major (Retired)
Dee Brasseur



Lieutenant-Colonel
Kevin Cotten

My first contact with Mr. Marin was an early visit to the West Coast in the fall of 1998. He was on a fact-finding mission across the country, in effect researching and consulting with all levels, military and civilian, in an attempt to find a beginning point. I was impressed by his sincerity and open attitude. He truly was seeking a direction and wanted the hard truths.



Captain Sharon
Donnelly

In January 1999, Mr. Marin presented the Minister of National Defence with his report The Way Forward, which set out his proposals for an effective and independent civilian oversight body. On June 16, 1999, the Minister announced the mandate for the Ombudsman and his Office began handling complaints.



Sergeant (Retired)
Thomas Hoppe

Today we have an Ombudsman with teeth. He has proven the worth of his Office as an effective and independent oversight body, able to assist many from all walks of DND/CF life.

That was the beginning as documented and as I remember it. Where are we now? Has the Ombudsman truly made a difference?



Major-General
Keith Penney

Today we have an Ombudsman with teeth. He has proven the worth of his Office as an effective and independent oversight body, able to assist many from all walks of DND/CF life. The Ombudsman's Office has processed 1300 complaints each of the last two years and has conducted two major investigations. The second of these, Systemic Treatment of CF Members with PTSD, is as comprehensive and complete as the first. It falls into the recommended reading category and will undoubtedly result in changes for the better — which is the reason for the Office of the Ombudsman.



Mr. Grant White

I do believe that today most members of the DND/CF family, generally, appreciate and understand the role and purpose of the Ombudsman. The many who have had reason to request the services of the Ombudsman have found it to be fair, impartial and able to resolve their concerns.

Those who have been unfairly treated by the system have a champion — he is their Ombudsman.

– Grant White
Ombudsman Advisory Committee Member

Ombudsman's Awards

On Friday, March 1, the Ombudsman presented the first annual Ombudsman awards in a ceremony at National Defence Headquarters.

Chief Warrant Officer Roger Bouchard received the Ombudsman's Commendation for Ethics, an award created by the Ombudsman to recognize individuals or groups of individuals in the DND/CF community who bring pride to the institution by their demonstration of exemplary ethics.

CWO Bouchard has been a driving force in the Defence Ethics Program, drawing on his own personal experience to lead discussions that have enhanced ethical dialogue and openness, especially among non-commissioned members.



Chief Warrant Officer Roger Bouchard receives the first annual Commendation for Ethics from the Ombudsman on Friday, March 1, 2002.



Chief Petty Officer (2nd Class) Larry Schneider receives the first annual Commendation for Complaint Resolution from the Ombudsman on Friday, March 1, 2002.

Chief Petty Officer (2nd Class) Larry Schneider received the Ombudsman's Commendation for Complaint Resolution, an award created to recognize individuals or groups of individuals in the DND/CF community who demonstrate exceptional problem-solving and complaint resolution skills.

CPO Schneider has been a 'champion of the troops,' especially when regulation and policy seem to emerge as obstacles to their welfare. He has gone beyond the call of duty to help several junior members counter unfair bureaucratic decisions.

Nominations for the Commendation for Ethics are accepted from all members of the DND/CF community, while Ombudsman's staff provide nominations for the Commendation for Complaint Resolution. The nomination deadline for the 2003 awards is October 25, 2002.

Keeping In Touch

An important part of the Ombudsman's job is to keep an ear to the ground and stay in touch with the issues and concerns that are important to members of the Canadian Forces at all ranks. The Ombudsman also considers it a top priority to be visible to CF members and to ensure that they and their families are aware of the Office and the services it provides. In support of these roles and despite his hectic schedule, the Ombudsman conducts outreach visits to allow him to maintain contact with the troops and to help them put a face to the name 'Budman'.

The Ombudsman travelled to Goose Bay in August 2001 at the invitation of the base commander to meet first hand with members serving in this isolated location. There, he heard their concerns about decreases in isolation pay, the poll tax and a rent increase for private married quarters (PMQ).

In November 2001, the Ombudsman and his director general of operations travelled to Bosnia where they toured five Canadian peacekeeping camps and spent time in operations with members of the 3e Bataillon Royal 22e Régiment.

The Ombudsman's outreach efforts even extended to troops deployed under Operation Apollo in Afghanistan, when the Office sent over 400 Ombudsman travel mugs to troops in the Tactical Airlift Detachment Station. Although the mugs are a small token, they show those serving our country abroad that we recognize their courage and they have our support.



Ombudsman visits the Connaught Cadet Training Centre where he has an opportunity to interact with eager cadets at the shooting range.

The Year in Review: Operations

It was an extremely busy and exciting year for the Ombudsman's Office, with a slight increase in the number of complaints received. In addition, the complaints continue to grow in their complexity and seriousness. Although the Office continues to respond to all complaints and attempts to resolve cases at the lowest level possible, the Office also looks for opportunities to focus resources on recent complaints that raise systemic issues relevant to DND/CF members as a whole.

The Office also continues to refine and improve its Case Tracking Management System (CTMS) to allow for the efficient taking of complaints and tracking of investigations. CTMS is used to produce useful statistics on trends in complaints for informed decision-making and to support Ombudsman outreach efforts with different constituency groups.

Military Police Cooperation Revisited: When is a Protocol not a Protocol



In last year's annual report, the Ombudsman indicated that his Office sometimes had difficulty receiving cooperation from the Military Police (MP) when information concerning MP investigations was required during the course of the Office's duties. He gives a brief update below:

The working relationship between the Ombudsman's Office and the military police was given a significant amount of attention during the three years of negotiations that resulted in the new, revamped Ministerial Directives governing my Office. The CF Provost Marshal (CFPM), who directs the military police, was consulted during these negotiations and given ample opportunity to address concerns about my Office's interactions with the MP. I thought the issue had been laid to rest with the publication of the new mandate.

Why are these directives not good enough for the military police, who time and again have pledged complete support for, and cooperation with, this Office?

I was therefore dismayed to learn, after negotiations had been completed and the mandate signed, that the CFPM wanted to establish a formal protocol for communication between our offices. Not only was I concerned that not all matters had been put on the table during negotiations and incorporated into our cooperation agreement (the Ministerial Directives), I was troubled by the very idea of a formal communications protocol. The essence of what we do is to get involved quickly and informally in the resolution of problems. A formal protocol like the one being proposed would delay or

even curtail access to information. Equally troubling, the perceived need for a formal protocol suggests a lack of openness and trust, which is contrary to the spirit of transparency that this Office was created to ensure. Most CF leaders and managers have cooperated promptly with the Office of the Ombudsman by relying on the Ministerial Directives. Why are these directives not good enough for the military police, who time and again have pledged complete support for, and cooperation with, this Office?

There is no need to bureaucratize access to the kind of information needed for the prompt and effective settlement of disputes.

I was therefore troubled when I received a letter in August 2001 from the former Vice Chief of the Defence Staff (VCDS) requesting that a formal protocol be established to facilitate “cooperation” with the military police. (The VCDS oversees the CFPM and military police). I even received a follow-up letter from the current VCDS, Lieutenant-General George Macdonald, three months later. This second letter was particularly surprising. After I had received the first letter, I met with the former VCDS and discussed the issue of a formal protocol with him on several occasions. I thought the matter had been settled. I therefore responded to the second letter by setting out in writing why we oppose a formal protocol. The VCDS responded that he was referring in his letter not to a “formal protocol” per se, but instead to an internal procedure that would operate among the military police. We do not have the jurisdiction to prevent the establishment of such internal guidelines, but my concern remains. We have a mandate that functions well. There is no need to bureaucratize access to the kind of information needed for the prompt and effective settlement of disputes. We remain hopeful that, notwithstanding the perceived need within the military police for internal guidelines, we will receive the promised cooperation, on a par with the cooperation received from the rest of DND/CF. I will continue to monitor this matter very carefully.

- André Marin
Ombudsman

***JAG Cooperation Revisited:
Access to the JAG Legal Collection***

The Office of the Judge Advocate General (JAG) provides legal services to the Canadian Forces and the Department of National Defence on a number of legal issues. The JAG administers the military justice system, provides both prosecution and defence counsel services, gives legal advice to the CF on military law and training on legal issues to CF members in Ottawa and in the field. In order to support these legal activities, the JAG office in Ottawa has a specialized collection of military legal resources in their internal library.



Initially JAG library staff did not wish to provide access to the Ombudsman's Office, citing that the JAG library is an internal library for the Office of the JAG and the DND/CF Legal Advisor and also that the library contained solicitor-client privileged materials.

During the course of an investigation, Ombudsman staff attempted to access the JAG library in order to obtain copies of transcripts that were relevant to an ongoing investigation. Initially JAG library staff did not wish to provide access to the Ombudsman's Office, citing that the JAG library is an internal library for the Office of the JAG and the DND/CF Legal Advisor and also that the library contained solicitor-client privileged materials.

Upon further appeal however, this initial resistance was overcome and the JAG agreed to extend Ombudsman staff access to the library on an appointment basis with the exception that they would not be permitted to access solicitor-client information. Ombudsman investigators will continue to use the JAG library as a source of information, ensuring that investigations are thorough and that all relevant information is obtained and considered.

Special Ombudsman Response Team (SORT)

In keeping with the trend of focussing on systemic issues relevant to members of the DND/CF community, the Special Ombudsman Response Team (SORT) was created by the Ombudsman in May 2001. Led by Director, Gareth Jones, SORT has a challenging and exciting mandate.

SORT will conduct major investigations that require intense effort and resources, close supervision and investigative expertise. These investigations have many of the following characteristics:

- Apparent systemic issues;
- Immediate intervention required;
- Highly sensitive;
- Complex and/or disputed facts;
- Large number of witnesses;
- No reasonable prospect of resolution by other means;
- High public profile;
- Involves senior DND/CF members, either as witnesses or policy makers; and
- Will likely result in recommendations to the Minister of National Defence.

The vast majority of SORT's work in 2001 involved the investigation into systemic issues relating to how the CF deals with post traumatic stress disorder (PTSD). The quality, scope and thoroughness of the investigation received high praise from many quarters, including Members of Parliament, senior CF members and the complainant.

SORT members use a structured approach to tackle large investigations. At the outset of an investigation, they create an extensive and detailed case assessment and investigative plan that painstakingly sets out the issues to be investigated and the resources required. Once approved by the Ombudsman, SORT investigators begin the investigation. They use appropriate investigative techniques, such as tape recording statements, to ensure that the Ombudsman has all the facts necessary to make a fair and objective assessment.

We believe that SORT is breaking new ground in how ombudsman offices approach investigations.

SORT investigators are selected from the Ombudsman's investigations team on a case-by-case basis, depending on their background, experience and expertise. SORT investigators bring a very broad range of skills to the table, including backgrounds in criminal investigations, military auditing and legal training. Some team members have a military background. Although there is only a small group of core SORT investigators during each investigation, they work side by side with other Ombudsman investigators, who themselves have a wealth of experience. Outside experts are also used. The Office was very proud to work with Brigadier-General (Retired) Joe Sharpe throughout the PTSD investigation. His contribution was invaluable, and we hope to continue working with him in the future.

We believe that SORT is breaking new ground in how ombudsman offices approach investigations. Focussed, structured and appropriately resourced, these investigations provide the credible factual foundation upon which to recommend changes that will positively impact on the welfare of a large number of DND employees, CF members and their families.

In the short term, SORT's goal is to produce major investigative reports that meet the quality and thoroughness of the PTSD report. However, the team is also creating an investigative training programme to ensure all Ombudsman's Office investigators are fully up-to-date in cutting-edge investigative techniques. A structured debriefing programme will ensure that lessons learned during SORT investigations are shared with all investigators in the Ombudsman's Office.

We believe the creation of SORT is a bold, innovative approach to investigative excellence in the oversight field. We have had a very successful first year and have set ourselves the goal of building on that success in the coming year.

First SORT Investigation: Systemic Treatment of CF Members with PTSD

SORT conducted an investigation into a complaint by Corporal (Cpl) Christian McEachern that the Canadian Forces (CF) treats members who have been diagnosed with post traumatic stress disorder (PTSD) unfairly.

Cpl McEachern, a former member of 1st Battalion Princess Patricia's Canadian Light Infantry based in Edmonton, was diagnosed with PTSD in the fall of 1997. He was released from the CF in July 2001.

On March 15, 2001, Cpl McEachern allegedly drove his vehicle into the Garrison Headquarters at Canadian Forces Base (CFB) Edmonton, for which he faced criminal charges. The Ombudsman's Office did not look into the immediate circumstances surrounding this incident, given that the matter was before the Courts.

An investigative team was formed, headed by Gareth Jones, the Director of SORT and assisted by Brigadier-General (Retired) Joe Sharpe in his capacity as Special Advisor to the Ombudsman on PTSD issues. The team included a number of other Ombudsman investigators who had developed experience in dealing with PTSD-related issues.

