



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

## **Standing Committee on Veterans Affairs**

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ACVA • NUMBER 019 • 2nd SESSION • 41st PARLIAMENT

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**EVIDENCE**

**Tuesday, April 1, 2014**

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**Chair**

**Mr. Greg Kerr**



## Standing Committee on Veterans Affairs

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• (1530)

[English]

**The Chair (Mr. Greg Kerr (West Nova, CPC)):** Okay, folks, we'll get under way. As you are aware we're continuing the review of the new Veterans Charter, and looking for recommendations from the witnesses. I would point out being Tuesday and there being a vote we're going to have to work around the bells. Certainly we look forward to Corporal Fuchko's presentation. We'll do questions around the table and hopefully get the presentations from the next group and probably have to break for the vote, then come back and do our questions. We still should be out of here by seven, so if that's agreeable we'll get under way.

Thank you very much for coming. I know you're in this morning and out this evening and you've got a busy schedule yourself so we very much appreciate your coming. We'll ask you to give your presentation then we'll go around with questions, so welcome.

**Cpl Mark Fuchko (As an Individual):** Okay, I'd like to first thank you all for allowing me the opportunity to come here today and represent wounded, ill, and injured veterans.

My name is Corporal Mark Fuchko. I joined the military in 2002. I joined the reserve force while I was still in high school. I had the opportunity to do two tours in Afghanistan. I did a nine-month tour in 2005-06 and I did my second tour in 2008. On March 29, 2008, while conducting Operation Mulki Azad the vehicle I was in struck an improvised explosive device.

Upon striking the bomb I remember seeing a red flash in my episcopes and I looked down and my right leg was actually sitting right in my lap. I knew I was in trouble. When that bomb had gone off it also shattered my pelvis into several pieces. I had broken every major bone below my belly button and I didn't actually know it at first. I thought I was paralyzed when the initial blast went off. I tapped my left boot. When I did this my tib-fib came out of my trousers. I knew my leg was broken. At that point I took my C-A-T tourniquets, a really expensive device, it costs around five dollars. I tourniqueted my right and left leg to prevent any bleeding just so I wouldn't die.

Just the nature of the blast and the way our vehicle was I could not be extricated from the vehicle for over an hour. So there I sat bleeding and dying and doing my own first aid. It was probably one of the most horrible experiences of my life. I remember when the blast went off the first thing that kind of went through my head was, if I die here my mom's going to kill me. I have a seven-year-old son and I was really keen on seeing him again, so I was bound and

determined to do everything I could to make sure I got out of there alive.

After I was able to successfully, or I guess unsuccessfully, apply first aid, my gunner who could actually get his hand down to me told me, "Mark you've got to get the vehicle off because we're starting to smoke, we could start on fire and explode". So not only did I have to deal with these horrible injuries, I had to deal with a vehicle that could potentially cause other casualties. So after being stranded in the vehicle I was pretty sure I was going to die. I just wanted to get out in the fresh air and die in the fresh air because there I was in this hole, I was bleeding, I was dying, and I was in a lot of pain.

So after roughly about 45 minutes the guys in my combat team were able to bring another tank over that ripped the hatch off the tank and they were able to extricate me out of the vehicle, get me into a helicopter, and put me into the Role 3 hospital. While I was there I took on approximately 25 units of blood and plasma. I am not a medical professional but they tell me that is quite a lot of blood. They told me I could have bled out three times. One of the medics told me I flatlined three or four times. Luckily, I was able to pull through. I went to Landstuhl Regional Medical Facility. The situation was fairly dire. My family was flown over to see me at that point. I actually pulled through and long story short, here I am before you today.

When I originally deployed to Afghanistan in 2005-06 that was when the old Veterans Charter was enacted or Chrétien was still on the books. I was at the Provincial Reconstruction Team when Master Corporal Paul Franklin was injured, when he lost both of his legs. I remember seeing him and remarking to another friend in my platoon, I hope that never happens to me, and two years later it happened to me.

It was a nightmare and I have to live with this every day. It is something that has changed my life for better and for worse and again, I'm just not the same person after that. Everything I do is different, my life is different, my future, what I thought I was going to do. It was a major upheaval. It was really hard on me and it was hard on my family. But what happened to me, I accepted it, but when I came back to Canada there was a whole grip of issues where I really felt that they were the cause of a lot of frustration. I don't even know how to describe it.

I came back and I thought I would have a lot of support when I got home, and I had a lot of support from my family, but where I didn't see it, I didn't see it at the political level. So for example, I would have politicians, I will not name names, who constantly were visiting me, constantly asking me what do you need, what do you need, what do you need? The laundry list went on and on. This happened for every single wounded vet. So far nothing has been delivered on any of this.

