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Office of the Veterans Ombudsman

ANNUAL REPORT 2008–2009

Canada

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Veterans
Ombudsman

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The Honourable Greg Thompson, P.C., M.P.
Minister of Veterans Affairs
House of Commons
Ottawa, Ontario K1A 0A6

Dear Minister:

It is my pleasure to present the first annual report of the Office of the Veterans Ombudsman for tabling in Parliament.

Yours sincerely,

P. B. Stogran
Colonel (Retired)
Veterans Ombudsman

The Office of the Veterans Ombudsman acknowledges that the Poppy, when used as a symbol of Remembrance in Canada in the Office of the Veterans Ombudsman's Annual Report, is a trademark of The Royal Canadian Legion and is used with their kind permission.

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Message from the Ombudsman

This last year has been an exciting one, somewhat akin to changing a flat tire on a moving car. Long before I arrived at the Office of the Veterans Ombudsman, Veterans Affairs Canada created a project team charged with laying the groundwork for an ombudsman. Although that team was not mandated to respond to requests for review, they received over 100 complaints from Veterans who were anxious to have their case heard by the Ombudsman.



After my appointment was announced in October 2007, the number of requests for review increased dramatically. We had only a few staff by that time, all of whom were temporary employees with limited capability to act on requests for review. Nonetheless, we continued to accept complaints. It was apparent that there was widespread dissatisfaction among Veterans regarding the way they were being treated. There was also a perception that the Veterans Ombudsman would correct the situation. This challenge set the tone for the Office—motivating us to work as hard as possible for Canada’s Veterans, while still learning.

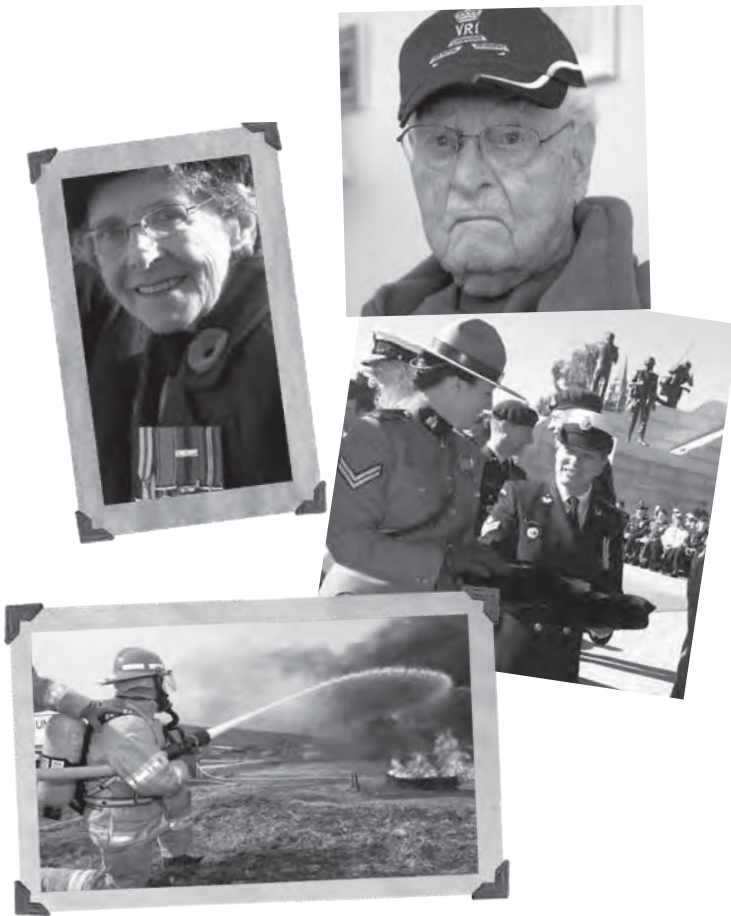
Some Veterans were disappointed to learn that their Ombudsman would not be active in adjudicating the award of services and benefits; in my opinion, there is a good reason for this. First, the establishment of an Ombudsman would not have eliminated or even reduced the Veterans’ responsibility to provide proof. Second, had the Office been made an integral part of the existing adjudication system and integrated into the decision-making process, it would not have been in a position to do anything for Veterans who have been disadvantaged by gaps in programs or to offer remedies to systemic problems.

If the process that is in place to adjudicate claims and review decisions is indeed dysfunctional, merely adding another layer of decision making would have achieved little.

The mandate that the Office has been assigned is a workable one, even with the challenges. The Veterans Ombudsman offers the potential of improving the system that is in place. The Office serves our Veterans by mediating between them and service providers to rectify unfair treatment of issues.

To most effectively achieve our mandate, the Office has embraced four hallmarks that characterize the way it conducts business: independence, objectivity, confidentiality and transparency.

The independence of the Office is defined by our ability to make decisions free from external influence or interference. To ensure our independence and objectivity, the Office must have unfettered access to departmental resources. Withheld information can be as detrimental as misinformation. For our findings and recommendations to be credible, we must use information that is as factual and accurate as evidence that would be used in a court of law. Therefore we must work



with primary documents and first-person testimony as much as possible. Since the Government of Canada did not assign the Office any formal power, such as the ability to subpoena or compel testimony, we must accept that we will receive the requisite level of access as a professional courtesy from the Department. The Department has been reluctant to allow the Office unfettered access, despite the fact that the Office is bound by law to

uphold the level of privacy and security required. The Office's independence could be compromised by its reliance on the Department for the provision of information.

Veterans Affairs Canada also provides the Office with corporate services and human resources management expertise. This approach was designed as a cost-saving measure but does not keep the Office at arm's length from the Department. Admittedly, these constraints have had an impact on the ability of the Office to act independently, and, with the Department, we are continuing to strive to make the system work.