Cpl McEachern's primary concern was the way the CF deals with issues related to PTSD. He stated that there is insufficient understanding about and awareness of PTSD in the CF, that he and others received little or no training and education about PTSD, and that members diagnosed with PTSD are often ostracized, stigmatized and abandoned by their units. He indicated to the investigative team that he was not seeking personal redress, but hoped his complaint would help improve the situation for others in the CF who are suffering from PTSD.

As the investigation progressed, it quickly became apparent that a number of issues arising from Cpl McEachern's complaint were systemic in nature.

The investigative team interviewed approximately 200 individuals. Of these, approximately 100 were current and former CF members who had been diagnosed with PTSD, as well as a number of their family members. The team also interviewed members of Cpl McEachern's chain of command, including his former commanding officer and the current and former commanders at Land Forces Western Area in Edmonton. Team members interviewed senior personnel at National Defence Headquarters, including the Director General of Health Services, Brigadier-General Lise Mathieu. The investigators interviewed staff members at three CF Operational Trauma and Stress Support Centres (OTSSCs), as well as members of outside agencies including the International Red Cross and foreign militaries. They also consulted with Lieutenant-General (Retired) Roméo Dallaire and met with then Chief of the Defence Staff (CDS), General Maurice Baril. The investigation generated thousands of pages of interview transcripts. Investigators also reviewed a large number of documents about PTSD from the

CF and other sources. The final report, which was over 230 pages long and contained 31 recommendations, was presented to the Minister of National Defence in December 2001 and publicly released in February 2002.

As the investigation progressed, it quickly became apparent that a number of issues arising from Cpl McEachern's complaint were systemic in nature.

The first issue that the investigators sought to ascertain was the prevalence of PTSD within the CF. They obtained information from individual Operational Trauma Stress Support Centers (OTSSCs) about the number of cases of PTSD each had dealt with. For example, by May of 2001, the OTSSC in Edmonton had diagnosed over 200 CF members with PTSD since its inception in the fall of 1999. However, the CF psychiatrist in Edmonton estimates the actual number of CF members suffering from PTSD is far larger, given CF members' reluctance to come forward to seek help. Her 'worst case scenario' of CF members who may have PTSD is in the region of 600 to 700 in Edmonton alone.

The Ombudsman concluded that it is essential to remedy the absence of data if the CF is to come to grips with PTSD and related issues and have made several recommendations in that regard.

The investigative team was surprised to find that the CF does not possess a centralized database that accurately reflects the number of CF personnel who have been diagnosed with PTSD. Clearly, it is difficult to deal with an issue without sufficient data to indicate the extent of the problem. Furthermore, little or no data about suicides of CF members appears to be available. The Ombudsman concluded that it is essential to remedy the absence of data if the CF is to come to grips with PTSD and related issues and have made several recommendations in that regard.

Investigators examined attitudes to PTSD within the CF and found overwhelming evidence that many within the CF are sceptical about whether PTSD is a legitimate illness. There was a distressingly common belief among both peers and leaders that those diagnosed with PTSD were 'fakers,' 'malingers' or simply 'poor soldiers.' On the other hand, the evidence from medical professionals and caregivers indicated that exaggerating or faking symptoms of PTSD is rare, in the region of one to three per cent. Furthermore, it became abundantly clear during the course of the investigation that the vast majority of CF members diagnosed with PTSD, including Cpl McEachern, were far from 'poor soldiers' — in fact, most were above-average or excellent soldiers. A former CF psychiatrist with considerable experience in the field told us, "Some of these guys are the best soldiers you will ever see." Nevertheless, we found that members with PTSD are often stigmatized, ostracized and shunned by

their peers and chain of command. These attitudes inevitably lead to a reluctance to seek treatment on the part of those with symptoms of PTSD. Attitudes towards PTSD within the CF are of particular concern, since the sooner members seek treatment, the more likely they are to recover and remain productive members of the CF.

The investigation uncovered several success stories, in which CF members diagnosed with PTSD continued in their careers as effective and valuable members of the CF. In virtually all cases, the key deciding factor was unconditional and non-judgemental support from peers and the chain of command. This was a win-win situation for both the member and the CF, given the need for retention of experienced personnel. These success stories were, however, the exception to the rule.

In many cases, including that of Cpl McEachern, there was inadequate contact between members diagnosed with PTSD and their units, particularly once members were removed from their units and placed on the Service Personnel Holding List (a list of members who are unable to perform their duties for six months or more due to medical reasons). Members with PTSD often felt they had been abandoned by their units. The Ombudsman made a recommendation that units contact members on a regular basis, which we believe will reduce this perception. He also recommended that units be given sufficient resources to permit them to look after members within their units as far as possible.

Improved education about PTSD is required to change attitudes towards PTSD in the CF, particularly among leaders. The CF has recognized that education is an important issue in dealing with PTSD, but sufficient resources have yet to be allocated to achieve this goal. A tremendous amount of work still needs to be done to educate CF members at all levels about PTSD and its ramifications. The Ombudsman recommended that appropriate mandatory basic and continuing education and training programs be put in place as soon as possible. The report included a further recommendation that education and training about PTSD be made a priority.

The delivery of such training exclusively by academics or CF caregiving professionals who have not shared the experiences of their audience does not appear to be an effective approach, despite the best of intentions. The report includes a recommendation that future training be delivered by multidisciplinary teams that include CF members who have been diagnosed with PTSD.

The delivery of such training exclusively by academics or CF caregiving professionals who have not shared the experiences of their audience does not appear to be an effective approach, despite the best of intentions.

In contrast, the investigative team found that training and procedures related to deployment are being vigorously and positively supported by the chain of command. Significant improvements have been made in the quality and quantity of deployment-related training at the unit level since Cpl McEachern was last deployed in 1996, at least in units that Ombudsman Office investigators visited. The Ombudsman recommended that the CF audit and assess the effectiveness of improvements in training and procedures, particularly with respect to Reserve Force members who, the investigative team heard, often fall between the cracks in the system.

The investigation also concluded that caregivers must be trained to deal with PTSD, and recommended that the CF provide the incremental resources necessary to achieve that purpose.

A number of administrative issues also arose from this investigation. The report included a recommendation that the CF amend the rules regarding Occupational Transfers to accommodate members with PTSD, as far as is possible.

The investigation found that the CF also needs to improve support for family members of those diagnosed with PTSD. OTSSCs require more resources to fulfil their objectives, including delivery of outreach training. Further, the investigation revealed that the CF should explore methods to deal with stress and burnout among caregivers created by the lack of resources and high caseloads. Serious concerns about the confidentiality of medical information also need to be reviewed and addressed.

Finally, it was evident that no mechanism exists at present to allow CF leaders, educators, caregivers, family members and others to communicate and share the knowledge necessary to address PTSD on a holistic basis. The Ombudsman therefore recommended the creation of the position of PTSD co-ordinator to remedy this deficiency. The person appointed should report directly to the CDS, outside of the normal chain of command. The Ombudsman noted that this reporting relationship is unusual, though by no means unprecedented; however, the consequences of the problems associated with PTSD are so significant to the CF, they require an exceptional solution.



Ombudsman André Marin at the press conference when the Systemic Treatment of CF Members with PTSD report was released.

It is hoped that the recommendations in this report help prevent costly legal battles, such as the joint action suit launched in March 2002 in the United Kingdom by former British soldiers with PTSD.

The Ombudsman was pleased to note that the CF has been proactive in dealing with PTSD in many respects. The Department of National Defence and the CF have introduced a number of initiatives to attempt to deal with issues related to PTSD. Not least of these is the creation of the OTSSCs. There was almost universally positive feedback from all quarters about the OTSSCs, with particular praise for the astounding dedication of those who work in them. The report commended the chain of command for giving rapid approval and support to an initiative to develop peer support groups for members with PTSD, and for introducing a case manager system to improve continuity of care.

The report was released on February 5, 2002, and received widespread national publicity. Reaction to the report has been very positive, particularly from members of DND/CF.

It is hoped that the recommendations in this report help prevent costly legal battles, such as the joint action suit launched in March 2002 in the United Kingdom by former British soldiers with PTSD. The claimants, who served in Northern Ireland, Bosnia, the Falklands and the Gulf, maintain the British Ministry of National Defence (MoD) failed to provide proper treatment for those who developed the disorder. The case is said to be the biggest ever brought against the MoD, with claims for damages up to £500 million.

The Ombudsman intends to publish a follow up report on DND/CF's progress in improving the welfare of its members with PTSD in the fall of 2002. SORT has been assigned to complete the nine-month review of the implementation of the PTSD report recommendations.

Own Motion Investigation: Treatment of Members Suffering from PTSD at OTSSC Halifax



In December 2001, the Ombudsman notified the Minister of National Defence that he had initiated an investigation into workplace issues at the Halifax OTSSC that could have a direct impact on the care available to CF members suffering from PTSD. This was the first time the Ombudsman availed himself of the so-called 'own motion' provision in his mandate, which allows him to investigate any matter relating to DND/CF after notifying the Minister.

As a result of quick intervention by SORT and with the cooperation of treatment providers at the OTSSC, immediate short-term steps were taken to ensure the continuity of patient care as much as possible.

As a result of quick intervention by SORT and with the cooperation of treatment providers at the OTSSC, immediate short-term steps were taken to ensure the continuity of patient care as much as possible. Issues relating to the treatment of caregivers working within the OTSSC and the management of workplace conflicts are also being investigated.

Ministerial-Directed Investigation: Board of Inquiry Complaint



The Ombudsman's mandate allows the Minister of National Defence to forward complaints to the Ombudsman for investigation, wherever he feels that an outside, independent third party investigation is called for.

Some of these cases may be very serious. In December 2001, the Ombudsman's Office received its first direction from the Minister to investigate a complaint that had been forwarded to the Minister's attention.

The complaint stems from a serious and debilitating training injury suffered by an officer cadet at the end of the basic officer training course. The injury led to the complainant's discharge from the military. An internal Board of Inquiry (BOI) was convened and reported its findings in January 2001. The complainant alleged that his injury was a result of the stringent training requirements of the officer training course and he further alleged abuses of power and harassment by training officers. The BOI results did not support the complainant's allegations.

The complainant brought a complaint forward directly to the Minister of National Defence, who in turn directed the file be sent to the Ombudsman for an independent third party investigation.

The complainant and his family were not satisfied with the BOI findings, the fact that they waited several months to receive a copy of the BOI transcripts, and the military's refusal to allow a family friend to be present when military representatives presented the BOI findings in the complainant's home.

The complainant brought a complaint forward directly to the Minister of National Defence, who in turn directed the file be sent to the Ombudsman for an independent third party investigation. The Ombudsman's Office is currently reviewing the BOI proceedings and findings and will forward the results of its investigation to the Minister.

Pre-Mandate Cases

The Ombudsman's mandate does not allow him to investigate matters that happened before his appointment on June 15, 1998, unless he receives direction to do so from the Minister of National Defence. This fiscal year, 182 pre-mandate complaints were received by the Ombudsman's Office.

Ombudsman investigators thoroughly review such complaints. Many are serious and of great significance to those who bring the complaints forward. According to the Minister's direction however, the Ombudsman's Office focuses on investigating complaints that raise systemic issues that remain relevant to current DND/CF members as a whole. This way the Office can ensure that its resources are devoted to making a substantial contribution to the quality of life for as many DND/CF members and their families as possible.

This fiscal year, the Ombudsman recommended to the Minister that 35 pre-mandate cases be investigated. All of the Ombudsman's recommendations were accepted by the Minister. The systemic issues raised by these cases are diverse, including the administration of medical treatment standards, quality of life and services for members suffering from mental health problems and post traumatic stress disorder (PTSD).

Update: Report on Allegations Against the Canadian Forces

Last year's annual report profiled the Ombudsman's investigation and interim findings and report in this complex case which alleged cover up, harassment and reprisal. The Ombudsman's final report in this case was submitted to the Minister of National Defence on June 15, 2001 and the report was publicly released on August 13, 2001.

In December, 2001 the Ombudsman wrote to the Minister of National Defence with respect to the implementation of the 6 outstanding recommendations from his report. The Ombudsman informed the Minister that he did not intend to pursue recommendations that the military police provide the complainant with written reasons for not investigating a complaint about leaked information or that the military police reissue a misleading press release which caused prejudice to the complainant. In coming to this difficult decision, the Ombudsman considered that the complainant had expressed a desire to put closure to the case and that he did not wish to pursue the recommendations which affected him on an individual basis.