I just celebrated six years of my alive day, that's when I lost my legs, and nothing has changed. I keep hearing that this new Veterans Charter is a growing, evolving charter, and thus far it has proved to be anything but. Right now I am still serving in the military. When I was assessed the disability award, which is a lump sum that is handed out, I received the maximum.

● (1535)

Veterans Affairs categorized me as 108% disabled because I'm a bilateral below-the-knee amputee. I had severe damage to my hips. I'll require a double hip replacement in the future, and I'm not even 30 yet. My pelvis, I don't even know how to describe it...it does not look normal. It has been rearranged by that blast and is still healing today.

I was awarded the maximum dollar figure. I got awarded \$266,000 as a disability award from the new Veterans Charter. I looked back at what the old system was, because, like most veterans, when I heard the new Veterans Charter was coming in...we weren't really told a whole lot about it. The only brief I remember getting about it was in the field in Wainwright one time before we deployed, and we were told, hey, there's a new Veterans Charter, and it's probably better than the old one. That was it. That's all we were told. It wasn't until after I was wounded that I really learned what this legislation meant to me and what would it mean to my future life.

I was awarded \$266,000. That was the maximum. That was my pain and suffering award. To me, for the pain and suffering that I went through in the hour that I was trapped in a tank, a smoking coffin where I thought I was going to die, no dollar amount can really cover that. Nothing can.

Then, when I come back and I hear that this charter is designed to get me back to work, I feel like that is completely laughable. I retire on June 1, and I'm really concerned about what's going to happen to me when I get out.

One specific aspect of the new Veterans Charter that I'm talking about is the earnings loss benefit. This benefit is 75% of a member's pre-release salary. In the Canadian Forces, being injured effectively ends your career. You cannot progress. You cannot get promoted. Through no fault of your own, you're stuck in your position. I've been stuck in my current rank for six years. I could have been promoted six years before getting injured, but I chose to serve and go overseas because I thought I was needed. Thus, through no fault of my own, my career stagnated. When I get out, I'll be receiving 75% of my pre-release salary, which will be taxed.

The other problem with this is that all other income, the way it's been explained to me, will be clawed back out of that. I keep hearing that the new Veterans Charter is designed to get me back to work. Well, if I go out and get a job—menial, just doing whatever I can to

contribute to society—there's no benefit to me in doing so, because any money I earn from doing that will simply be clawed back. This is not an incentive for anybody to get back to work and back to contributing to society.

Under the old system, a pension was awarded for life. They weren't subject to a clawback until the age of 65. To me, that's a lot more incentive for somebody to get back to work, because they're earning, they don't have to worry about it getting clawed back, and they can contribute to society in any way they can, even if it's just being a Walmart greeter or doing something like that.

I kind of feel like that was a real slap in the face, and I was really upset by that one.

The other thing is the permanent impairment allowance. I can receive my disability award essentially as soon as I am wounded and disabled, but I cannot collect the permanent impairment allowance until I take my uniform off. I lost my legs. When I take my uniform off, I suddenly become permanently impaired? I think the idea is kind of ridiculous. If they're going to award that, it should be awarded immediately, at the same time as a disability award.

I also hear about the additional stipend that has been awarded for the catastrophically injured. Again, I have received no clear explanation as to who is awarded that or what the stipulations for it are. I am considered 108% disabled, but I still cannot be told whether I qualify for this extra stipend.

The other thing about the earnings loss benefit is that the previous award was done for life and was tax-free. This new ELB ends at age 65. After the age of 65, the individual receives 2% of the total payout in a lump sum. If a private at the age of 30, say, is making roughly \$42,000 a year, that equates to a \$40,000 lump sum to retire on at the age of 65. This is woefully inadequate. I don't know anybody who can retire on that amount of money and live for an extra 20 to 30 years.

Thus, I have a lot of concerns about what's going to happen to me once I leave.

I'm very fortunate. I have my mind intact. I have my motivation intact. I am able to walk and to be fairly active. But given my disability, I may not be able to walk tomorrow, the day after, or in the future. We just don't know. As such, I've taken all the steps I can. I've worked my butt off so that I can go to school. I'm currently at Mount Royal University in Calgary, Alberta. I'm trying to finish my undergrad degree. My intent is to eventually study law, because I really don't have a whole lot of faith in this system to leave me anywhere but poverty-stricken.

● (1540)

Leaving it at that, that is my story, gentlemen, and I'll open the floor to any questions you may have.