The hallmark of objectivity must be viewed in light of the Office's mandate to champion the rights and fair treatment of Canada's Veterans. Although the Office can hardly be considered impartial, our mandate must not detract from our requirement to be objective. The Office embraces complaints from stakeholders so we understand all of the facts. We then reframe complaints to eliminate misperceptions and emotions that may have built up from lengthy disputes with Veterans Affairs Canada. The Office seeks to clarify issues with information from all other relevant sources to ensure we have a thorough and unbiased understanding of



the situation. When complaints have merit, the Office will intervene on behalf of the complainant. However, this will not always be the case and the hardest task the Office faces is delivering disappointing news to stakeholders. Although difficult, this is essential if the Office is to be viewed by all parties as being truly objective.

To maximize the thoroughness of our investigations, the Office must be able to engage all parties in frank dialogue. Confidentiality, therefore, is another hallmark of the Office. We assure all stakeholders that the information they provide will be treated with confidentiality, privacy and security, and in accordance with the *Access to Information Act* and the *Privacy Act*.

As the Office evolves, we will endeavour to be transparent without compromising confidentiality. Transparency will reinforce the trust and confidence our stakeholders have in the Office by: keeping them well informed about our activities, ensuring thoroughness of research and investigations, and achieving buy-in for our findings and recommendations.

With the challenges it has faced and continues to face, the Office of the Veterans Ombudsman has made significant progress in identifying and addressing the concerns of Veterans over

the past year. For that, I am grateful and indebted to the men and women who have joined me in the Office of the Veterans Ombudsman. I would like to extend a special thank you to them. Starting an office from scratch—particularly in a role that some view as vital yet adversarial—can be very stressful.

I would also like to extend thanks to the employees of Veterans Affairs Canada who demonstrate a genuine appreciation for our Veterans by assisting the Office in eliminating shortcomings in the system.

P. B. Stogran
Colonel (Retired)
Veterans Ombudsman





About the *Office*

Our Mandate

The Order in Council that established the Office of the Veterans Ombudsman directs us to review and address complaints pertaining to the Veterans Bill of Rights and systemic issues related to departmental programs and services. We facilitate clients' access to programs and services by providing information and referrals. The Office is not to participate in any legal proceedings, judgments or individual decisions of the Veterans Review and Appeal Board. It is important to note that this does not prevent the Office from investigating perceived systemic problems associated with the Board.



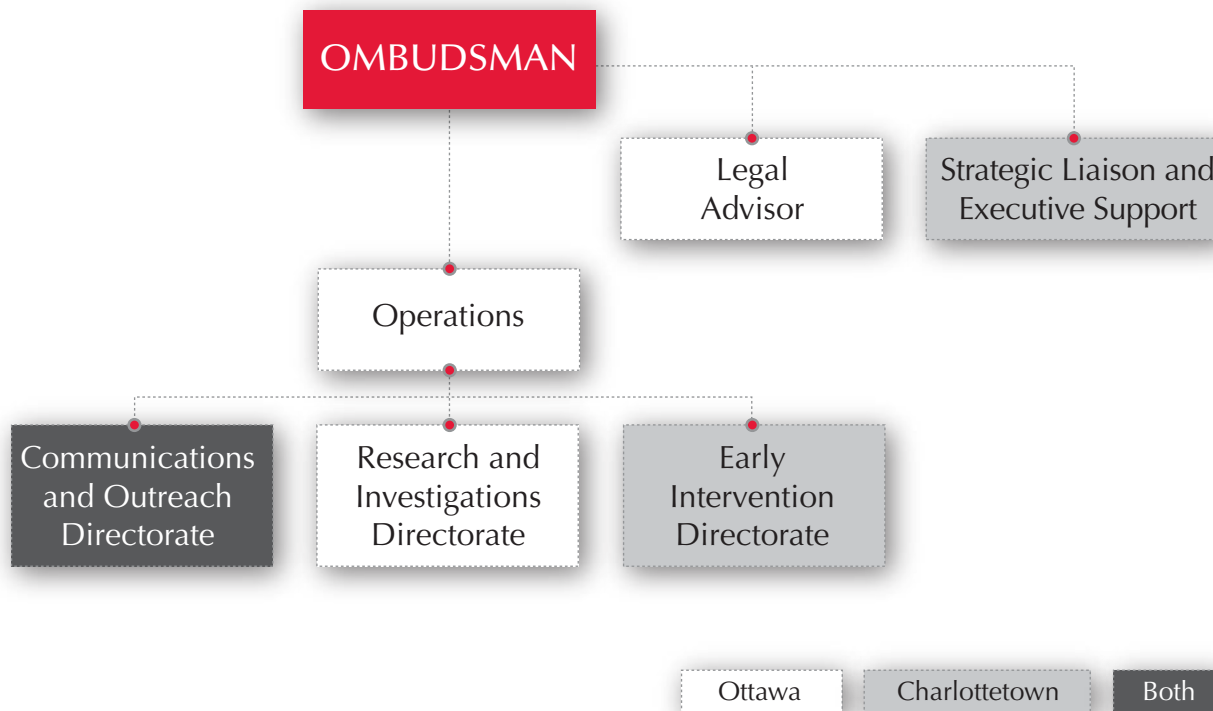
The Office should not intervene until all redress mechanisms have been exhausted. We are, however, permitted to intervene earlier if we feel that one or more of the following circumstances apply:

- a complaint gives rise to a systemic issue;
- redress mechanisms will take too long; or
- qualified stakeholders are suffering undue hardship.

The Office is authorized to act whenever we recognize that immediate action is required. The Office has already acted on behalf of our stakeholders and resolved hundreds of issues, many of which will be analysed in more detail as part of future systemic investigations.

Our Structure

To carry out our mandate, we have structured our operations into three directorates: Early Intervention, Research and Investigations, and Communications and Outreach.



Our Services

Our operational efforts focus on providing the following services directly to our stakeholders:

Information. We provide information about the various programs and services that are available to our stakeholders, not only from Veterans Affairs Canada, but also from other groups serving the Veteran Community.