The Ombudsman emphasized to the Minister, however, his wish that four remaining recommendations be implemented. Three of these recommendations were made to the Chief of Defence staff, including recommendations that the CDS give direction to the chain of command to prevent attempts to influence CFNIS investigations and to prevent subjects of investigation from making referrals to the police to investigate their own conduct. The Ombudsman subsequently met with the Chief of Defence Staff to urge him to reconsider his response to these recommendations. We are still awaiting his response.

The remaining outstanding recommendation fell within the authority of the Canadian Forces Provost Marshal. This recommendation urged the CFPM to reconsider a finding that the complainant's military police complaints were vexatious and to revise the military police criteria for labelling a complaint to be vexatious. The CFPM initially declined to reconsider her finding but undertook to review the policy on the use of this term and to inform the Ombudsman of any changes. Subsequent to his correspondence to the Minister, the Ombudsman was pleased to hear from the CFPM that she had reconsidered and that the letter to the complainant dismissing his complaints would be reissued removing the label vexatious.

The CFPM further reported to the Ombudsman in response to his recommendation that the definitions and threshold by which military police complaints may be classified as frivolous, vexatious or made in bad faith had been modified. She also noted that pending the official policy change she had instructed her Deputy Provost Marshal Professional Standards to adhere to the new standards and that no complaints had been classified as frivolous or vexatious since the Ombudsman's recommendation was made and the policy review had been initiated. She also informed that the Ombudsman that her office would promote the use of more neutral language in communicating any decision under Part IV section 250.28 of the *National Defence Act*. The Ombudsman wrote to the CFPM thanking her for this positive response, which allowed for the chapter on this long outstanding matter to be finally closed.

Systemic Delays in the Grievance System

In the last annual report, the Ombudsman noted with increasing concern a developing pattern of delay in the treatment of redress of grievances under the new CF streamlined redress of grievance system. The Ombudsman's mandate specifically provides that when the Ombudsman receives complaints about the handling of complaints by an existing mechanism, the Ombudsman's role is to review the process to ensure that individuals are treated in a fair and equitable manner. This provision gives the Ombudsman the mandate to investigate complaints about the treatment of redress of grievances at all levels including the initial authority level, the Chief of the Defence Staff level and the Canadian Forces Grievance Board, which makes recommendations to the Chief of the Defence Staff on the adjudication of grievances.

Staff within the Minister's Office and DCFGA have been cooperative in providing the Ombudsman with detailed status updates on the progress of each of the outstanding grievances.

Ongoing delays in the treatment of grievances are extremely frustrating to grievors and often cause them to lose faith in the fairness of the process. It is further frustrating to them that under the Ministerial Directives, they must first await the final conclusion of their grievance before the Ombudsman may review their complaint.

During the 2001-2002 fiscal year, the Ombudsman's Office monitored complaints about grievance delays and took steps on individual cases to bring delays to the attention of those working in the system and to encourage the expeditious completion and resolution of grievances.

Roadblocks have been reported, however, as Grievance Board staff question the authority of the Ombudsman's Office to obtain information from them on individual cases of delay.

The Ombudsman's Office also initiated a systemic review into delays in the adjudication of grievances at the Minister's level. With the implementation of the reforms to the CF grievance system, the Minister was removed as the final level of authority to adjudicate on grievances. In October 2001, approximately 39 grievances remained from the old grievance system and were awaiting adjudication by the Minister. Many of these grievances had been delayed for two or more years in the system. As part of this systemic review, senior Ombudsman staff are working directly with staff within the Minister's Office and the Director Canadian Forces Grievance Administration (DCFGA) in order to address these delay problems and to attempt to expedite the adjudication of the remaining cases. The Ombudsman's Office was informed that the grievances in question had been returned to the DCFGA with a request for more complete analysis and assessment of the Minister's ability to grant redress. The Office also learned that some of the delays in conducting this further research and analysis have been due to personnel shortages. The Office was assured that steps were being taken to request additional personnel and to address the problem over the long term.

Staff within the Minister's Office and DCFGA have been cooperative in providing the Ombudsman with detailed status updates on the progress of each of the outstanding grievances. We were pleased to see that between the time the Ombudsman's Office initiated its review of these delay issues and the end of the fiscal year, seven grievances were adjudicated and another 16 had been analysed and returned to the Minister for adjudication. Ombudsman staff continue to work with DCFGA and Minister's Office staff and have encouraged the setting of deadlines and target dates in order to expedite the adjudication of the remaining 14 grievances (two grievances were withdrawn by the grievors).

The Ombudsman's Office also began working on addressing complaints of delay on individual cases that are being analysed by the CF Grievance Board for recommendation to the Chief of the Defence Staff, under the new streamlined redress of grievance system. Ombudsman staff have attempted to address each case on an individual basis

with staff at the CF Grievance Board. Roadblocks have been reported, however, as Grievance Board staff question the authority of the Ombudsman's Office to obtain information from them on individual cases of delay. The applicability of the Ombudsman's mandate to the Grievance Board was also questioned by some.

The Office will also be approaching the Board directly to deal with delay issues and to attempt to identify strategies to reduce delays in individual cases.

The results of the negotiations leading up to the revised Ministerial Directives of September 2001 and the wording of the Directives themselves make clear the Ombudsman's authority to review complaints about the treatment of grievances by the CF grievance system, which includes the CF Grievance Board. The Ombudsman's Office is currently taking steps to ensure that the Grievance Board clearly communicates this message to its staff as well as grievors. The Office will also be approaching the Board directly to deal with delay issues and to attempt to identify strategies to reduce delays in individual cases.

***Redress of Grievance Delays at the First Level:
Initial Authority***

During the course of one of the Office's investigations, Ombudsman investigators learned that within the new streamlined CF redress of grievance system, at least one initial authority office (the first level in the new streamlined process) routinely requested extensions of the 60-day time limit allotted for processing grievances. This was done whenever the pre-assessment of the grievance determined that it could not be dealt with within the 60-day time limit. The requests for extensions were made before the 60 days had passed. If the grievor did not agree to the request for an extension, no work would be done on the file for the remainder of the 60-day period. At the end of the 60 days, the initial authority office would forward the grievance to the Chief of the Defence Staff for the second and final level of review.

This response clarified that the onus is on the initial authority office to continue to make every attempt to deal with the grievance during the 60-day period, even where an extension has been refused.

The Ombudsman's Office had questions about why files were left to sit in the initial authority office for the remainder of the 60-day period when a decision appeared to have been taken that no further work would be done on them at that level. These questions were addressed to the Director CF Grievance Administration, who confirmed that

initial authority offices keep grievances for the full 60-day period in cases where an extension was requested and denied. He also confirmed that the initial authority offices are statutorily obligated to attempt to work on grievances for the whole 60-day period, regardless of whether an extension request was denied.

This response clarified that the onus is on the initial authority office to continue to make every attempt to deal with the grievance during the 60-day period, even where an extension has been refused. The Ombudsman's Office thanked the Director CF Grievance Administration for his clarification of the process.



The Director CF Grievance Administration also emphasized that the grievor has the right to experience both levels of adjudication of their grievance and stressed the benefits of having an initial authority response. Such a response provides the grievor with the official CF position on the grievance. This gives the grievor the opportunity to evaluate the reply. Should their grievance be denied and they wish to take their case to the Chief of the Defence Staff, they will have the opportunity to prepare further rebuttal arguments based on the initial authority response. If the first level adjudication is skipped, the first time the grievor sees the response to their grievance is during the disclosure process at the final, Chief of the Defence Staff level. For this reason, it may often be in the best interest of the grievor to grant an extension so the initial authority has enough time to adjudicate the grievance.

Gender Integration Investigation

The Ombudsman's last annual report highlighted a trend in complaints relating to systemic issues of gender integration within the CF. As noted last year, the Ombudsman established a team of investigators to review specific cases and examine gender integration issues. As a result of this, an investigation was initiated to deal with specific complaints of alleged gender discrimination at Western Area Training Centre (WATC) Wainwright. This investigation also examined a number of systemic issues relating to gender integration and the treatment of female course participants. Extensive research on the CF's overall record in the area of gender integration was also reviewed and the Ombudsman's Advisory Committee provided input based on their experience with gender integration issues. The results of the Ombudsman's investigation should be available next fiscal year.

During this investigation, Ombudsman investigators talked to a number of women and men who have very different opinions on how full integration should be achieved or whether it should be achieved at all. Some interviewees expressed their satisfaction with the status quo, while others expressed anger, disappointment, sadness or frustration with the current situation.

The Ombudsman's Office continues to be concerned about the amount of information on gender integration issues that it receives anonymously. There is clearly reluctance on the part of individuals to come forward and a fear of retaliation and reprisal. As with all complaints, the Ombudsman's Office encourages individuals to come forward so that their complaints can be independently investigated. The Office is committed to taking every step possible to prevent retaliation and reprisal against individuals and will make full use of the prohibitions on retaliation contained in the Ministerial Directives of the Office.

Allegations of Harassment and Discrimination in a Cadet Squadron



CHAIN OF
COMMAND
REFERRAL

A father complained to the Ombudsman's Office about the treatment his daughter received as a member of a Royal Canadian Air Cadets squadron. He alleged that she did not receive the promotions that she was eligible for, that she was the subject of gender discrimination and harassment from senior cadets in the squadron and that she had been unjustly denied certification as a cadet glider pilot. The father also alleged that both he and his daughter were subjected to retaliation in response to his speaking out on her behalf.

Several internal investigations had been conducted over the course of several years on this case and all of them concluded there had been no wrongdoing. The father persisted, taking his complaints to his Member of Parliament, the Minister of National Defence, the Governor General and finally to the former Vice Chief of the Defence Staff (VCDS). The VCDS recognized the need for an independent and external examination of the allegations and asked the Ombudsman to investigate.

The Ombudsman's Office made recommendations to clarify the criteria for promotion and clearly inform the cadets about the steps they could expect to encounter in the assessment and promotion process.

The Ombudsman's investigation concluded that although the complainant's daughter had not been overtly discriminated against in her promotions, there was a general tendency for female cadets in the unit to have to wait longer than their male counterparts to be promoted to senior ranks in the squadron. The situation with regard to gender discrimination within the cadet unit in question was best described by one of the senior female cadets, who said "*...it was nothing like guys hating girls or guys thinking females are incapable, but more like all the guys are friends, and when it comes time to make a decision on promotion, the senior [cadet] officers can think 'she's a good NCO, he's a good NCO, but, he's also my friend, so I will promote or recommend him.'*"

The investigation also found that cadets did not understand how assessment and promotions are intended to work, and they lacked confidence in the consistency and overall fairness of the process. The Ombudsman's Office made recommendations to clarify the criteria for promotion and clearly inform the cadets about the steps they could expect to encounter in the assessment and promotion process. Recommendations were also made to ensure that cadets were fully informed about their eligibility for promotion and the outcome of their assessment. Finally, specific recommendations were made to reinforce cadets' awareness of inappropriate behaviour and to ensure that gender equality is recognized as a principle of good leadership.

The VCDS responded to the Ombudsman's report, expressing his appreciation to the Ombudsman for accepting the request to investigate the complaint.

The allegation of retaliation reflected a protracted and sometimes intense conflict between the father and various levels of the cadet movement, which persisted in spite of considerable efforts to resolve it. An analysis of the conflict pointed out the need for a two-level response. The first level of response recommends that the Canadian Cadet Movement enhance its capacity to define good leadership and work co-operatively with cadets in developing those skills. The second level of response recommends that staff members be equipped with the tools to identify complaints that have the potential to become protracted and to intervene to resolve them in their earliest stages.

The VCDS responded to the Ombudsman's report, expressing his appreciation to the Ombudsman for accepting the request to investigate the complaint. He also commented that "there are many good points made in this report and the program will benefit from the fact that all stakeholders will have the ability to use this information in order to further improve the Canadian Cadet Movement."

To date, the Vice Chief of the Defence Staff has accepted the majority of the 16 recommendations made by the Ombudsman's Office in this case. The recommendations should address concerns within the specific cadet squadron in question and will also serve to stimulate broader policy changes relevant to the cadet movement as a whole.

As a follow up, the Ombudsman's Office was pleased to learn that subsequent to its investigation, the complainant's daughter was promoted to the rank of Warrant Officer First Class and appointed to the position of Cadet Squadron Commander. The Ombudsman was also encouraged to learn that the squadron in question currently has a female Cadet Squadron Commander and a female Deputy Cadet Squadron Commander, both of whom were appointed to their current positions as a routine outcome of the squadron's promotion process.

Complaint of Unfair Release Category

The Ombudsman's Office received a complaint from a CF member who believed that he had been unfairly released from the military. The complainant was released as being "not advantageously employable" which is often referred to in civilian terms as a dishonourable discharge. The complainant maintained that his release should be for medical reasons.