**The Chair:** Thank you very much, Corporal Fuchko. It really was very definite and very specific and I appreciate your candour with us today.

We'll now go to the rounds of questions and we'll start with Mr. Stoffer, please, for six minutes.

**Mr. Peter Stoffer (Sackville—Eastern Shore, NDP):** Mr. Chairman, thank you very much and to Mark, if I may be so informal as to call you Mark, I'm sure on behalf of the committee, thank you very much for your service and I'm sorry for that traumatic injury that you've suffered.

As you've rightfully said, it's something that you'll carry with you for the rest of your life. We here on the committee on both sides recognize the sacrifice and service you did and we want to congratulate you very much for that. I'm sorry you're leaving with this injury. I wish you could have just left on normal circumstances, but, unfortunately, that's not to be.

Sir, when you leave, how many years will you have in, complete?

**Cpl Mark Fuchko:** Sorry, years in the Canadian Forces?

**Mr. Peter Stoffer:** Yes.

**Cpl Mark Fuchko:** I'll have 12 years of service. I just reached my 12-year date on March 9.

**Mr. Peter Stoffer:** Very good.

I have a couple of recommendations for you. Before you leave, make sure you get every inch of your medical records to go with you and make sure you go through it very, very carefully to make sure that everything that is in there meets with your...everything that has happened to you so far, because years down the road, as you said, a hip replacement, those things.... That may come in very handy for you when it comes to going back to DVA looking for further assistance in that regard.

Sir, you had mentioned that you don't get the PIA until you leave. You're correct on that one and I think it is something that the committee can take under advisement to see where we can work towards that. Because you are correct, whether you're disabled in the military or disabled outside of the military, you're still disabled and so that payment.... I think you've brought up a very good point and I thank you very much for doing that.

On the earnings loss, we have heard before in previous committees that you're right, even the department has said that one of the concerns they have is if you're a corporal now and you get seriously injured and you have to leave through a 3(b) release, you lose out on any advancement to become a captain or a colonel or whatever down the road. Thus you lose out on those particular concerns and I thank you very much for that.

Sir, if you could advise the committee, if you were the Minister of Veterans Affairs, what couple of things would you like to see us include—not just for yourself, but for your family, for other veterans who are coming down the pipe, your fellow brothers and sisters in Afghanistan—to improve their lives right until the day that you pass away? What can we do?

• (1545)

**Cpl Mark Fuchko:** Well, looking at it this way, the ELB is based on rank and not on disability. The previous system was based on your disability rather than rank and I would like to see that enacted, mainly because in some circumstances an individual who has a

traumatic injury will earn less than somebody who does not, just based on rank level.

For example, somebody who's a quadriplegic, they're going to need a lot more than somebody who has a 75% disability, but had achieved a higher rank. To me, that seems like a big class differential in the military.

So if the ELB could be based on your injury rather than on your salary or your rank, more specifically, I think that would be a vast improvement over the system that is currently in place.

**Mr. Peter Stoffer:** Sir, the government has announced recently a financial package for educational opportunity. I think it's to the tune of \$75,000 or \$78,000 or something of that nature. Have you been able to take advantage of that opportunity?

**Cpl Mark Fuchko:** Right now, all the educational opportunities I've been able to take advantage of are already pre-existing. So for example, I've been utilizing the ILP, the individual learning plan, part-time for the last two years. I'm currently on VRPSM, which is covered by SISIP, and that is covering my last year of school.

Moving on, I know there's a Veterans Affairs program that covers, I think it's 24 months, so my intent is to use that to leapfrog and to finish my degree.

**Mr. Peter Stoffer:** Very good. Well, I think becoming a lawyer would be a very good thing for you to do because your expertise in the military will assist a lot of people in the country in the future. I just want to thank you very much for being here today and God bless you, sir.

**Cpl Mark Fuchko:** Thank you, sir.

**The Chair:** Can I use your minute? No, sorry.

**Mr. Peter Stoffer:** I've got more, but it'll take past my time. Just a nice guy down there.

**The Chair:** I appreciate that.

Mr. Gill, please, for six minutes.

**Mr. Parm Gill (Brampton—Springdale, CPC):** Thank you, Mr. Chair, and I also want to thank Corporal Fuchko.

Thank you for coming, first of all and appearing before the committee and providing us your invaluable feedback to help us with this important study that we're conducting. I also want to thank you for your service and also, obviously, the sacrifices that you've made and your family, sir, towards our great nation. Thank you for that as well.