Facilitation. Many Veterans who approach our Office may be frustrated after being bounced between organizations and receiving conflicting advice. We facilitate referral to the appropriate service provider best suited to handle the file.

Intervention. Intervention on behalf of stakeholders may be as simple as an informal mediation between a stakeholder and a service provider on a single disputed issue, or as complex as a full investigation into a systemic problem relating to legislation, regulations or policies, culminating in a formal report. As such, we have developed four levels of intervention:

Level 1 Intervention

- Confirm the facts regarding a complaint.
- Identify any broader considerations related to the issue.
- Mediate between the client and the service provider regarding perceptions, interpretations and decisions.

Restoring Long-term Care Payments from Veterans Affairs Canada

Level 1 Intervention

The daughter of a Veteran contacted the Office after Veterans Affairs Canada stopped paying her mother's room differential at a long-term care facility. OVO staff contacted Veterans Affairs Canada and questioned why the differential payments had stopped so abruptly without any explanation to the Veteran or her daughter. It was determined that an administrative error had occurred as a result of miscommunication, and the decision was made to restore payments retroactive to the date they were taken away.





Level 2 Intervention

- Conduct research and analysis involving multiple sources or resources.
- Recommend to the service provider modifications to processes and practices with a view to serving the client better.

Level 3 Intervention

- Embark on extensive research and analysis.
- Convene a multidisciplinary team to focus on broader systemic issues.

- Prepare findings and recommendations regarding departmental policies.

Level 4 Intervention

- Address complex systemic issues that are outside the Department's control and are legislative and/or regulatory in nature.
- Develop findings and recommendations to revise or introduce legislation, regulations or policies.



Summary of Operations

Early Intervention Directorate

The Early Intervention Directorate, located in Charlottetown, is staffed by Ombudsman service representatives and early intervention analysts. It is their job to:

- understand Veterans' problems as if they were their own;
- reframe issues to eliminate emotions that often accompany complaints;
- learn the perspective of the service provider;
- decide if they believe the situation is fair; and
- act accordingly.



Our service representatives and early intervention analysts are encouraged to conduct interventions by cutting through red tape to offer service providers timely observations. The services they provide include information, facilitation, and level 1 and 2 intervention support.

Since opening our doors to stakeholders in November 2007, the Office has logged more than 7,000 client contacts and opened about 1,800 case files. More than 800 case files have been resolved, providing much-needed support to Veterans as they seek access to Veterans Affairs Canada programs, benefits and services.



Veterans Affairs Canada Changes Process

Level 2 Intervention

The Office was contacted by a Veteran who had recently moved between provinces. He was having difficulty locating a health provider to treat a medical condition covered by Veterans Affairs Canada. The Veteran had contacted the Department for help, but he became upset because the referral information did not include a specific provider name or location. The Veteran wanted immediate treatment, and contacted the Office for assistance. The Office contacted Veterans Affairs Canada to discuss departmental processes and determine whether this Veteran could receive additional coverage. Within a month, he received an appointment with a provider and was made aware of other useful services. As a result of this case, the Veterans Affairs Canada District Office instituted procedures to prevent future similar occurrences.

Complaints

Chart 1. Case Files by Major Category



Chart 1 breaks down the types of complaints received into six major categories:

Veterans Affairs Canada Services

Close to 75% of the case files opened concerned matters related to the services and benefits being offered to the Veteran Community by the Department.

Veterans Bill of Rights

This category deals with how the Veterans were treated, based on the Veterans Bill of Rights, and whether the services were offered in their preferred language. Only 2 of the 28 complaints in this category were related to language.

Veterans Review and Appeal Board

The majority of the complaints in this category dealt with the process or with the fair application of the “benefit of the doubt” clause.

Bureau of Pensions Advocates

These complaints were related to the legal advice provided to Veterans during the review of their claims.



Broader Jurisdiction

Complaints that fell outside the Office's jurisdiction related to matters within the domain of the Canadian Forces or the Royal Canadian Mounted Police. These types of complaints included issues such as the Service Income Security Insurance Plan clawback of the disability pension and the Veterans Independence Program for the Royal Canadian Mounted Police.

Other

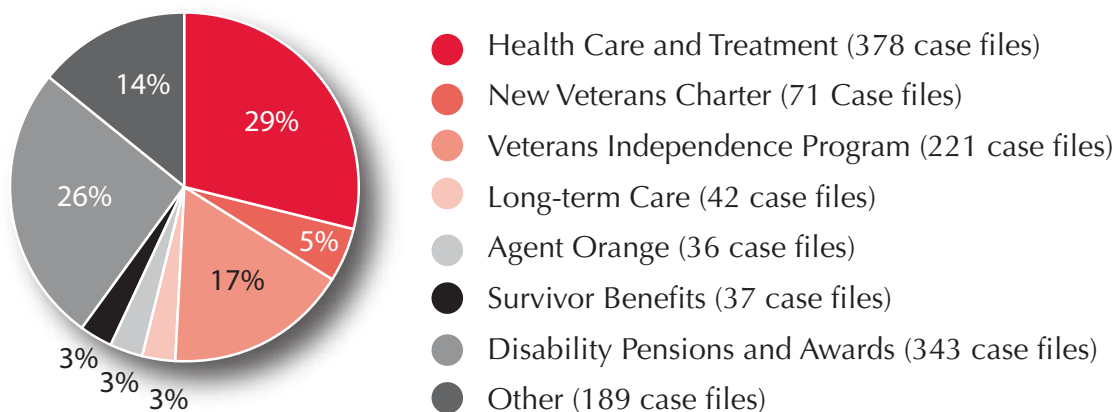
This category reflects complaints that do not fall into the other five categories.

Chart 2 breaks down the complaints received regarding the services and benefits offered by Veterans Affairs Canada. They fall into eight categories:

Health Care and Treatment

The majority of complaints with respect to Veterans Affairs Canada services focused on the delivery of treatment benefits associated with a disability award.