The complainant served in Bagdad in 1989. He maintained that he was required to work double shifts in extremely high temperatures in rat and bug infested living quarters. The complainant was then posted to Germany. Two days later, he began to exhibit sores and a variety of other skin conditions that continue to the present day in a less severe form. The skin problems were irritating and painful, causing the complainant to report to sick bay on a daily basis. The complainant alleged that as a result of his skin condition he gradually began to misuse alcohol, which led to alcohol-related driving offences and his eventual release from the Canadian Forces.

The Ombudsman's investigation resulted in four recommendations, which were favourably received by the Assistant Deputy Minister (Human Resources – Military).

The Ombudsman's Office conducted an extensive investigation that entailed some 20 hours of interviews. In addition to the complainant, interviews were also conducted with past members, the complainant's commanding officer, family members and several doctors. An extensive review of medical records was also done.

The Ombudsman's investigation resulted in four recommendations, which were favourably received by the Assistant Deputy Minister (Human Resources – Military). Two of these recommendations proposed systemic changes designed to improve the system to the benefit of all CF members.

The first recommendation addressed the fact that although the complainant reported that he made daily visits to sick bay for his medical condition, many of these visits were not recorded. The Ombudsman recommended that the CF ensure formal policies are in place so that a complete record is maintained of every visit made by a CF member to a medical facility, military or otherwise, for diagnosis or for treatment. The Assistant Deputy Minister (Human Resources – Military) replied that although this procedure is already established in Canadian Forces Medical Orders, he specifically requested that the Director General Health Services take steps to ensure that the procedures are followed.

The Ombudsman also recommended that CF members be provided with a copy of their medical records within 30 days of their release from the CF. The Assistant Deputy Minister (Human Resources – Military) responded that both he and the Director General Health Services were supportive of this recommendation and that they would work with the Director Access to Information and Privacy to explore the options to implement this recommendation

The report also recommended a new Administrative Review of Medical Employment Limitation (ARMEL) of the complainant, to determine whether a change in medical category was warranted pursuant to CF standards. This recommendation was accepted and an ARMEL was conducted on the complainant's case in December 2001. This review took into consideration the Ombudsman's report and an extensive submission put together by the complainant and his assisting officer. The ARMEL concluded that a release on medical grounds was not justified. The complainant felt that the review was not complete and fair. Subsequently, the Ombudsman's Office reviewed the ARMEL process and determined that although it did not reach the result that the complainant was seeking, the process had been fair and thorough and the complainant's submission had been given just consideration.

Complaint of Unfair Release of a Reservist

A master corporal with ten years of service in the Reserve Force was released for missing more than the permissible number of duty periods. The master corporal worked in a civilian job with an irregular and demanding schedule and he had been unable to attend Reserve training regularly. He complained that he had been trying for months to get a training schedule from the unit so that he could plan time off to attend Reserve activities but no one had responded to his calls and messages. He was surprised to learn that his unit was releasing him under a category that applies to individuals who "impose a significant administrative burden on the Canadian Forces" or who "develop personal weakness or ...personal problems". He was dismayed that despite clear regulations that should have meant fair treatment and despite his efforts to resolve the problem by following those regulations, the system did not work.

**An investigation showed that the complaint was justified.
The CF had failed to follow its own procedures at
every stage of the process.**

Ultimately, he complained to the Ombudsman that the CF made procedural errors in his case before, during and after his release. An investigation showed that the complaint was justified. The CF had failed to follow its own procedures at every stage of the process:

- Regulations require that the unit commanding officer (CO) contact a reservist who has missed several training periods to “determine his or her intentions”. In this case, the CO wrote to the complainant but the notice was sent to the wrong address. When it came back, it was not sent out again.
- Regulations say that when the first communication with an absent member does not resolve the problem, a member must be sent a ‘notice of intent to release’. The member then has 14 days to object to being released. In this case, when the complainant received his notice, he sent in a lengthy written objection explaining his side of the story but it disappeared into a black hole; no one ever acknowledged or responded to it.
- According to regulations, a release date is effective when the final authority signs the paperwork. Without explanation, the complainant’s release was back-dated so that, officially, he was released even before he had been advised the CF intended to let him go.
- Following his release, the complainant was led to believe he could grieve and the commanding officer appointed an assisting officer to help him through the process. But when he actually submitted a grievance, the CO told him that he had no right to grieve because he was no longer a member of the CF. Although the complainant was, in fact, too late to grieve, given that he had been told he could, some way should have been found to consider the grievance.
- Apart from the instances where the CF had not followed its own rules, there were other ways this complainant had been treated unfairly. The CO of his unit had been the unit adjutant and was very involved in the complainant’s case just before and after he was released. When he became the CO, by virtue of his position he became the first line of appeal for the complainant’s grievance. A basic premise of procedural fairness is that a decision-maker must be unbiased. Given that the complainant’s grievance was substantially concerned with the CO’s own actions as adjutant, the CO should have passed the grievance up the line for a decision rather than deciding himself that it could not be heard.

He was dismayed that despite clear regulations that should have meant fair treatment and despite his efforts to resolve the problem by following those regulations, the system did not work.

Unfortunately, it was too late to correct the errors made in this case. Originally, the complainant wanted to be reinstated in the Reserve, either in his own unit or in another one. Alternatively, he offered to resign if his unit really did not want him any longer. But in the three years since the complainant had been released, his life had taken a different turn and he was not able to rejoin the Reserve. With that in mind, the Ombudsman's Office made several recommendations to restore the complainant's position as much as possible to what it would have been had proper procedures been followed.

First, the Ombudsman recommended that the complainant's release category be changed to a voluntary one, rather than the unwelcome and undesirable category it was. The CF accepted this recommendation and the release category was changed.

Recommendations to transfer the complainant from the Primary to the Supplementary Reserve effective from his date of release and that the complainant be paid a pro-rated Reserve Force Retirement Gratuity are pending review.

Finally, although there was no suggestion that anyone acted maliciously or in bad faith in this case, a recommendation was made that the Canadian Forces apologize to the complainant for its poor handling of his case, in recognition of the stress, frustration and anxiety he had suffered. If the procedures set down in CF regulations had been adhered to, if the numerous errors that characterised this case had not been made or if they had been corrected in a timely way, the complainant would not have been released from the CF unfairly and against his will. This recommendation was accepted and the complainant received apologies from his former CO and the brigadier-general responsible for his unit.

If the procedures set down in CF regulations had been adhered to, if the numerous errors that characterised this case had not been made or if they had been corrected in a timely way, the complainant would not have been released from the CF unfairly and against his will.

This Year's Top Successes

The Ombudsman's Office dealt with over 1300 cases in the past fiscal year. What follows is a small sampling of some of the successes we were able to achieve in resolving complaints where individuals needed urgent help and assistance.

Finally Reunited

It took two months of persistence and follow-up, but happily this family is now re-united.

A female master corporal was promoted and posted to Canadian Forces Base (CFB) Borden in June 2002. She was asked to accept the posting without her husband. Not wanting to jeopardize her promotion, she accepted the new posting. Meanwhile, her husband was first in line for a promotion in his Wing as a result of his last performance evaluation report. They both assumed that it was only a matter of time before he would be promoted and able to join her.

As time went by, the husband's promotion did not materialize. The female master corporal was having great difficulty coping alone with two children, both of whom suffer from Tourette Syndrome. It became apparent that without the support of her husband, she was going to 'burn out'.

The husband applied for a Quality of Life posting. It was denied. In spite of a social worker's report endorsing the husband's request to be posted with his family, every effort proved to be unsuccessful. In October 2001, the complainant wrote to us stating, "I feel your organization is my only hope of getting our family posted together."

Our Office recognized that these were compelling circumstances. We intervened immediately by contacting the complainant's commanding officer, the husband's commanding officer and career managers at National Defence headquarters. We persisted in making calls to the career managers on a regular basis. After numerous calls and discussions with all parties, we made it clear that the case demanded immediate resolution. The family's situation was becoming critical.

The career manager's office was attempting to find a solution to the problem. Finally, shortly after Christmas, they contacted the investigator. There was good news. A position had been found for the complainant's husband. He would be posted to her location as soon as possible. Both were overjoyed. Our Office is confident that the resolution to this problem has resulted in easing the tensions in the complainant's family life.

A Family Stays Together

Early in 2001, a CF member was advised that he was being transferred. He immediately contacted his commanding officer explaining that his wife had serious health problems and would not be able to accompany him. Furthermore, he explained, he could not be away from his wife for long periods of time: there were no other family members living in the region who could care for her in his absence. Because of these circumstances, he requested special status. He presented his wife's medical documents as well as documentation from his commanding officer recommending that he be given special status. The Initial Authority (IA) refused his request for special status, although after discussion with his commander, the transfer date was extended. At this point, the member contacted the Ombudsman's Office for help.

The investigator contacted the IA, who explained the reasons for his denying special status. In the first instance, the complainant had served at the same base since 1984 and the IA determined it was time for him to be transferred. In addition, there was no longer a suitable residence at the base for him. Finally, the complainant had volunteered to be deployed with the United Nations forces, but could not do so for a period of two years if he was on special status, nor was his wife's condition likely to change in that period of time. The case was forwarded to the Director Military Careers for a final decision.

After a series of discussions with the padre and the social worker, the investigator contacted the Director Military Careers to find out why special status had been denied the complainant. After further discussion, the Director revisited his decision and the special status was granted.

The decision was a source of great relief to the complainant, his wife and children. He thanked this Office for managing his problems speedily.

A Different Kind of Duty

After learning that his mother-in-law was diagnosed with terminal cancer, a master corporal decided to refuse a new posting and a promotion to sergeant, instead requesting a posting to the location where his mother-in-law resided.

Unfortunately there were no new postings available at the time. The master corporal took the drastic step of requesting a voluntary release from the Canadian Forces. He moved his family to their new location, thereby exercising his option of having his family moved at public expense while he served out his remaining time before release at his posting. This all happened around the events of September 11. Because of the resulting deployments of personnel from various units, vacancies were created in the particular unit where he had moved his family.

His commanding officer advised him to withdraw his request for release from the Forces. He took the advice and withdrew his request for release, with the intent of securing a temporary posting in the city where his family had been relocated. National Defence Headquarters denied the request for cancellation of release. A short five days before the release was to take effect, the complainant contacted the Ombudsman's Office.

The investigator contacted Director Military Careers staff. He was advised that National Defence Headquarters refused the complainant's request for cancellation of release on the grounds that the actions he was taking were considered an "evasion of posting" scheme.

The Ombudsman's Office shone a different light on the matter. The Office took the position that the member was willing to sacrifice his career so that his spouse could take care of her mother. Based on this, the individual's past performance and other factors, it was agreed that the decision would be reviewed.

Further discussions took place among the Director Military Careers personnel, the commanding officer and the trade advisor. Within several days, the request for cancellation of release was accepted.

Through the professional cooperation of Director Military Careers staff and the individual's chain of command, the member is now with his family at their new location and a full-fledged member of the Canadian Forces.

Cleaning House

A doctor's report attested to the fact that a member's private married quarters (PMQ) contained allergens that were affecting the medical allergy condition of the member's son. The complainant notified the Canadian Forces Housing Authority (CFHA) that the carpets needed to be replaced and the heating ducts cleaned.

The CFHA did not accept the doctor's report. An official letter, they said, would be required. In turn, the complainant believed that the cost of such a letter should be borne by the CFHA.

The Ombudsman's Office was contacted. The investigator met with the complainant and subsequently visited his PMQ with a CFHA representative and a preventive medicine technician. Together they determined



that, in addition to the carpets and ducts, other deficiencies needed to be corrected. The CFHA representative agreed to have the repairs done, but only if an official letter from the family physician was presented.

The investigator contacted the family physician, who offered to supply an official letter without charge. Upon receipt of the letter, the CFHA ordered the work to be done.

Lifted Up Where He Belongs

Being posted to a new location in the Canadian Forces often presents unique challenges. One such challenge came to light in June 2001 when a sergeant in the CF contacted the Office of the Ombudsman.

The CF member, who was posted to a new base, was concerned that his 17-year-old son, who suffers from spina bifida and requires special care, would not be able to function in the new home unless the house was equipped with a lift. Without a lift, the young man would have to crawl up the stairs to his second floor bedroom. Aside from the hardship this would entail, an obvious fire hazard existed because he would be unable to escape quickly and safely if the house caught fire.

The complainant contacted the base social worker and the Canadian Forces Personnel Assistance Fund. He was told that certain changes would be made to the house, such as installing a ramp, but there was little hope a lift would be installed. The costs were considered prohibitive.

This Office contacted the base social worker, as well as members of the Canadian Forces Housing Association (CFHA), to determine how the situation could be managed in a humanitarian way. Many additional calls to the DND liaison officer and CFHA later, a solution was found.

The liaison officer approached the wing commander. He agreed that the base should fund the purchase and installation of a lift. As a result, incalculable suffering for the young man and his family has been averted and the challenge has been met.