Minister Fantino also wanted me to pass along his greetings and his thank you. I guess he had an opportunity to meet with you in Calgary. He was also very happy to hear you were going to be appearing before our committee here today.

Sir, as a veteran of Afghanistan who has experienced the application of the Veterans Charter first hand, I believe your words here today are invaluable to the work of this committee. As a serving member, can you elaborate on your experience between the service and support you received from DND and the service you have received from Veterans Affairs, if any?

**Cpl Mark Fuchko:** I'd say they're quite a bit different. I'm actually just starting to move into the Veterans Affairs program, although I have utilized certain assets from Veterans Affairs.

One of the great difficulties I had with the military was that there was an atmosphere that was totally unprepared to deal with the catastrophically injured. When I first came home, I was not the first amputee from the war in Afghanistan and I constantly ran into hurdles that really affected my quality of life and my family's as well. Things like aids to daily living were almost impossible to obtain. Just to get my house accessible took over a year. That was a really long drawn-out nightmare. I'm not the only one who actually experienced that. There seemed to be kind of a battle with what was covered and what was not and who would cover what. That was quite a challenge, and it seems to me that there was a lot of overlap, but people weren't necessarily sure if Veterans Affairs or the military was going to cover it, and things like lead time, house modifications, and stuff like that were a real challenge for sure. I would say that probably the one common thing is housing, especially for the severely disabled.

The military originally took this on but there is a whole group of caveats that make it difficult for the delivery of this in a timely fashion. For example, some people find themselves severely disabled coming back to houses that they can't physically occupy just because their houses are not wheelchair friendly, wheelchair safe. They essentially require a whole new house to live in.

In my case the biggest problem was that the rules stipulate that you have to have three quotes to obtain an actual work order. The problem was, in Calgary, I could only obtain two quotes, so thus, the work order would never proceed. Luckily I had a switched-on troop warrant who was able to connect with my case manager and eventually got the ball rolling.

Again, there were other problems. For example, the contractor who bid the lowest was awarded the contract to do my house. However, I have a seven-year-old, and they were going to build me an elevator with no doors because that was the cheapest one, and that wasn't included in the quotes. Here I was; they were going to build me an elevator with no doors so I'd just have this gaping elevator shaft.

That's just my own personal story. I'm sure as other veterans come before you, they will all bring up that housing was a major issue for them, not just from the military side, because I know Veterans Affairs typically only covers aids to daily living once a member is out, but that might be something that should be looked at, that one or the other should cover it. Because Veterans Affairs is going to have the member for the rest of their life, it would probably be more beneficial for them to take care of that because they're going to have the member for a lot longer during that transition and that release period. With the military, it seemed like the job kept getting passed on and passed on, and guys were essentially treading water and not getting the items that they required.

• (1550)

**Mr. Parm Gill:** Do you have a case manager who you work with and can you tell us if that case manager is from DND or from Veterans Affairs?

**Cpl Mark Fuchko:** I have two case managers. I have a Veterans Affairs case manager and I also have a DND case manager. My case manager in Calgary, Mimi Fortin, is a retired lieutenant-colonel from Canadian Forces. She handles things like whenever I need new legs and things like that, helping to get the ball rolling on that because there is, again, a whole bunch of hoops that have to be jumped through. It's been fairly difficult for me to get anything delivered in a timely fashion just because of the amount of hoops, just because the dollar figure is quite large for prosthetics. The system has gotten better for me in Calgary just because there's more familiarity with what needs to be done and things like that.

I have not had the opportunity to talk much to my Veterans Affairs case manager. One of the biggest problems I had was with the veterans independence program. This was originally covered by Veterans Affairs. Then it was dropped for serving members and it was covered by the military. It took me over two years to get the veterans independence program in place after qualifying for it.

The main problem was, when you ask for it, you're essentially given a phone book of people to call who can "deliver the service". I think I called 15 different service providers who said they did not provide the service. A lot of members get fed up with this. They get frustrated and they give up.

I would have liked to see my case manager take a little more proactive role and kind of say, "Hey, here's a company that we're already doing business with. Here's their number. I'll link up the contact." rather than the onus being on the member because it's frustrating; you're in a new life. I was in a wheelchair, I couldn't walk a whole lot, and it was pretty hard because I put on my brave face every day and it was really tough to see my family members look at me with really sad faces, and the fact that I had to go through this binder to contact service providers who had no idea what I was talking about....

Every time I brought it up to my Veterans Affairs case manager, they just provided with me with a brand new updated list, and I just kept running into the same problem over and over again. One thing I would look at is streamlining that system, absolutely.