Chart 2. Complaints Related to Veterans Affairs Canada Services



New Veterans Charter

Complaints in this category included the length of time required to process applications for the Rehabilitation Program, inclusion of the disability pension in the calculation of the Earnings Loss Benefit, grandfathering of Veterans already in receipt of a disability pension, difficulty accessing the Exceptional Incapacity Allowance or the Permanent Impairment Allowance when the Veteran is subject to both the *Pension Act* and the New Veterans Charter, and concerns related to a lump sum disability award versus a disability pension.

Veterans Independence Program

Most of these complaints dealt with the overly restrictive eligibility criteria for Veterans, survivors and primary caregivers.

Long-term Care

Long-term care complaints raised issues related to accessibility, the allocation of space in facilities, and the limited or lack of coverage for the Allied Veterans who entered a facility before 2003.

Agent Orange

These complaints arose from the limitation imposed by the United States Institute of Medicine on the medical conditions related to Agent Orange that are eligible for compensation, as well as the requirement that the individual affected must have been alive on February 6, 2006.

Survivor Benefits

Complaints mostly related to the adequacy of benefits, especially for elderly survivors.

Decision-making Process for Disability Pensions and Awards

This was the second largest group of complaints. They touched on the length of the application and adjudication process, as well as on the follow-up assessment and reassessment process.

Other

This category includes complaints that do not fall into the other seven categories.



Research and Investigations Directorate

The Research and Investigations Directorate, located in Ottawa, is staffed by case officers and investigators who provide a broad range of intervention support, mainly focused on interventions at levels 3 and 4.

Early in 2008, the Directorate reviewed and assessed 189 cases. To assist in the early resolution of cases for individual Veterans who brought forward complaints, level 1 and 2 interventions were carried out first, and then the files were assigned for possible systemic investigation. At this early stage, health care programs and the Veterans Independence Program have emerged as issues for investigation in the next fiscal year.

Perseverance Resulting in Benefits

Level 1 Intervention

A Veteran had been trying unsuccessfully since 2004 to obtain Veterans Independence Program benefits. He contacted the Office in 2008 seeking assistance. The Veteran (who winters outside Canada) and the Veterans Affairs Canada agent assigned to assess the Veteran's health had been unable to coordinate a home visit. The Office suggested to the Veteran that he re-apply for benefits from abroad so that a home visit could be scheduled on his return. During a routine Office follow-up, it was noted that the Veteran's application had yet to be processed and the required visit had yet to take place. The Office contacted the Veterans Affairs Canada agent, who in turn contacted the Veteran immediately. The required assessment was completed and it was determined that the Veteran was eligible for the benefits.

Funeral and Burial Benefits Program

In February 2009, the Office completed a review of the Funeral and Burial Benefits Program and submitted a report to the Deputy Minister. The report contained findings and recommendations aimed at increasing available benefits and improving the efficiency of the program application process. The report and Veterans Affairs Canada's response have been forwarded to the Minister for consideration and action as appropriate.

Red Tape Investigation

A systemic investigation is under way regarding the red tape associated with Veterans Affairs Canada requirements and processes for applications for benefits and services. As a precursor to this investigation, investigators reviewed over 800 case files. In about 225 case files, the subject of the complaint was linked to Veterans Affairs Canada requirements and processes. A detailed review of legislation, regulations, policies and procedures is currently being carried out in consultation with the Department, Veteran advocacy groups and stakeholders. The report

submitted to the Department will recommend how departmental requirements and processes can be simplified to be fairer to Veterans. This investigation is targeted to be completed in fall 2009.

Observation and Discussion Papers

Observation papers and discussion papers are important tools the Directorate uses to explore issues. Observation papers are used to offer comments or suggestions to Veterans Affairs Canada about single issues that are important to the Veteran Community. The intent is to seek immediate feedback and thus observations are presented without the benefit of exhaustive analysis or investigation. However, observation papers are sometimes presented as cover sheets to discussion papers. Discussion papers are used to objectively inform readers about issues that are important to the Veteran Community and serve as reference point to guide informed debate. Observation and discussion papers are sent to the Department and posted on the Office Web site.



Observation Papers

- Service Income Security Insurance Plan and Its Influence on the Calculation of the Veterans Affairs Canada Earnings Loss Benefit
- Homeless Veterans
- Eligibility for the Exceptional Incapacity Allowance and Permanent Impairment Allowance for Veterans Affairs Canada clients being administered under both the *Pension Act* and the New Veterans Charter
- National Defence and Canadian Forces Ombudsman December 2008 report entitled: *A Long Road to Recovery: Battling Operational Stress Injuries (Second Review of the Department of National Defence and Canadian Forces' Action on Operational Stress Injuries)*

Discussion Papers

- Service Income Security Insurance Plan and Its Influence on the Calculation of the Veterans Affairs Canada Earnings Loss Benefit
- Homeless Veterans

Financial Relief and More

Information

The Office received a call from the daughter of a 93-year-old Veteran. She wanted to know if her father was eligible for the War Veterans Allowance. During the file review, it was noted that her father had previously applied to Veterans Affairs Canada for a hearing loss pension. The application was withdrawn because he had failed to send in the required paperwork. The daughter was informed of the reasons for the withdrawal and encouraged to have her father re-apply with the required documentation. The daughter called the Office in October and stated that the application was approved and as result her father is a changed man. She explained that prior to receiving the pension, he was dependent on her for money. Now he has his independence back, his dignity has been restored and his true personality has returned.

Communications and Outreach

The role of communications is to promote awareness of the Veterans Ombudsman and the impact of his Office. Our communications team aims to convey information in ways that encourage decision makers to enhance the treatment and well-being of our stakeholders.