This case highlights the difficulties that some families experience in finding suitable accommodation when posted to a new location. As a consequence of this case, DND undertook to make efforts to foresee exceptional circumstances and address them before they become problems.

The case is another example where a solution to an individual problem has prompted a system-wide response to solve similar problems before they occur.

We Were Happy to Help

A household accident sidelined the complainant's wife for six to eight weeks. Her injuries were serious, making it impossible for her to care for the children while the complainant was at work. One of the children was a special needs child, the other only two years old.

The husband was seeking sufficient compassionate leave to carry him into his Christmas leave so he could look after the children and allow his wife to recover. Child-care was not an option.

Our investigator contacted the base and explained the situation on behalf of the complainant. When the full facts were explained, the complainant's leave was granted. As a further compassionate action, the base is receptive to possibly restoring two weeks of annual leave taken by the complainant while awaiting a decision. He was encouraged to submit a request for restoration of that leave.

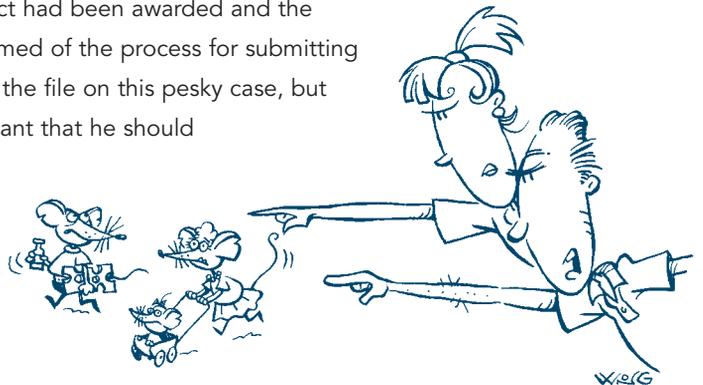
Home Alone — at Last

This is a case where a family of mice was seriously invading the space of a family of humans. There wasn't room for both.

In fact, the mice infestation was a serious problem. The complainant's family resided in a PMQ, where they lived on the second floor. Not only were mice infesting the storage lockers in the basement of the PMQ and nesting in the complainant's storage space, they were infiltrating his living quarters. Representatives from the Canadian Forces Housing Authority (CFHA) and preventive medical personnel had met with the complainant and were aware of the extent of the problem. But a month later no action had been taken and cleanup operations had not begun. He was told, however, that a tender process for the cleanup had been initiated.

He contacted our Office concerning the delay.

Following several discussions with the CFHA, we received confirmation that the cleanup contract had been awarded and the complainant had been informed of the process for submitting a damage claim. We closed the file on this pesky case, but have informed the complainant that he should call us again if he has any problem with the processing of his claim.





The System Fails

The member in this case was injured on duty in June 1998. The chronology of events is not a flattering example of the military's responsibility to take care of their own.

The member's injuries were extensive. They included significant tissue disruption in his lower back and a disc bulge in his lower spine. He was not able to work.

It was not until December 2000 — two years later — that he was allowed to undergo an occupational therapy evaluation that would provide him with treatment and personal medical items that would improve his quality of life. The evaluation made 35 recommendations, a large number of which were within the CF Spectrum of Care. These included grab bars for the bathroom, orthopedic footwear, and such items as stools, reachers and an overhead pot rack. With the exception of supplying him with minor articles such as a cane and a thumb splint, he was again ignored. In the meantime, he was obliged to continue taking very heavy medications in order to function.

The member was required to undergo a second occupational therapy evaluation. The second evaluation reached similar conclusions to the first evaluation, recommending similar items for treatment. Again, no action.

When he approached us, he indicated that his physical and mental health was deteriorating. He expressed concern about the narcotic medications he was taking in order to function. During one telephone conversation with our investigator, he broke down in despair.

The elapsed time from the date of his injury to his contact with our Office was three years and three months! We contacted high-ranking officers within the CF Director General Health Services. The member has now started to see results. The recommendations in both evaluations are being implemented and Veterans Affairs Canada is working with the CF to improve his quality of life, now and after his release from the CF.

The Office of the Ombudsman was able to obtain results on this file within a month of it being assigned for investigation. We continued to monitor the progress of all items recommended for approval and made every effort to ensure the member was, finally, properly treated.

The Road Less Traveled

In freezing winter weather, the walk from the parking lot to the office can be treacherous. Nearby parking spots are always at a premium.

The member of the Regular Force who approached our Office suffers from osteoarthritis. He wears knee braces and is on a medical category. Each day he walked several hundred meters from his parking space to the office and was worried that he would not be able to do so as the weather worsened. Despite having a physician's note saying he needed a parking spot closer to the workplace, he was unable to obtain one.

This Office spoke to the Formation Executive Officer who offered to discuss the case with the Commander. We have been advised that a new parking space has now been authorized.



Help to Use Existing Mechanisms

A member of the CF, on medical leave for two years, contacted our Office to discuss some concerns he had about his retirement leave provisions.

The complainant suffered from post traumatic stress disorder (PTSD). He contacted the Ombudsman's Office before his release to discuss his situation and seek our assistance. He felt he had been unjustly treated regarding a change in his release category and the application of leave provisions. His medical condition, he said, made it too difficult to submit a Redress of Grievance (ROG). He no longer belonged to a particular unit and he did not know where to turn to seek assistance.

The complainant had previously contacted the Ombudsman's Office on another matter that had been resolved promptly and efficiently. He felt confident we could help him again.

We discussed the situation with the complainant and thoroughly reviewed his file and circumstances. Although he was anxious about the prospect of submitting an ROG, we explained to him how the grievance process works. We advised him that he had the right to ask and obtain the assistance of an officer of his choice. We discussed with him the urgency of submitting an ROG no later than the day of his release. If he felt strongly aggrieved, we pointed out, it would be in his own best interest to have his case reviewed for possible corrections, if an unjust decision was found.

The complainant felt encouraged by our support. He contacted the release section and the wheels were put in motion for his ROG. He was pleased and grateful for the assistance.



Getting the Right Help

The complainant is one of a growing number of CF members suffering from post traumatic stress disorder (PTSD) as a result of her deployment in a Canadian Forces overseas mission. Her physician was treating her for the disorder.

As a result of a new posting, she was separated from her physician. The physician had made a referral for her to begin treatment at her new post, but she experienced difficulty obtaining appropriate psychiatric treatment for her disorder. The complainant was running out of medication and becoming distraught. She sought the help of the Ombudsman's Office in securing treatment for her PTSD.

Our investigator contacted the staff at the complainant's local trauma center to determine why no progress had been made on her physician's referral. We learned that the physician to whom the complainant claimed to have been referred had no experience with PTSD and was unable to treat the complainant. We then spoke with the psychiatrist at the Centre who specializes in PTSD. Arrangements were made for the complainant to be assessed. She was assigned a male psychiatrist but was refusing treatment, as she only felt comfortable being treated by a female psychiatrist.

Our investigator knew of a female psychologist who might be willing to take the case. She agreed to see the complainant. The initial meeting was a success and the complainant appears to making very good progress.

Happy to Help

A leading seaman, diagnosed with post traumatic stress disorder (PTSD), had requested a posting to Nova Scotia. Although he had the full support of the Wing surgeon and his treating psychiatrist, his career manager declined to approve the posting.

A series of letters from the seaman's treating doctors and chain of command supporting the seaman's case were provided. The career manager, however, remained intractable.

The Wing administrative officer called the Ombudsman's Office to see if we could help. Within a short few days, after telephone calls to various parties, the decision was reviewed and reversed. The posting to Nova Scotia was approved.

Both the leading seaman and his wife were grateful for our intervention. They added their appreciation for the way the case was handled, especially that they were kept in the picture on a regular basis, and were treated with dignity and respect.

A Sympathetic Hearing

The widow of a former CF member approached this Office in search of reports on the removal of hazardous materials aboard Canadian Navy ships. The complainant's husband, who served on a number of Navy ships during his career, had died from cancer. She was concerned that Canadian Navy ships may have contained contaminants, such as asbestos and benzene, exposing CF members to life-threatening diseases.

The investigator proceeded to obtain the environmental report for the ship on which the complainant's husband had served, as well as a report on the subject by the Chief of Maritime Staff. He then interviewed the doctors who had treated the complainant's husband, providing them with the information from these two documents.

Based on the medical files and military reports, the doctors concluded that the complainant's husband might have been exposed to a dangerous substance, but that it was not the source of his cancer.

Going a step further, the investigator spoke with a professional engineer from Director of Disposals to obtain her assessment of the findings in the CF's reports. In addition, an attempt was made to locate workers who had participated in the stripping of the ship.

The complainant received copies of all the military records she had been seeking. The investigator fully discussed the contents of all the reports with her. He was also able to share with her the professional assessments he had asked for.

There's Help Out There

A private who was scheduled to be deployed to Bosnia contacted our Office with a concern that he might be exposed to a flesh-eating disease while on assignment. He had read a newspaper article that a member from CFB Petawawa had acquired the disease, and as a result had to have his leg amputated. There had been no information on the disease provided to the members from either their superiors or the base, he said.

The investigator contacted the base hospital, the unit commanding officer and the army command surgeon. From these sources, he learned that several actions had been taken to inform members and families of this health issue. A news release had been circulated, the Web site had additional information, and there had been lectures with unit members and families. Furthermore, more lectures were being planned to ensure that personnel and families of CFB Petawawa would be informed of all health safeguards.

The private was contacted and informed of the steps taken.

Flying High

For this member with an unfortunate medical condition, the story has a happy ending.

Shortly after returning from an overseas deployment, a member of the Land Forces was diagnosed with Type 1 diabetes. He was informed that he could not serve with this condition. He was subsequently placed on a temporary medical category, to be reviewed in three months' time. There was little doubt he would be medically released when his case was reassessed.

The complainant did not want to end his military career. He contacted the Office of the Ombudsman to determine if there were other avenues open to him.

The complainant also decided to contact the Canadian Diabetes Association. He discovered that there is at least one current CF member who is a Type 1 diabetic. He was told that as a result of a legal case some years ago, the Air Force has a policy of accepting diabetic service personnel.

The Ombudsman investigator contacted the office of the Director Military Careers, Administration and Resource Management (DMCARM).



The investigator confirmed the Air Force policy. Unlike the other elements, the Air Force accepts personnel who have this kind of diabetes. Furthermore, the investigator learned, if the complainant were to request an occupational transfer from the Army to the Air Force, there is no medical reason that the request would not be favourably considered.

The complainant chose an occupational transfer to the Air Force and is flying high.



Peace of Mind

In 1987, the complainant was the victim of a criminal offence perpetrated by another CF member. The offender was never convicted and no longer resides in Canada.

At the time, the complainant received treatment from a civilian therapist to enable her to get on with her life and find closure. Treatment continued for a number of years until she moved to another province.

The complainant contacted our Office for two reasons. She wanted to be informed of the results of the criminal investigation into the offence against her and she wanted to be made aware of what had been done by the National Investigation Service (NIS). In addition, when she moved to her new location in another province, her doctor refused to transfer her medical file to her new province of residence.

We researched the matter of the criminal offence and were able to update the complainant on the status of the case.

On the issue of her doctor's refusal to transfer her medical file to her province of residence, we put the complainant in touch with the Centre for the Care and Support of Injured and Retired Service Members and their Families. They agreed to facilitate the transfer of the medical file so that she could proceed to apply for her Veterans Affairs Canada pension.

The complainant was grateful that we were able to help clear up the uncertainty of her situation and thanked us for intervening.

A Long Wait — A Quick Decision

Two years is a long time to wait for any decision. But when the decision involves whether a young non-commissioned officer would or would not be prosecuted by court martial, the wait is a desperate one.

His question to us was simple. Will I be court-martialed, and if so, when?

We called the court martial administrator who said that the case had not yet progressed to the scheduling stage. We then called the Director of Prosecutions who told us that the file was currently being reviewed and that a decision would be made within days.

The decision was speedy. Through his chain of command, the complainant was informed that all charges had been dropped and there would be no court martial.

A Long and Difficult Road

The road seemed long and difficult for a civilian employee of DND who contacted our Office seeking help.

The complainant had lodged a grievance procedure in 1999. The process was slow. He was demoralized, was not working, and not receiving a salary.

The Ombudsman's Office made a series of telephone calls and had other discussions in an attempt to obtain a speedy resolution to the grievance. The complainant was feeling abandoned. The investigator kept in touch with him on a regular basis.

Finally, in late March, the investigator received a call from the complainant who indicated he had agreed to a proposed settlement, thus avoiding an adjudication hearing. He thanked this Office for our continued support during what he described as a "long and difficult road."



Helping Others Help Themselves

Cases of harassment in the workplace are often complex, and the following situation was no exception.