**The Chair:** Thank you very much, Mr. Gill.

Mr. Valeriotte, please, for six minutes.

**Mr. Frank Valeriotte (Guelph, Lib.):** Thank you, Mark. I don't think there's anybody around this table who could begin to imagine what you've been through, nor do I think they would have the courage to face the future with the same courage that you're facing your future, but I do hear some anxiety in your voice about what might happen to you.

You spoke of the inadequacy of current programs and your concern about the adequacy of programs when you reach 65. You talked about the earnings loss benefit, 75% of your pre-released salary, ending at 65, and then going on to, essentially, CPP. If you don't become a lawyer—and let's think about all those who may not have the aptitude that you do, who come out with the same kinds of injuries and can't go on to be a lawyer, which, presumably, would give you a more solid retirement income—and if you're not able to accumulate CPP benefits through employment until you're 65, you could be left with virtually nothing at the age of 65. Is that correct?

• (1555)

**Cpl Mark Fuchko:** That is my understanding. I'm looking at the system and it seems rather abysmal for anybody who's facing that. Again, my fear is that, say, my injuries compound to the point where I can no longer work. If I was working for a period, can I go back on ELB? How's that going to affect me in the future? Again, not everybody's in the same shape as I am.

The other problem is the disability award is based on the magic two-limb number. So if you're missing two limbs, that's the maximum amount you can get. For example, I have a friend in the forces. He's missing an arm and two legs and his settlement was roughly equivalent to mine, although his injuries are substantially different than mine and he's going to require a lot more care and stuff like that. So I worry about people who have some really bad injuries that are going to be really difficult to overcome, both physically and mentally.

**Mr. Frank Valeriote:** We heard from Sergeant Nielson the other day. I understood that the renovations to a home to accommodate your injury are paid for by the government. It takes a while to get that money back, but, nevertheless, it's still paid for by the government. Is there anything that you require that is not paid for through some benefit?

**Cpl Mark Fuchko:** My understanding is they conduct a consult with an occupational therapist and they are the one who decides what aids to daily living are required.

One of the problems I had was the occupational therapist recommended things that would cause substantial devaluation of my house. For example, they wanted to put an elevator lift in my back yard, but to do this, they wanted to concrete my back yard. I don't know anyone out there who wants a concrete back yard. I certainly did not. That would really have affected the resale of my house if I had to move on.

So there are some difficulties with that, but it seems like if there is a need for it, it can get delivered, but whether or not it'll be delivered in a timely fashion is the issue.

**Mr. Frank Valeriote:** I have two more questions.

You talked about going back to school and I learned of the program they have where \$75,800, I believe, is available to go to college or university. Have you accessed that program?

**Cpl Mark Fuchko:** Right now, I'm on VRPSM, which is from SISIP, so that's covering six months of transition. That's usually for technical training and trades training, and things like that. Given my disability, the trades are pretty much out for me. I'm not going to be a plumber or a electrician because I can't spend time on my feet. I'm not going to be climbing through buildings and things like that. I

need a little more sedentary career with a little more stability in my workplace.

I am aware that Veterans Affairs offers an educational fund for when you get out, and I think that's a 24-month period, if I'm correct. So I do plan on accessing that to complete the rest of my undergrad.

**Mr. Frank Valeriote:** Let's talk quickly about the adequacy, then, of the training between now and when you leave and the transition for when you leave. Do you feel the programs are adequate for you?

**Cpl Mark Fuchko:** I would say I have been able to utilize them in a really good way. The one problem I had was when I first started going to school, I wasn't necessarily sure I was ready to go back, because it was a whole different environment. I know school's roughly similar to the military, but the last job I had I was in Afghanistan and then, all of a sudden, I'm in a classroom full of students and quite a bit older, probably a little more rough around the edges. So it was a difficult transition to make, for sure. I felt like the clock was ticking and time was running out, and not everybody might be ready to utilize that in a timely fashion.

**Mr. Frank Valeriote:** Very quickly, this is my last question. I suspect you may know people with post-traumatic stress disorder, I'm not certain, but can you tell us, is the armed forces adequately reaching out enough to people who may have it, or even may be suspected of having it, or may not have it at all in order to bring them in to some kind of program so it could be dealt with before it's too late?

• (1600)

**Cpl Mark Fuchko:** I think in my scenario for all the severely injured they really do a thorough analysis of everybody. I had a lot of support and I've been doing really well. So I was really lucky, I could kind of overcome the demons. I haven't had a PTSD diagnosis. I would say it's more of a cultural thing as to why guys don't want to come forward, but that's really starting to change with a lot of guys and if they're having problems they're coming forward.