Office of the Veterans Ombudsman Online

Our Web site is an important vehicle to inform Veterans and our other stakeholders, including the public, about all activities undertaken by the Office. The site is currently being revamped to allow for interactive communication between the Office and stakeholders. The Ombudsman's blog helps him to speak directly with stakeholders and share the progress of the Office. The Office also continues to explore social networking tools such as Facebook, Twitter and Flickr.

Reaching Out to Canadian Veterans

Over the past year, the Office maintained a strong focus on outreach initiatives throughout the country. We believe that our efforts on the ground are fundamental, as face-to-face interaction with our stakeholders is a key ingredient in achieving our overall goal of improving the lives of Canadian Veterans.

Town Halls

Throughout his cross-country tour, the Ombudsman hosted events that allowed him to meet with Veterans, their families and Veteran advocacy groups. He also attended many engagements held by Veteran advocacy groups throughout the fiscal year. With the growing interest in the work of the Office, the Ombudsman was delighted to speak at many of these engagements.



Town Halls Hosted

Date	Location	Venue
June 2008	Charlottetown, Prince Edward Island	Royal Canadian Legion, Branch #1
August 2008	Calgary, Alberta	Royal Canadian Legion, Branch #285
October 2008	Edmonton, Alberta	Royal Canadian Legion, Branch #178
October 2008	Cold Lake, Alberta	Canadian Forces Base
October 2008	Halifax, Nova Scotia	Fleet Club Atlantic

Outreach Events Attended

Date	Location	Venue
May 2008	Ottawa, Ontario	Information Session with Members of Parliament
May 2008	Toronto, Ontario	Veterans Affairs Canada Special Needs Advisory Group Meeting
June 2008	Ottawa, Ontario	Ottawa Air Show
June 2008	Ottawa, Ontario	National Aboriginal Day Wreath-laying Ceremony
August 2008	Ottawa, Ontario	Classic Air Rallye
September 2008	Ottawa, Ontario	Canadian War Museum, Meet and Greet, NATO Veterans Organization

Outreach Events Attended (*continued*)

Date	Location	Venue
September 2008	Winnipeg, Manitoba	5 th Annual Merchant Navy Veterans Day Ceremony
September 2008	Winnipeg, Manitoba	Canadian Association of Veterans in United Nations Peacekeeping (CAVUNP) Dinner and Dance
September 2008	Lethbridge, Alberta	Army, Navy and Air Force Veterans in Canada (ANAVETS) 49 th Biennial Dominion Convention
October 2008	Ottawa, Ontario	NATO Veterans Organization Meeting
October 2008	Ottawa, Ontario	Office of the Auditor General, Group 10, Team-building Day
October 2008	London, Ontario	Gerontological Advisory Committee
October 2008	Ottawa, Ontario	Veterans Affairs Canada, Departmental Executive Forum
November 2008	Ottawa, Ontario	Royal Canadian Legion, Branch #632, Remembrance Day Dinner and Dance



Outreach Events Attended (*continued*)

Date	Location	Venue
November 2008	Ottawa, Ontario	Candlelight Tribute Ceremony, Veterans Week
November 2008	Ottawa, Ontario	National Remembrance Day Ceremony
November 2008	Ottawa, Ontario	11 th Annual Senate Ceremony of Remembrance
November 2008	Ottawa, Ontario	Royal Canadian Mounted Police Board of Directors Meeting
November 2008	Ottawa, Ontario	Annual General Meeting, Canadian Commissionaires
November 2008	Ottawa, Ontario	Introduction of the 2008 Silver Cross Mother
January 2009	Prince Albert, Saskatchewan	Saskatchewan First Nations Veterans Meeting

Leave Nobody Behind

In June 2008 the Veterans Ombudsman launched Leave Nobody Behind, a national campaign with the intent to bring important Veteran issues to the attention of all Canadians.

The first appeal made was to the Canadian Forces regarding operational stress injuries. Operational stress injuries are a cross-jurisdictional issue inextricably linked to service in the Canadian Forces or the Royal Canadian Mounted Police, and have a huge impact on the Veteran Community.

Visits to Homeless Shelters

Date	Location	Shelter
July 2008	Charlottetown, Prince Edward Island	Bedford MacDonald House
July 2008	Ottawa, Ontario	The Ottawa Mission
July 2008	Ottawa, Ontario	Shepherds of Good Hope
July 2008	Ottawa, Ontario	Salvation Army
August 2008	Calgary, Alberta	Calgary Drop-in & Rehab Centre (The DI)
October 2008	Edmonton, Alberta	Herb Jamieson Centre, Hope Mission
October 2008	Halifax, Nova Scotia	Metro Turning Point Centre

Another important issue brought to light by this campaign is homeless Veterans. Alarming statistics have been released in the United States and the United Kingdom regarding the high proportion of Veterans among the homeless. Because of the lack of comparable data in Canada, a large part of this campaign involved travelling to

homeless shelters throughout the country to see if the situation for Canadian Veterans is comparable and to identify homeless Veterans in need of assistance who may be slipping through the cracks.

The Office also contacted several organizations in 2008 to determine the best way to identify and reach homeless Veterans.



Organizations Contacted for Reaching Homeless Veterans

Location	Organization
Ottawa, Ontario	Alliance to End Homelessness
Ottawa, Ontario	Salvation Army
Ottawa, Ontario	Ottawa Mission
Ottawa, Ontario	Centre 507 Association of Ottawa
Ottawa, Ontario	Centre 454
Ottawa, Ontario	Shepherds of Good Hope
Montréal, Quebec	Old Brewery Mission
Montréal, Quebec	Welcome Hall Mission
Calgary, Alberta	Calgary Poppy Fund
Calgary, Alberta	Calgary Drop-in & Rehab Centre (The DI)
Calgary, Alberta	Salvation Army
Gatineau, Quebec	Homeless Individuals and Families Information System Initiative (HIFIS)
Halifax, Nova Scotia	Metro Turning Point Centre
Edmonton, Alberta	Herb Jamieson Centre, Hope Mission
Charlottetown, Prince Edward Island	Bedford MacDonald House