The complainant had filed an allegation of harassment against his supervisor. The supervisor was charged and convicted of assault. Appropriate disciplinary action was taken. Despite the advice of his medical officer, the complainant was being expected to work alongside his assailant. Furthermore, he had been promised a posting out of the unit and this had not happened. His supervisors were changing rapidly and a quick resolution of the problem seemed nowhere in sight. The complainant's stress level was extremely high; he felt he had nowhere to turn.

This Office stepped in. The chief petty officer for the unit, familiar with the case, assured the complainant that he could contact him directly any time that he needed. He agreed to monitor the situation and make every effort to have him posted out of the unit. Our investigator maintained periodic contact with the complainant to follow the development of his work assignments and to seek an ultimate resolution to the problem.

In short order, the complainant was given a posting to a trades course where, by his own account, he did very well. On returning from the course, he was posted out of the unit. For him, stress in the workplace is now a thing of the past, and he reports he is happy in his current job.

Talking It Out Does Help

A member of the Regular Force had filed a harassment complaint against a superior officer in his unit. The complaint arose out of an altercation that had sparked charges and an investigation.

After filing the complaint, the member felt that his working environment had become so tense that it was intolerable. He sought a Quality of Life posting which would re-unite him with his fiancée. Several months went by. There was no movement on either the posting or the harassment complaint.

To further complicate matters, the complainant was now facing charges as a result of the altercation. He felt that the charges were merely retaliatory measures being taken against him, and that these measures were being offered as reasons for the delays.

He turned to this Office for help.

The investigator met with the complainant to discuss the situation. There were also numerous informal meetings with officers in the unit, as well as the unit's padre and those who had investigated the case.

Charges against the complainant were dropped. He was exonerated and as a result of the Office's intervention, progress was made on both the harassment complaint and the Quality of Life posting. The harassment complaint was resolved in his favour and he received his posting.



Pointed in the Right Direction

Sometimes bureaucracy gets in the way of common sense.

That seemed to be the case when a former member of the Regular Force was voluntarily released because he could not cope with a chronic medical condition. Because his release was voluntary, and not a medical release, the member incurred the costs to relocate his family.

He decided to ask for a change to his item of release and authorities agreed that the former member should have been released on medical grounds. Consequently, he was informed that he would now qualify for the benefits associated with a medical release. This would include a move to his intended place of residence within Canada.

When he contacted a nearby CF base to seek reimbursement for the move he had exercised at his own expense years earlier, officials at National Defence Headquarters (NDHQ) told him that the level of reimbursement could not be determined. Instead, they suggested to him, if he would elect to relocate within the next three years, he could apply for a move at public expense at that time.

He turned to this Office for help in receiving the benefits that he was informed would be included with his medical release.

The investigator discussed the matter with a supervisor within Compensation and Benefits at NDHQ. The former member had already moved his family and established what he considered his final home. He now qualified for benefits under the medical release category.

It was ultimately agreed that a costing could be calculated for the move the former member had taken. It was suggested that he return to his nearby CF base in order to put together the information that was needed to effect a reimbursement. Several weeks later, he contacted the Ombudsman investigator to thank him for getting his case to the right people. Most importantly, he had just been reimbursed nearly \$7,000 for his earlier retirement move.



A Hat Trick

A service member needed our help on not one, but three issues.

The complainant was on a medical category precluding him from further service, and was waiting for a Medical Board. He was hopeful the Medical Board would provide him with a release and pension. The process proved to be too long and he requested a voluntary release within a two-month horizon. He complained that it was not fair for him to have to resort to a voluntary release request because of the inertia of the Medical Board. He was also concerned about the fact that he would lose related medical benefits.

The investigator contacted the Director General Military Careers and was informed that, at that juncture, all Universality of Service Medical Boards had been suspended pending the introduction of new procedures and guidelines. The matter did not end there. This Office pursued further discussions and within a short time the complainant was accommodated and processed under the old Medical Board process. He received his medical release, without penalty, shortly thereafter.

But there was still unfinished business. He then informed the investigator that he had, sometime earlier, submitted a workplace-related complaint but had received no answer. He wanted to clear the decks on this issue prior to his release. His complaint had been lodged at another base where the officer in charge of the file was on extended leave. The complaint had not been attended to. The investigator brought the matter to the attention of a superior officer who resolved matters and put everything back on track.

Finally, another challenge was in the wings. Prior to his last working day, the complainant had attended an information session with the Integrated Relocation Pilot Program personnel at his base. Although years earlier he had been given three years to move to the location of his choice, he elected not to exercise his right at that time. Later, while finalizing his departure, he was informed by base personnel that if he chose not to use his relocation benefit and wanted his file closed, he would have to reimburse a \$1,900 administration fee.

The investigator discussed the problem with a senior officer who waived the administration fee. With all loose ends tied up, the complainant could now concentrate on his future.

When Too Late is Too Little

The complainant's Personal Development Report (PDR) read: "Yours is the strongest company in the brigade, which is directly attributable to your leadership style." When he received a Personal Evaluation Report (PER), which did not reflect the positive PDR, he decided to register a grievance.

The complainant had signed his PER in June of 2000 and was required to have the Redress of Grievance (ROG) submitted by December 2000. When he initially signed his PER his commanding officer refused to inform him of his merit listing. The complainant did not make any further inquiries out of respect for his commanding officer until December 2000, when he was informed he was rated fifth out of the six officers in the battalion.

The glitch occurred when the complainant failed to submit his ROG by the December deadline. Instead, he submitted it in January 2001, when he and the rest of the battalion returned from Christmas leave.

His commanding officer submitted the redress of grievance to the Director Military Careers Administration and Resource Management (DMCARM) who rejected it on three separate occasions — February, April and July 2001. All three times he was informed that his complaint could not be handled as a grievance since it was submitted after the time limit and without providing reasons for the delay.

In November, the Ombudsman's designate met with members of DMCARM. It was agreed that the redress of grievance would be investigated. DMCARM faxed the acknowledgement of his receipt of the grievance submission, informing the complainant his grievance would be investigated. The message included a request for extension form, which the complainant signed.

A Just Release

Not every case brought to the Ombudsman's Office is born out as justified.

Such was the case with a former member of the Reserve Force who was released as "Unsuitable for Further Service" after a lengthy absence without permission.

He claimed that he was not absent without permission and in fact, after moving to another city, had written a number of letters to his unit trying to arrange a transfer to his new location. He maintained these attempts were unsuccessful.

The facts told a different story. For several years, the complainant had moved from city to city for educational and job-related reasons. Although he had made a number of transfer requests, he had not completed the proper paperwork, nor had he shown up at his new unit when one of the transfer requests was approved. Finally, his commanding officer decided to release him, stating that he had not attended his unit for two years.

The member then complained to the Ombudsman, claiming he had been dismissed unfairly and requesting financial compensation for lost earnings.

The investigator concluded that the decision to release him was reasonable. However, because errors had been made in the release procedures, the commanding officer agreed to change his release classification from "Unsuitable for Further Service" to "Not Advantageously Employable".

There was one more outstanding issue. The member still had in his possession substantial items of clothing and equipment that belonged to the Forces, which he had promised to return but had not. In the end, arrangements were made to deliver the property to his unit.



Paid in Full

When an employee of a civilian DND organization complained that a change in classification from manager to supervisor had damaged her status and advancement prospects, she approached this Office for support.

The investigator worked for almost a year to convince DND to examine and re-appraise the job duties and classification level. Finally, when the Ombudsman's Office was in the process of arranging for an outside classification expert to review the case, the commander of Canadian Forces Land Command and Staff College at Kingston intervened.

The result? The position, as well as five similar positions, reverted to managerial category. The complainant was awarded back pay and benefits. It would never have happened, she said, without the intervention of the Ombudsman's Office.

What a Difference a Day Makes

Some very helpful people in the office of the Director of Accounts Processing, Pay and Pensions (DAPPP) have made life a little easier for a former Regular Force member.

Retired after 21 years of service, the complainant enrolled in the Reserve Force. He served several more years, but was then forced to retire from the Reserves because of a serious illness. But nine months later his pension had not been adjusted to incorporate his Reserve service.

Reserve service can add to the pension benefits earned in the Regular Force. In the complainant's case, much of his time spent in the Reserves had involved full-time work. His additional pension contributions, therefore, made a significant difference. He was unable to work and his pension was the family's only income. Could the Ombudsman's Office help in getting his pension expedited?

We contacted DAPPP and they went right to work.

They determined that essential documentation was missing from the former member's file and advised him of what was needed and how it should be submitted. Upon receiving the completed information, the directorate processed the pension adjustment in one day. A cheque was issued for adjusted benefits back to the date of the member's retirement. Life is a little easier.



It Only Hurt For a Little While

A young Air Force reservist welcomed the extra money he would receive as a temporary duty allowance when he was sent on courses at CFB Borden. The courses would take place over 389 days, and he was advised he would receive temporary duty allowance for that duration of time.

He received two payments representing the temporary duty allowance for several months. However, on his return home at the end of the course, he was told there had been an error. Such allowances were not payable for postings of more than 180 days. He was then required to repay, from his bi-weekly pay cheque, the allowance money he had received. He anticipated severe hardship.

The complainant's unit and Air Reserve headquarters (1CAD) ruled that a promise was a promise and decided to pay the temporary duty allowance for the whole time he was away. The Director Compensation and Benefits Administration (DCBA), however, held that it was contrary to regulations to pay the allowance for postings of more than 180 days. They proceeded to write a new policy that became effective September 1, 2001. 1CAD agreed they would follow the new policy in the future, but argued that DCBA had approved longer periods of the allowance in the past and should make exceptions for anyone on contract prior to September 1, 2001. DCBA agreed.

The young reservist has been reimbursed the amounts deducted from his pay cheques and will receive the allowance for the days not paid. The policy has been clarified, guaranteeing fair and equitable treatment in the future for all affected by temporary duty allowances.



Administrative Snafu Fixed

A member of the Militia (army reserve) on a full-time contract was being released for medical reasons. Several months prior to her scheduled release date, she applied for a six-month paid vocational training benefit, available to any CF member on medical release.

When she was told that the benefit had not been put into effect for the Militia nor was a budget available, she turned to the Ombudsman's Office for help.

The investigator immediately contacted the Chief of Land Staff's Reserve Advisor. As a result, she was given an additional six-month contract equivalent to the period for which she was entitled to the benefit.

The administrative snag was taken care of by the Director Land Personnel, who ensured that a budget was made available so that other members of the Militia could receive the entitlements of the benefit upon medical release.

Paid in Full, Finally

All privates in the Canadian Forces with previous full time paid service, who enrolled between June 1996 and March 2000, were accorded an incentive pay credit.

In February 2000, the Director Pay and Pension Development (DPPD) discovered that members in this category were receiving less incentive pay credit than they were entitled to. It was determined that policy direction had been improperly interpreted and that approximately 800 CF members were receiving less pay than they should have received. After waiting several months for corrective action, a CF member turned to the Office of the Ombudsman to help get the matter redressed.

The investigator contacted the office of the Director Accounts Processing, Pay and Pensions (DAPPP). It took numerous inquiries with the CF member handling the situation, but eventually instructions were received that pay adjustment notices for all those affected would occur by July 2001.

When the July milestone passed without members being notified, this Office pursued the issue.

Finally, in late August 2001, the administrative machinery began to roll. In early November 2001, the complainant received his pay adjustment. By December 2001, all affected CF members should have had their accounts settled.

The Meaning of Incentive

The frustration of not receiving back pay for a pay incentive that the CF had initiated when he enrolled caused one member to seriously consider quitting the Forces. The member understood that he was entitled to have his initial enrolment message amended to a higher job classification. A substantial amount of money in back pay was involved.

After repeated inquiries within his unit, he was told that the unit had no authority to make changes to his enrolment message. The member was unaware of other options to expedite the back pay, and was frustrated at the lack of action and repeated delays.

He contacted this Office. We contacted the Canadian Forces Recruiting, Education and Training System (CFRETS), the office responsible for the administration of the pay entitlements, which was in the process of reviewing thousands of files and preparing a large number of enrolment amendments to give effect to the entitlements. The process had already taken over 18 months. It looked like it would take several more before all members had their back pay.

Intervention from the Ombudsman's Office was successful in expediting the complainant's entitled funds. The member received a cheque for \$3,674. He decided to remain in the Forces.

Oops!... Twice

In 1995, the member, then a master corporal, was posted from Gander, Newfoundland to Halifax, Nova Scotia. He put his Gander home on the market and purchased a house in the Halifax area. During this period, the real estate market in Gander dipped as a result of downsizing of the Canadian Forces Base and he was unable to sell his home. Already carrying one mortgage, he could not come up with a 25% down payment on his new house. He found himself in the position of having to take Mortgage Default Insurance (MDI) from the Canadian Mortgage and Housing Corporation at a cost of \$2,597.