As to whether or not you can identify it and reach out there are a lot of assets available there, but you can't make somebody go out and get it. There are a lot of peer support systems though just with your buddies because there's a real camaraderie. I think it is getting better. There used to be that old tough-guy attitude. Now guys are a little more accepting and willing, but the onus is on the member to take the first step and do that.

**Mr. Frank Valeriote:** Thank you.

**The Chair:** Thank you very much.

Mr. Hayes, please, for six minutes.

**Mr. Bryan Hayes (Sault Ste. Marie, CPC):** Thank you, Mr. Chair.

Sir, welcome and thank you for being here. You seem to have a transition plan in place, at least somewhat, for when you leave the military. You spoke of the desire to go to law school, and you actually mentioned why you want to go to law school.

I just want to focus a little bit on the transition plan in terms of whether you had any guidance or support in terms of making that decision to go to law school. You've made a decision to go to law school and I can say with certainty based on your presence and the way you speak you're certainly articulate and obviously intelligent so I would expect quite strongly that you will be capable in law school.

That being said, perhaps not. Has there been any assessment done in terms of vocational rehabilitation to determine, as Mr. Valerieite mentioned, your aptitude to actually succeed in law school?

**Cpl Mark Fuchko:** I'm going to say no. For example, there's a little bit of career guidance the military has, I think it's called SCAN, second career assistance network, and there's a whole group of briefs. SISIP comes as well before you start your VRPSM to tell you about certain programs that you might want to do, and to show you various avenues in trades that you might want. There's the Helmets to Hardhats program that looks at getting members into the trades. It took me a while to figure out what I wanted to do.

I had another military friend at U of C law and was talking to him because law perked my interest in the last couple of years. As to whether I have an aptitude for it, I can show you a copy of my transcript, my GPA. I think I'll do quite well. But as to whether or not there's an aptitude test for anything like that, no. I had some really great guidance from my chain of command, who steered me in a direction, you should try this, you could take advantage of this. If I didn't have them I don't know where I'd be at today, but they were just phenomenal.

**Mr. Bryan Hayes:** So based on your experience thus far would you recommend that there be some guidance to individuals in terms of developing a transition plan and then helping to provide some security in terms of your future?

**Cpl Mark Fuchko:** I think I would like to see a little bit more of it because the way I describe it is it's like getting out of high school all over again. I have to figure out a new career, I have to figure out a new life and what I'm going to do for the rest of it.

SISIP does an okay job, but again I think it could probably be improved upon. You mentioned aptitude, measuring people's aptitude, and I think that would probably be a good idea to have because a lot of guys don't know what they want to do when they get out. It took me a long time to figure out what I wanted to do. In oil-rich Alberta I had a lot of people talking to me trying to get me into the business world; it would definitely be a good avenue to pursue.

**Mr. Bryan Hayes:** Did I hear you say, or am I mistaken, that specific to the \$75,800 that's available towards an education through Veterans Affairs, it was your understanding that it was only to be used for technical programs?

**Cpl Mark Fuchko:** No. The way the system is designed, especially the vocational rehab, it's the period of time that is covered. When I originally got told about it, I think it was \$25,000, a program under \$25,000, covering roughly 24 months, which is a two-year program. One of the problems I know they were facing was if a program cost \$26,000 the member can't pay anything over and above to get the program and still get the \$25,000. So it has to be below that number for that member to utilize it. For Veterans Affairs I know they also have the 24-month period. I'm not quite sure what the dollar figure is because again I'm slowly...you said \$75,000, sir?

•(1605)

**Mr. Bryan Hayes:** Yes, and I don't believe it's time limited. It was my understanding, when they came up with the \$75,800, that the figure was actually based on what it costs for a four-year education. So it's at least four years and perhaps even longer. It isn't time limited. I'll just bring that to your attention, that the money I think will be available.

**Cpl Mark Fuchko:** I was completely unaware of that and no one has briefed me on that.

**Mr. Bryan Hayes:** Nobody has briefed you on that? That's interesting. That's a flaw in the system because one would think that you should absolutely, positively, have been briefed on that. I would expect that eventually perhaps your case worker would have briefed you on that, but it is a relatively new program.

**The Chair:** Mr. Hayes.

**Mr. Bryan Hayes:** That's good. You've answered what I wanted. Thank you very kindly. I appreciate it.

**The Chair:** You've got over a minute, if—

**Mr. Bryan Hayes:** That's okay. I'm going to pass. I've asked what I wanted.

**Hon. Laurie Hawn (Edmonton Centre, CPC):** You scared the hell out of us at the last meeting.

**The Chair:** I'm sorry, guys.

Anyway, Monsieur Chicoine, I know you'll use your six minutes.