Visits to Long-term Care Facilities and Hospitals

Date	Location	Facility Name
July 2008	Moncton, New Brunswick	Veterans' Health Centre
August 2008	Calgary, Alberta	Colonel Belcher Veterans Care Centre
October 2008	Cold Lake, Alberta	Cold Lake Regional Hospital
October 2008	Halifax, Nova Scotia	Camp Hill Veterans' Memorial Building
October 2008	Cold Lake, Alberta	Kipnes Centre for Veterans
November 2008	Sainte-Anne-de-Bellevue, Quebec	Ste. Anne's Hospital





Receiving Drug Benefits

Level 2 Intervention

A Veteran contacted the Office in response to a decision by Veterans Affairs Canada to deny coverage for his Avastin treatments for macular edema. In its records, the Department referred to the Veteran's condition as macular degeneration caused by aging, rather than as macular edema diagnosed by his ophthalmologist. The Veteran also sought to have Veterans Affairs Canada add a new drug, Lucentis, to its drug formulary. The Office contacted Veterans Affairs Canada to discuss the drug approval process and to inquire about the rationale for the inclusion of some drugs on the Department's formulary and the exclusion of others. As a result of this intervention, the Veteran was reimbursed for his treatments, and the drugs Avastin and Lucentis were added to the Department's list of approved drugs. This outcome benefited not only this Veteran, but also all others requiring these drug treatments.



The Year Ahead

Early Intervention Directorate

Case Tracking System

Early in the new fiscal year, we will introduce a sophisticated case tracking system. Originally adapted from a system developed by the BC Ombudsman, this system has already been adopted by numerous ombudsman-like agencies in Canada. The case tracking system is expected to greatly enhance the Office's effectiveness and efficiency.



Operational Effectiveness Enhancements

Even with a full number of trained staff, refined processes and enhanced technologies, the intake of complaints has not yet reached a steady state. In addition, the ability of the Office to conduct early intervention on behalf of our stakeholders depends on the cooperation of departmental staff and processes—the Office and Veterans Affairs Canada are two complementary organizations. The Early Intervention Directorate will focus on this area in the coming year.

Backlog Reduction and Elimination

The Early Intervention Directorate is committed to eliminating the backlog of files that accumulated during its first year.

Research and Investigations Directorate

Systemic Investigations Under Way

New Veterans Charter

The Office is studying the New Veterans Charter in detail. We want to ensure that Veterans are cared for at least as well as they were under the previous legislation and that the current Charter coincides with the expectations of society today. The Office's research is complicated by the work that

Receiving a Disability Pension

Facilitation

The Office received a call from an 83-year-old Second World War Veteran who requested assistance with his Veterans Review and Appeal Board appeal. He was diagnosed with lung cancer and it was clear that his health was in steady decline. Further questioning by Office staff revealed that during his service with the Navy he had worked in a boiler room. It was suggested that he consider applying for a disability pension as his service in the Navy may be a factor related to his current health condition. Soon after, the Veteran contacted the Office indicating that he had applied for a disability pension and Veterans Affairs Canada had approved it. He was very happy and stated that it was comforting for him to know that if he passes away, his wife would end up in a better financial situation.

the Department continues to do on the Charter, and hampered by the restricted access the Department has given the Office to the results of that work. While the Office tries to maintain an understanding of departmental developments and intentions regarding the Charter, the following actions have been initiated:

- **Earnings Loss Benefits.** The Office has challenged the Department's decision to use a flawed model—that of the clawback of Service Income Security Insurance Plan long-term disability plan benefits, which is the subject of a class action suit before the Supreme Court of Canada—for the Earnings Loss Benefits package in the New Veterans Charter.
- **Lump Sum Award.** Many Veterans have objected to the decision of the lump sum disability award that replaces the disability pension. The Office has commissioned an actuarial study to compare the previous *Pension Act* model with the lump sum model in the New Veterans Charter to estimate the financial, physical, psychological and social wellness of disabled Veterans over their lifetime.

Planned Systemic Investigations

Veterans Independence Program

Some concerns related to the Veterans Independence Program that stakeholders have noted and that will be investigated and reported on in detail in coming months include:

- benefits not indexed for inflation and regional economic disparity;
- subjectivity of the approval process and inconsistency in decisions;
- criteria and reasons for the means test;
- determination of eligibility for the program;
- program availability for Veterans living outside of Canada; and
- program availability for Allied Veterans.

Health Care Program

Stakeholders have expressed the following concerns to date, which will be investigated and reported on in detail in the coming months:

- definition of “frail pensioner” too restricted;
- definition of Second World War Veterans in the *Pension Act* differs from the definition in the Veterans Health Care Regulations;



- disparity in level of care for whole body disability in lieu of individual pensioned conditions;
- support to primary caregivers and families;
- availability of treatments;
- length of time for reimbursements; and
- dental program.

Other Systemic Issues under Consideration

Review and Appeal Mechanisms

The Office is examining precedents, policies and best practices in review and appeal mechanisms regarding:

- compensation awards;
- retroactivity; and
- eligibility.

Leave Nobody Behind

The observations put forth by the Office regarding Veterans who have been “left behind” will likely develop into a formal investigation. The Office will expand the research to include:

- methods mitigating the effects of stresses endured in the line of duty to prevent or reduce the impact of operational stress injuries;

Survivor Benefits Awarded

Level 1 Intervention

After the sudden passing of a Veteran, the care of his two young children was assigned to a legal guardian. The situation created a significant amount of financial hardship for the guardian and his family, so he contacted Veterans Affairs Canada for assistance. Guardian papers and the medical examiner’s report were submitted to Veterans Affairs Canada, yet the process to receive survivor benefits was incredibly slow. The guardian decided to contact the Office in hopes of speeding up the procedure. This resulted in him receiving benefits much faster than originally anticipated. The grateful guardian noted that he was told several times that if the Office had not intervened, the process would have taken much longer.