Shortly thereafter, his unit informed him that he was eligible to be reimbursed for the mortgage insurance, and in October 1995, the fees were reimbursed in full. Three months later he was told that the reimbursement was an error and he would have to repay the reimbursed money. The reason? Regulations, he was told, require that he put his full equity from his first home into his down payment on the second home, and he had not done that. Moreover, the CF said, if the full equity had been used, it would have been sufficient to cover a 25% down payment and he would not have needed MDI insurance.

The complainant offered to repay in installments; no one followed up on this request and the amount owing was taken from cashed-in leave and two pay cheques. The complainant felt humiliated having to take a loan from the CF Personal Assistance Fund to cover monthly expenses.

By the time he retired in 1997, the Gander house remained on the market — unsold. But during his release period he applied under the Home Owner's Assistance Program to sell his house to the Crown. In 1998, the Crown purchased the house. Now able to put additional funds down on his new house in Halifax, the complainant was advised he was eligible for a reimbursement for the MDI fees. Again he was paid the full amount. However, almost a year later he was once more informed that he was ineligible and he was asked to repay a second time. The amount owing was recovered from his pension in installments that will continue until the spring of 2002.

The complainant thought this was unfair. After all, he said, he was never informed that all his equity had to be used as a down payment. Furthermore, he felt he should not have been penalized because the Canadian Forces made errors on two occasions.

The Ombudsman investigator found regulations stating that MDI fees could be partially reimbursed when a member's equity in a home was less than 25% of the purchase price of a replacement home. Secondly, she discovered that calculation errors had been made. In fact, she found that the complainant's equity in his Gander home was not 25% of the purchase price of his Halifax home. A thorough review of the file was requested.

Six years after putting his home on the market in Gander, the complainant received a partial reimbursement of his MDI fees. He was awarded more than \$900.

Like Socks in the Dryer

An officer in the Reserve Force discovered that compulsory retirement is not compulsory when your personnel file goes AWOL.

The complainant reached compulsory retirement in June 2000. He had completed all the necessary release documentation well in advance, but somewhere along the line his personnel file, along with the release documentation, was 'lost'.

In September 2000, he again completed the necessary release documentation. The documentation was sent to his brigade, but due to a lack of communication between his unit and brigade, his release was not processed. The release fell through the administrative cracks.

That same month, his unit advised the complainant that his release could not proceed until a Summary Investigation into the loss of his personnel file was completed. Although this was erroneous information, the investigation got under way six months later, in February 2001. Despite the officer's repeated calls to his unit and his brigade, the release process stalled. Under normal circumstances, he would have received a gratuity payment of \$5,000, a Certificate of Service, and a retired CF member picture ID within eight weeks of a June 2000 release. His patience ran out and he called this Office.

The investigator immediately pursued the matter with the complainant's service battalion, unit and brigade. It was determined that the release process had stopped due to lack of action on the part of the complainant's unit as well as lack of follow-up by his brigade. The brigade has now taken the matter firmly in hand and expects that the release and gratuity package will be processed without the officer's personnel file. This Office requested that the brigade actively monitor the release process.

For the Record: Keep Your Records

Unexpected deductions from his pension cheque were an unpleasant surprise for this former senior non-commissioned member. He was told that the deductions were a result of an overpayment from his final paid move claim. However, the complainant stated that he had settled the claim upon his release from the CF in 1998. He maintained that, at the time, he had sent his claim and all relevant documentation to the office in DND responsible for final paid moves. The claim was returned to the complainant for minor corrections and then returned by him to DND.

In November 1999, the complainant was contacted and informed that his claim had not been received. Although he explained that he had already sent it, DND could not locate the claim. Shortly after, the complainant noticed that deductions were being taken off his pension cheque and he had not been notified in advance.

In frustration with the system, he contacted our Office. He was insistent that the deductions be stopped and claimed he was entitled to all the monies that had been taken off his cheques.



The Ombudsman's Office asked the pension office to speak directly to the complainant and to resolve the issue. The office advised us that the member's claim was missing, could not be located, and that he had not kept receipts. It was therefore impossible, they said, for a second claim to be submitted.

The Ombudsman investigator called the director responsible for the pension office and explained the facts. A second search for the complainant's file proved fruitless. But, by the luck of the draw, the pension office found an employee who remembered seeing the complainant's file and was able to corroborate the complainant's statement that he had indeed sent claims and receipts to DND.

Both the employee and the complainant were allowed to submit statutory declarations stating that the information had been sent and had been received by the Department. As a result, the employee was reimbursed in full.

An Informed Decision Made Possible

A Regular Force member was having difficulty obtaining information about his Terms of Service. He was employed under a Continuing Engagement, which is considered a Fixed Period of Service (FPS). He received an offer of an Indefinite Period of Service (IPS).

The complainant made several attempts to obtain information regarding the implications to his pension of either rejecting or accepting the IPS offer. After more than seven months, with the deadline for acceptance looming and with no information to go on, he contacted the Ombudsman's Office.

We took action by speaking to officials in Director Military Careers (D MIL C), Director Accounts Processing, Pay and Pension (DAPPP), and Director Military Careers Administration and Resource Management (DMCARM). We secured a final extension on the IPS offer that allowed time to procure the information sought by the complainant. In the final analysis, he was able to properly assess all his options and make an informed career decision about whether or not to accept the IPS offer. He ultimately rejected the offer and retired from the CF.



You Can't Rush This One

A former member contacted the Ombudsman's Office, concerned about whether his common-law wife, like a married spouse, would be able to receive his death benefit entitlements. He had corresponded with the Department of National Defence on this matter and had been left with the impression that the Department did not recognize the nature of his relationship with his common-law wife.

The Ombudsman's Office contacted the Director Accounts Processing, Pay and Pensions (DAPPP) and determined that the complainant's apprehensions were unjustified. We asked that the policy be clarified for him in writing. It was explained to him that the government's refusal to make a commitment that they would recognize his common-law wife's eligibility prior to his death had nothing to do with the nature of the relationship. The issue was that the government could not make a determination of eligibility prior to the annuitant's death.

The complainant's mind was put to rest, both through the letter from DAPPP and our explanation of the policy. The misunderstanding was cleared up.



Tell Me If You've Been Stonewalled

This Office was able to help the ombudsman from another department, based on our experience on similar files.

A complaint had been received from a departmental employee. The complainant had received a "poor performance" letter from a departmental audit team. He contended that the "poor performance" rating was a result of a grudge held by a member of the audit team against him.

To help determine whether the auditor in question treated the complainant differently, the departmental ombudsman asked for similar audit letters involving other employees. The audit group refused to provide them, citing provisions of the *Privacy Act* prohibiting disclosure of personal information.

Had the DND/CF Ombudsman ever been stonewalled in this way? the other ombudsman asked.

Based on past experiences, this Office conveyed to the ombudsman that the authority to handle complaints and make recommendations under these circumstances is delegated from the Minister (or in this case Deputy Minister) to the ombudsman. Since the Minister has authority to examine personnel records of employees to ensure all are treated fairly, this same authority devolves to the ombudsman. The ombudsman of course keeps such information confidential, but he can report to the Minister where an employee has been prejudicially treated.

Further, we told the ombudsman's office, if the audit group is still concerned about personal information leaving their hands, they should be invited to depersonalize the information. This can be accomplished quite simply by using pseudonyms and removing other references that would identify individuals.

The ombudsman welcomed this information, deciding he would insist on being given copies of the performance letters, with or without depersonalization.

"Twas the Night Before Christmas

Early in the day on December 24, the Office was asked to investigate a complaint in a situation where timing was all-important

At stake was the complainant's second career. He had applied for early release from the Forces in order to pursue a position in civilian life. His commanding officer had strongly endorsed his application for early release, based on certain family issues that both the base social worker and the chaplain viewed as exceptional and compelling. The offer of civilian employment, however, was contingent on his being able to start his new job early in the New Year. At this point, late in December, he still had no answer to his request.



And so, at this late date, the day before Christmas, with many CF personnel away on Christmas leave, the investigator began to make phone calls. Many of them. Finally he was able to reach a clerk at the office of the Director Military Careers, who indicated the acting director was

available. In addition, he said, a message had been sent the previous week to the complainant's base that the early release had been denied. The complainant had not been aware of this.

The investigator explained the situation to the acting director. He was sympathetic and cooperative, and requested written proof that the complainant would lose this job opportunity if he were not available on the date in question.

The investigator quickly contacted the civilian company where someone in authority was able to provide a letter of verification to the Ombudsman's Office. This document and related documents from the base social worker, the chaplain, and the commanding officer, were faxed to the acting director.

Later that day, after reviewing all records, the acting director reversed the decision of the career manager and granted the release to the complainant.

This file is one more example of the many cooperative efforts between the Office of the Ombudsman and senior officers in the Canadian Forces. What makes it unique is the speedy turnaround — investigated, reviewed and solved — all on “the night before Christmas”.

Early Release Granted

This member sought an early release for two reasons: she suffered personal difficulties related to allegations that she was victimized while in training and she was concerned about her husband who was in ill health.

Her request for release, although supported at the base level, was denied at headquarters.

She asked for our help and we spoke to her about the background of her personal circumstances. We contacted her commanding officer and her social worker, both of whom supported her release. When we requested that updated documentation from both be prepared, their response was thorough and quick. The career manager reviewed the documents immediately and sent his recommendation for release to his superiors. The career manager expressed to us that he felt the updated documentation had shed a different light on the request. He therefore wished to do the right thing for the member.

Release was granted to the member. She expressed her gratitude for the intervention of this Office.

A Two-Day Turnaround

A serving member of the Canadian Forces was notified that he would receive a transfer to a CF location in Canada. During this period, he was experiencing a number of personal hardships and requested and received a one-month extension to enable him to sort through some of his problems. He then proceeded to apply for a Quality of Life posting through Director Military Careers Administration and Resources Management (DMCARM) in Ottawa, requesting to remain at his current post in order to rectify his personal problems. His request was denied.

The service member contacted our intake staff requesting assistance. With his Quality of Life request turned down, he was subject to relocation the following week. We interviewed him and contacted his chain of command.

In discussing the matter with the member’s career manager in Ottawa, we requested that the refusal of the Quality of Life posting be reviewed. Our request

was denied. The investigator then contacted the supervising officer. After further consideration, this officer agreed to grant the Quality of Life request.

The member was allowed to remain in his current posting to allow him time to resolve his personal problems. The Ombudsman's Office had only two days to reach a successful resolution to this case, but with the cooperation of everyone involved we managed to make it happen. The member and his acting commanding officer expressed their thanks.

East Meets West

The coveted Burma Star was brought home to a Vancouver man in September 2001, fifty-six years after he served in the Far East campaign in Ceylon during World War II.

The former Leading Aircraftsman served with the RCAF 413 Squadron in Ceylon from 1942 to 1945. He took part in operations monitoring shipping in the Indian Ocean and other reconnaissance missions.

He approached our Office, concerned that the efforts of the squadron members who served in Ceylon were not being adequately recognized. He was further aware, he said, that there were stories to be told by others who took part in the campaign, many of whom were now elderly. Information about their contributions would be lost with their passing. He noted that a medal was awarded to members for non-operational service in Ceylon from 1939 to 1942. However, the operational service that 413 Squadron provided from 1942 to 1945 did not appear to be similarly recognized.

And so the paper chase began. It became clear that a great deal of archival material had been collected over the years. Former squadron members had preserved newsletters, personal letters and memoirs. The Ombudsman's Office then began making enquiries with the Department of National Defence Directorate of History and Heritage, which in turn led them to the National Archives of Canada. Veterans' Affairs Canada confirmed to investigators that the operational service provided by 413 Squadron did indeed merit recognition.

With the help of the Directorate of History and Heritage and the National Archives of Canada, a home for the archival material was found. The Military Aviation Museum at CFB Greenwood, where 413 Squadron is now based, will assess and properly preserve all artifacts.

On September 11, 2001, the striking red, orange and dark blue Burma Star medal was presented to the complainant at 19 Wing Comox in British Columbia. Fittingly, the award was presented by the Wing Commander 19 Wing Comox, who himself had been a former commanding officer of 413 Squadron.

Good to Hear from You: Feedback

I value the effort and thoroughness with which you and your staff review the cases referred to you. Your effort is reflected in the case assessment reports submitted to me for consideration of your recommendation.

– *Minister of National Defence*

I did not have much faith in the system when I called your office [last] December. Never before in my life have I enjoyed being so wrong. The first person I dealt with immediately showed a tremendous amount of concern and professionalism towards my situation.

– *CF member*

In all your office has accomplished in four hours total what nearly two months of effort on my part could not.