[*Translation*]

**Mr. Sylvain Chicoine (Châteauguay—Saint-Constant, NDP):** Thank you, Mr. Chair.

I also thank Corporal Fuchko for his presence. I also want to congratulate him for the resiliency he has shown despite his injuries. He is a good example, a model of persistence and resilience.

In the beginning of your statement you talked about the lack of support you had. You said it was a real joke. I would like you to talk to us briefly about the first moments after you were injured. What happened? How could you have felt better supported by the Department of National Defence?

[*English*]

**Cpl Mark Fuchko:** I always had really great support from my chain of command and from my unit in general.

One of the problems I had, for example, was with care delivery. I was originally sent to the Foothills Medical Centre in Calgary, Alberta. There was a real challenge with care delivery and quality of care, so I was actually pulled out of there relatively quickly.



The military did a fantastic job making sure I was getting proper care and looked after in a timely fashion, and getting what they thought I deserved. They would have sent me anywhere in the country if I thought I could have received better care. That was really outstanding. That really made a difference for my family.

One of the things I had was...There were a lot of teething issues again because I kept getting told, "This is new to us. This is new to us. This is new to us", and there was a lot of difficulty in getting things like aids for daily living, and stuff like that.

Then one of the things that happened was I essentially became a photo-op for every local politician who came to see me and said, "Hey, I support the troops. I support the troops". I've got a stack of business cards that is quite excessive. All these people said, "Hey, anything you need? Let us know if there are problems". I found out as soon as I started bringing up problems that they would stop listening, and then the photo-op was over, so I found that really difficult.

Again, with the new Veterans Charter, here we are six years later and there have been numerous studies, numerous reports written. The ombudsman recently released one. The Equitas Society has another major one. I just feel like we have to explain it over and over again. It seems like we're just talking to a wall and there's been no progress made. It's getting really frustrating.

I don't necessarily have a problem with what happened to me. Getting killed, wounded, injured, maimed, that's what happens to soldiers, and that's the career I chose.

The main problem I have is all these promises were made to me that I would be taken care of, my family would be looked after. There is nothing in the new Veterans Charter for my family. There's nothing to support them. There's nothing to support my son or my wife, or anything like that. Whereas under the old system, there were survivor benefits, there was a different stipend depending on how many children you had, whether you were married. There's nothing like that in the new Veterans Charter.

These promises that were made to me, "Hey, this thing is evolving. It's going to move", well, in six years I really haven't seen a whole lot of change. To me, it just seems like a whole group of empty promises.

[*Translation*]

**Mr. Sylvain Chicoine:** Thank you.

I would like you to go back to the support given to your family. Some witnesses have told us that the wives of military people suffering from PTSD had received no support. I imagine that in order to take care of you your wife had to leave her job. Do you think she should have the status of caregiver? Should she be given a salary? Tell us a little about your perspective on the situation. What changes should be made to the New Veterans Charter so that your wife and family could benefit from good support?

• (1610)

[*English*]

**Cpl Mark Fuchko:** I've had numerous failed relationships as a result of my injury. The mother of my child took off after I got injured. That's just one of these things that happen and it's actually

quite common for relationship issues to happen. Again, you're disabled. It's very difficult to move on, especially as a man. It's very challenging. We were supposed to get married next year. For her there's really not a whole lot in the system to empower her in her career or help her out.

Recently there was a caregiver stipend brought in for those wives or significant others who have to quit their job to look after... But even then, I feel like that probably isn't enough. There needs to be something for them, a full-time caregiver or something. When you get an injury it's not just you that's affected. It's your family.

That being said, what is the answer? I don't really know because unfortunately I've had to run through a few relationships since this has happened to me, so I really haven't had a long-term stance.

There are other members who could probably speak better to this than I can. A few names come to mind. I don't know if they're on your panel or not. Master Corporal Mike Trauner could probably speak to that. Billy Kerr's wife could probably enlighten you much better than I could. I'm just not knowledgeable enough about the study to answer your question, sir.

**The Chair:** You're right up against your time.

[*Translation*]

**Mr. Sylvain Chicoine:** You said you wanted to go back to school to finish your legal studies, but that you were afraid to become poor. What financial support could you benefit from during your studies?

Could you tell us what amount will be allocated to you until you finish your studies and can find a new job?