- Veterans living in contracted long-term care facilities;
- spouses and dependent children affected by a family member suffering from service-related disabilities; and
- incarcerated Veterans.

No Ruling Made by Veterans Affairs Canada Related to Consequential Condition*

Level 2 Intervention

The Office received a call from a Second World War veteran asking for assistance regarding a Veterans Review and Appeal Board decision. Although the Office cannot affect or review a decision by the Board, we read the decision over with the Veteran. In doing so, it was noted that in the original departmental decision, no ruling had been made with respect to the Veteran's consequential condition. Further research confirmed that this was not an isolated case. The Office immediately informed the Department, which in turn amended policy and guidelines to prevent any future occurrences. The Department ruled favorably with respect to the Veteran's consequential condition.

** Consequential disability is a new disability that has been caused by, or aggravated by a medical condition attributable to service.*

Communications and Outreach

Tools and Best Practices

The communications function represents the linchpin of all operations conducted by the Veterans Ombudsman. The Office will go to extraordinary lengths to maximize its ability to transmit and receive information from all parties via all forms of communication. Our ability to effect change to improve the lives and well-being of our stakeholders is dependent on our

ability to convey, in a timely manner, relevant messages to the right audiences. The Veterans Ombudsman will make use of electronic, Web-based and print media, and, especially, personal contact.

The Office's ability to arrive at balanced, well-founded recommendations for our stakeholders is dependent on effective communications. It is imperative that we have the means to receive complaints and recommendations on how we can improve our service to our stakeholders. In the next year the Veterans Ombudsman will:



- ensure that traditional forms of communication, such as face-to-face interaction, are employed to their best advantage in the service of our stakeholders;
- embark on a campaign to increase public awareness about the seriousness of how some stakeholders are disadvantaged by the current system;
- dramatically improve the functionality and utility of the Office's Web site to facilitate communication between the Veterans Ombudsman and stakeholders;
- create opportunities for stakeholders to participate in investigations of systemic issues via Web-based public consultation, which will complement our outreach activities and allow us to better represent Veterans' issues; and
- harness existing and emerging social networking tools to facilitate the Office's engagement with the Veteran Community.

Advisory Committee

The Veterans Ombudsman has convened an Advisory Committee of individuals who represent a range of demographics from the Veteran Community: Veterans of various age groups and conflicts, serving members, and spouses. While many members of the Advisory Committee are also

Veterans Affairs Canada Reconsiders Hearing Aid Replacement

Level 1 Intervention

The Office received a phone call from an 82-year-old Veteran who was denied an early replacement of a hearing aid. He suffered from a severe medical condition that affected his hearing. His specialist reported that his present hearing aids were no longer appropriate and new ones were required. A review of his file confirmed an immediate need for a replacement but that the replacement date was scheduled to be in six months. The Office approached Veterans Affairs Canada asking that, given the circumstances, the replacement date be advanced. Veterans Affairs Canada reconsidered and the claim was approved.



Advisory Committee

Back row (left to right): Lieutenant-General (retired) Charles H. Belzile, CM, CMM, CD; Superintendent (retired) Lorne Edward Hall, RCMP, Recipient of RCMP LSM (GSB) and Canada 125 Medal; John Gardam, OMM, MSM, CD(3), CDS COM, MIN VAC COM; Sergeant (retired) Thomas G. White, CD; Vice-Admiral (retired) Larry Murray, CMM, CD (Committee Chair); Brian Forbes, B. Comm., LL.B.; Colonel (retired) Pat Stogran, Veterans Ombudsman; Sergeant (retired) Barbara Grimster, CD, SSM; Lieutenant (Navy) (retired) Louise Richard, RN, PGMH, CD; John Walker, Veterans Affairs Canada.

Front row (left to right): Lieutenant-General (retired) Al DeQuetteville, CMM, CD; Fred Mombourquette; Sergeant (retired) Claudia Schibler; W. Bruce Ferguson; Sergeant (retired) Gordon Strathy, BA, BEd, CD.

Absent: Colonel (retired) Donald S. Ethell, OC, OMM, MSC, OStJ, AOE, CD; Lieutenant-Colonel Spurgeon Stewart, CD; Sergeant (retired) Thomas J. Hoppe, MSC, MB, CD, MA; Chief Superintendent Cal Corley, RCMP; Claude Petit, OC, CM, CD.

Photo: Office of the Veterans Ombudsman.

A Referral Worth a Bundle

Facilitation

The son of a Veteran called the Office after his mother received a \$200,000 invoice from the hospital where his father was a patient. He explained that the Ontario Health Insurance Plan would not cover the medical expenses because of a discrepancy in the birth date on his father's health insurance card and hospital records. Office staff referred him to the Ontario Ombudsman and asked that he keep us informed. A much-relieved son called us back the following day to let us know that the problem had been resolved.



members of advocacy groups in the Veteran Community, they have not been invited to the Advisory Committee to represent those groups. Members are expected to express opinions that may reflect the beliefs of others within their respective demographic. They offer the Veterans Ombudsman honest advice and constructive criticism regarding the service that the Office is providing to the Veteran Community. The members have direct

access to the Ombudsman at any time—a password-protected, limited-access Web portal has been provided to facilitate business between formal meetings. The Ombudsman is fortunate to have Vice-Admiral (retired) Larry Murray as Chair of the Committee. He was a past acting Chief of Defence Staff, as well as the Deputy Minister of Veterans Affairs, and remains very active in the public service.

A Special Arrangement Makes Life Easier

Level 1 Intervention

Over the past two decades, a 92-year-old Second World War Veteran has received taxi service to get to his medical appointments. In 2009, Veterans Affairs Canada ended its policy of having taxi companies bill the Department directly for medical transportation. As of this date, the Veteran was required to pay the taxi fare and submit a travel claim to Veterans Affairs Canada for reimbursement. The Veteran found these steps too confusing to remember and was frustrated with the new procedure. He contacted the Office to see if something could be done to restore the original arrangement, which he was very comfortable with. The Office contacted the Veteran's departmental representative and helped facilitate a special arrangement for the Veteran with the taxi company. The Veteran was extremely pleased with the outcome.