– *CF member*

I wish to express my appreciation to the Office of the Ombudsman for having accepted my predecessor's request to examine the circumstances surrounding [...] complaints. Your efforts have ensured the matter was thoroughly reviewed and adequately considered in view of a difficult but significant complaint, which had not been adequately resolved until now. There are many good points made in this report and the program will benefit from the fact that all stakeholders will have the ability to use this information in order to further improve the Canadian Cadet Movement.

– *LGen G. Macdonald*

We appreciate you taking time from your busy schedule to prepare and present on the topic of the special report, *Systemic Treatment of CF Members with PTSD*. Your presentation was well received and your candid responses to our questions provided the clarity required by the attendees.

– DND Mental Health Team

I wanted to put this thank you on paper to commend your office on the superb assistance I received regarding my issue. I have to admit when I first heard of the Ombudsman, I was a sceptic. Well I have witnessed firsthand that this office is totally there for all members of the Canadian Armed Forces.

– CF member

I think your office is a vital evolutionary step that contributes to the “good name” of the CF and enhancing the morale of those serving therein. Bravo!

– CF member

As a former Assistant Deputy Minister, you brought back many issues that caused me frustrations! But a closed society so often ruins career of those who speak up! The application of common sense in a regulation environment is not always easy.

– Former DND employee

This has dragged on for over six years now and I am extremely relieved to finally have it resolved. I would like to thank you very much for all that you and your staff have done on my behalf. I would not hesitate to recommend the services of your office to any other service person in need.

– CF member

I have only heard of a few pieces of your work, but if there is someone who is willing to fight for military rights then you have your work cut out for you. I only wish I had the qualifications to help with this never-ending job.

– Cadet Officer

I liked your approach that clearly indicated that the soldiers suffering from PTSD were average and above average and caring, contributing soldiers. We should be nurturing these people instead of abandoning them.

– Member of the public

...for me and other sufferers of PTSD, I would like to thank you from the bottom of my heart.

– Former CF member who served in Somalia

I am so thankful for seeing PTSD, or as we prefer, Combat Stress Reaction, being brought to the public's attention. People don't understand what we are going through and tend to try and ignore and avoid us.

– Former CF member who served in Rwanda

How to Contact Us

There are several ways to reach the Office of the Ombudsman:

Call us toll-free at **1-88-88-BUDMAN** (**1-888-828-3626**) and speak to an intake officer.

Write us a letter describing your situation and mail it with any supporting documents to:

Office of the Ombudsman
100 Metcalfe Street, 12th Floor
Ottawa, Ontario
K1P 5M1

Send us a fax at **613-992-3167** or toll-free at **1-877-471-4447**.
For information about sending a secure fax, please call 613-992-0787.

Fill out the online complaints form and mail or fax it to us.

Please do not send confidential information by e-mail, as we cannot guarantee privacy at this time.

Visit our Office for a private consultation. Appointments are recommended.

For further information about the Office, please visit us online at:

Internet (D-Net): www.ombudsman.forces.gc.ca

Intranet (DIN): ombudsman.mil.ca

or call our general enquiries line at **613-992-0787**.

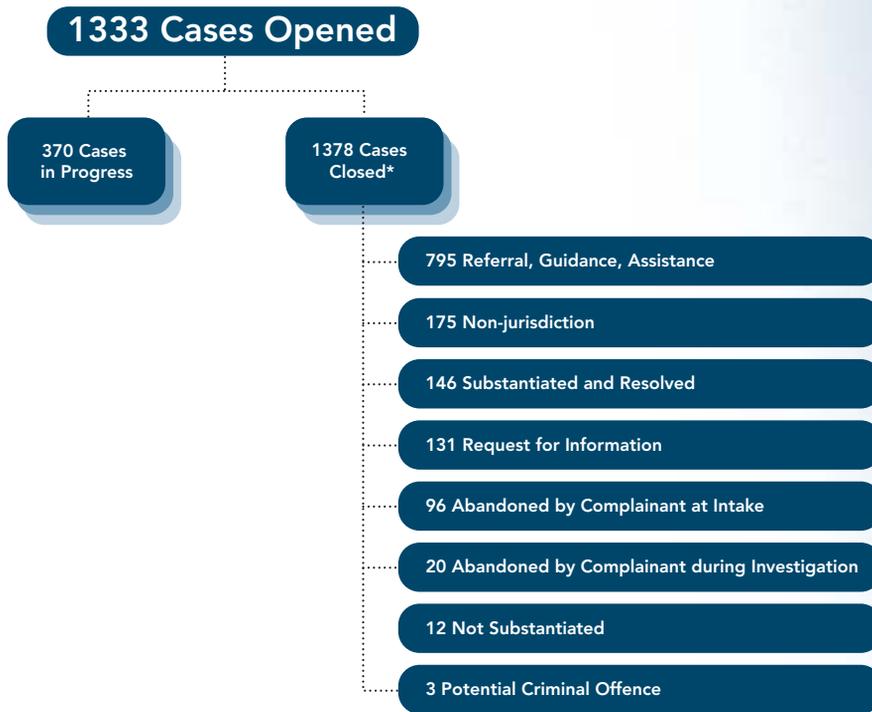
Appendix I: Caseload Statistics

Types of Cases

Benefits	293
Release	183
Request for Information	146
Harassment	109
Posting	106
Recruiting	85
Medical Treatment	75
Redress of Grievance	54
Military Justice	48
Private Married Quarters (PMQ)	40
Abuse of Power	39
Promotions	37
Training	29
Leave	28
Discrimination	14
Personnel Evaluation Report (PER)	13
Awards/Medals	12
Access to Information / Privacy	12
Medical	7
Civilian Grievance	7
Sexual Assault	7
Dismissal (Civilian)	4
Contracts	4
Deployment Issues	3
Assault	2
Travel	2
Wrongful Death	2
Gender Integration	1
Obligatory Service	1
Safety	1
Conflict of Interest	1
Demotions	1
Other*	123
Total	1489

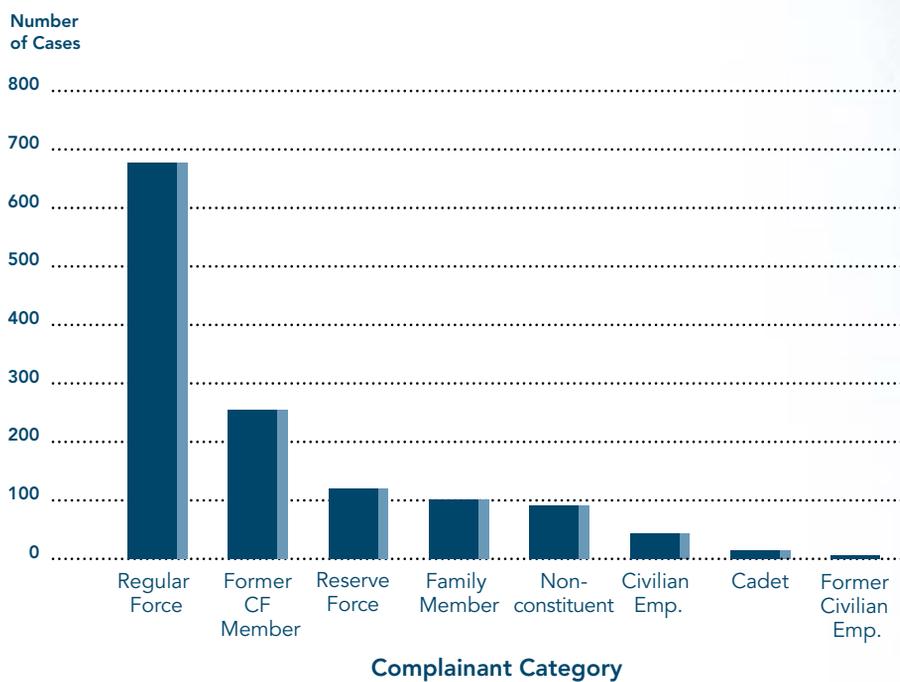
* Includes complaints such as private business issues, international relations, taxation concerns, etc., that do not fall into any of the established categories, as well as complaints that are too general to categorize.

Case Outcome

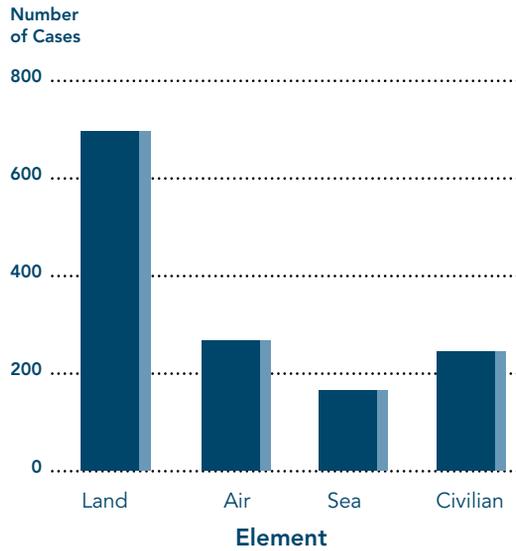


* May have been opened in a previous fiscal year

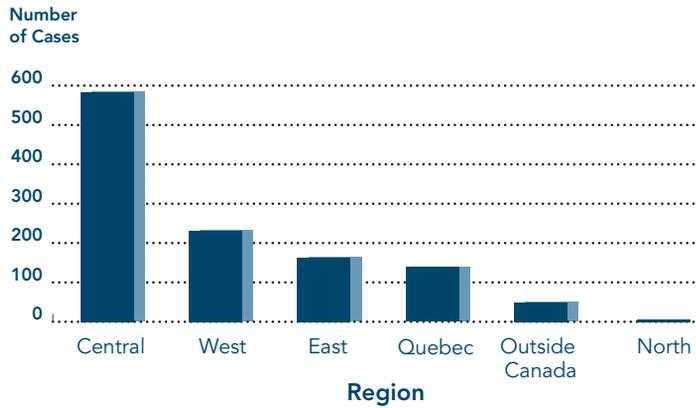
Complainant Category



Cases by Element



Cases by Region



Legend:

Central: Ontario, including National Defence Headquarters

West: British Columbia, Alberta, Saskatchewan, Manitoba

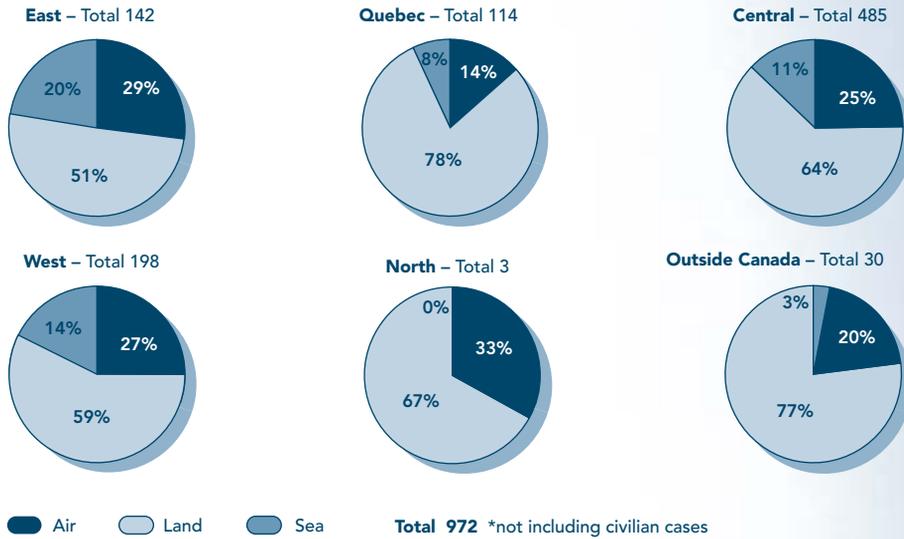
East: New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland/Labrador

Quebec

Outside Canada

North: Yukon, Northwest Territories, Nunavut

Cases by Element in Each Region



Appendix II: Summary of Expenditures

During the fiscal year 2001-2002, the total budget for the Office was \$5.6 million. Actual expenditures were \$5.2 million. The largest category of expenditures is salaries at \$2.8 million, which accounts for over half of our total expenditures.

The expenditures for the office move and set-up amounted to \$1.8 million. The greatest portion of this expenditure (\$1.6M) was funded by the Office of the Assistant Deputy Minister (Finance and Corporate Services). The Office of the Ombudsman provided the remainder of the funding. The telecommunications expenditure of \$195K included set-up costs of \$110K.

The Minister of National Defence approved the Ombudsman's budget.

Summary of Expenditures

	(\$000)
Salaries	\$2,838
Office rent	306
Office furniture	24
Transportation	371
Communication & public outreach	198
Professional and special services	912
Materials and supplies	278
Acquisition of computers and other equipment	41
Training and professional dues	38
Telecommunications	195
Courier services	32
Miscellaneous	9
Total	\$5,242