Financial Statements

The Treasury Board, through the Minister of Veterans Affairs, approved a budget of \$6.3 million for fiscal year 2008–2009. Of this amount, \$3.8 million was allocated directly to the Veterans Ombudsman for program and operational costs, with the other funding going to other organizations in support of the Office's work. The Office did not spend all of its allocated funding for 2008–2009 because it was newly established; not all staff were in place nor was the Office fully operational during that period.



Treasury Board Funding

Organization	Salary (\$000s)	Operating (\$000s)	Total Funding (\$000s)
Veterans Ombudsman	2,181.9	1,650.9	3,832.8
Public Works and Government Services Canada for accommodation	449.5	—	449.5
Treasury Board for employee benefits	691.6	—	691.6
Veterans Affairs Canada for Corporate Services and Human Resources Management and responding to the Office	1,276.1	50.0	1,326.1
Total	4,599.1	1,700.9	6,300.0

2008–2009 Veterans Ombudsman Program and Operational Expenditures

Program or Operational Requirement	Expenditure
Communications and Outreach	\$44,200
Travel and Transportation	\$219,100
Professional and Special Services	\$278,000
Salaries and Wages	\$1,569,000
Training and Professional Development	\$13,300
Telecommunications	\$60,700
Equipment, Supplies and Maintenance	\$208,100
Information: Printing and Publishing	\$8,300
Rentals	\$6,000
Miscellaneous	\$900
Total	\$2,407,600



Management Information

Governance

The Office's senior management group is the Executive Committee (EXCOMM), which directs and coordinates the strategic and operational efforts for success and expected results. The Veterans Ombudsman is also advised and guided by the Veterans Ombudsman Advisory Committee. Senior officials of the Office are engaged in a variety of departmental management activities to establish a continuous flow of information for informed decision making.

Reporting Mechanisms

The Office provides input into mandatory departmental reporting mechanisms including: the Management Accountability Framework; the Report on Plans and Priorities; and the Departmental Performance Report. At the end of the first full year of operation, it has become obvious that the program performance measurement indicators and methods of capturing performance information need to be revised if the Office is to provide meaningful and quantitative data for future years. Finally, the Office abides by the government's proactive disclosure policies by publishing contract, travel and hospitality information on its Web site.



Human Resources Management Information

The Office of the Veterans Ombudsman operates with a full-time equivalent base of 30, supplemented by a contingent workforce of students, casual status employees and individuals under contract. After approximately 18 months, the Office has reached its full staff complement of employees appointed within the following public service groups: OIC Appointee, EX Category, LA Group and PA Group. The Office's function of complaint resolution and investigation is supported by 20 full-time employees. The rest provide executive leadership and administrative support. Since its inception, the Office has used appropriate resourcing mechanisms, including temporary assignments and appointments, to establish operations, receive and resolve stakeholder complaints, and build a stabilized and permanent workforce. The Office has finalized its first annual Integrated Human Resources and Business Plan to guide the effective use of our most precious resource, our employees, in concert with the Office's business priorities. The Integrated Human Resources and Business Plan will be published on the Web site in the near future.

Corporate Services

The provision of corporate administrative support services by means of various memoranda of understanding with departmental entities has proved to be, at best, satisfactory. The Office did not receive dedicated support and priority services that should have been associated with the Treasury Board funding provided to the Department. The Office commissioned Consulting and Audit Canada to undertake an independent review of similar agencies with provisional arrangements for corporate services. This review revealed that the Veterans Ombudsman experienced the same difficulties as the other agencies. Given that Veterans Affairs Canada was charged and funded to provide corporate services to the Office, the Ombudsman has apportioned the majority of its budget to operations. Over the past year, corporate services support over-burdened the limited capacity of the Office and detracted from operations. Efforts are being made to find a better balance in this area.





Challenges Ahead



Imperatives for Success

When the potential consequences of serving one's country are permanent disability or death, it is reasonable to expect some assurance of compensation and care that is commensurate with the potential sacrifice. The Office of the Veterans Ombudsman plays a very important role in reconciling any differences that might exist between those expectations and the level of service that is actually provided.

The Veterans Ombudsman is confident that the current mandate enables the Office to address such differences. However, there are challenges that stand in the way of success, which can be mitigated only through tolerance, openness, respect and understanding.

Tolerance. Despite the best efforts of all parties, mistakes will be made in establishing the Office of the Veterans Ombudsman and its ongoing relationship with the Department.

Openness. The Veterans Ombudsman is absolutely committed to transparency and accountability for information sharing and security, not only to the stakeholders of the Office but also to the Department and the public at large. Conversely, the effectiveness and efficiency of the Office in resolving issues is completely dependent on the Department for sharing first-hand information as a professional courtesy.



Respect. The Office expects to be treated as an ombudsman—an independent, self-sustaining representative of the rights of Veterans for fair compensation from the nation they served—not as a complaints section within the Department. The Ombudsman’s role to identify shortcomings in the status quo should not be viewed as a threat, as the Office shall endeavour not to detract from the trust and confidence Veterans have in the Department.

Understanding. The internal capacity of the Office to administer human resources and corporate services was deliberately restricted as a cost-saving measure. In providing these services, the Department should, whenever possible, avoid encumbering the Office of the Veterans Ombudsman with administrative requirements in these areas, as doing so detracts directly and significantly from its operational ability to serve Veterans.

The Office of the Veterans Ombudsman remains committed to the ideals of the concept of an ombudsman, the principles of natural justice, the Office’s Charter and the four hallmarks contained in the Charter—independence, objectivity, confidentiality and transparency.

In the end, the commitment to serving Veterans should unify the efforts of the Department and the Office.