[*English*]

**Cpl Mark Fuchko:** Right now I would earn 75% of my pre-release salary. I think that's equivalent to \$45,000 a year, give or take. I don't have a calculator in front of me and I'm not a mathematician. This is off the top of my head.

The main concern is if my disability keeps me from employment in the future.... That is my concern. Between then and my lost legs I have no idea what I'm going to receive because I don't know when I'm going to be able to attend law school and things like that. Hopefully I'll be able to attend right away, but as for a dollar figure, I think I'd be earning close to \$10,000 less than I'd be earning today until I am gainfully employed again.

The other problem is, I'm concerned that if I find a job and then my disability prevents me from carrying on my career, can I get my ELB back? How will that be determined? Things of that nature....

**The Chair:** Thank you very much.

Now we go to Mr. Hawn, please, for six minutes.

**Hon. Laurie Hawn:** Thank you, Mr. Chair.

Thank you, Corporal Fuchko, for being here. It's good to see you again and this is very valuable testimony.

I've got a number of fairly quick questions so I'd like to get through them as quickly as I can.

**Cpl Mark Fuchko:** I'll try to be as quick as I can.

**Hon. Laurie Hawn:** Okay. You bet.

Have you always been reserve force?

**Cpl Mark Fuchko:** I've always been reserve. My status has changed to Class C reserve.

**Hon. Laurie Hawn:** You mentioned basing ELB on disability and I don't disagree with that. Have you given any thought to what that should be with respect to the injured?

**Cpl Mark Fuchko:** A dollar figure...? I would like to see it go back to what it was under the old pension system and I would like to see the benefit be tax-free because again you're already losing 25% of your salary. To get taxed upon that... These are not a very significant number of Canadians who are severely disabled soldiers. Putting a tax burden on them, I think, is just unfair.

**Hon. Laurie Hawn:** Okay.

I've mentioned this many times. One of the things I'm working on is a private member's bill that has to do with access of information going from DND to VAC or the member. Right now members can't automatically get a copy of their medical file when they release. Do you think that would be an appropriate change that ensures that DND does proactively offer the member a copy of their file so the member has the choice to take his own file forward?

•(1615)

**Cpl Mark Fuchko:** Yes, I think that should be in the release package of every member. With their certificate of service they should have a copy of their medical file. The difficulty can be obviously some of those medical files are a series of volumes, so it might be difficult to have a physical copy, but at least a digital copy or something so they can keep track.

**Hon. Laurie Hawn:** I would just echo Mr. Stoffer's advice on that. When you do get that, and I think you will, to make sure it's complete and so on.

You talked about renovations for houses and so on. Right now the member pays it and gets reimbursed.

**Cpl Mark Fuchko:** That is not correct, sir. The way I had it done, I had a three-quote system. I delivered it to the director of casualty management. They then approved one of the quotes that is delivered and then the process moves on. The member is never out of pocket because sometimes these renovations can run in the tens of thousands of dollars and given our pay grade and things like that we don't typically have that money laying around.

**Hon. Laurie Hawn:** I'm pleased to hear that, because we actually heard somebody in that chair say the opposite recently.

I guess what I was getting to, and what my question was going to be, was do you think the bill should just automatically go from the contractor to the government and not pass through the member?

**Cpl Mark Fuchko:** I think that would be beneficial.

I know that some members, just given the timeframe, will run out and pay for it themselves. When you get your disability award, you do have some money lying around, and honestly, members just get sick of waiting and go for it. They need the stuff to get about their daily life.

**Hon. Laurie Hawn:** Yes. It sounds like the whole system just needs to speed it up in that kind of case.

**Cpl Mark Fuchko:** Absolutely.

**Hon. Laurie Hawn:** We recently brought in some changes to the priority hiring practice. There are some new measures there. Are you familiar with those? Basically they're to put soldiers, veterans, especially injured veterans, at the front of the line.

**Cpl Mark Fuchko:** Right. Yes, I've heard it's a priority hire, but I hear there's a limitation on that as well. Is it only good for a specific number of years after your release?

**Hon. Laurie Hawn:** Five years.

**Cpl Mark Fuchko:** Five years: why can that not be indefinite?

**Hon. Laurie Hawn:** Well, that's a good possibility. It used to be two years and it's now five, which was meant to match or more closely give the veteran the opportunity to use the \$75,800 for training to get qualified and so on. But I think extending it indefinitely is not a bad suggestion. I don't disagree with that.

You would agree with the whole concept of priority hiring, though?

**Cpl Mark Fuchko:** Absolutely.

**Hon. Laurie Hawn:** We talked about the ELB, and of course it quits at 65. But in your case, the PIA and the PIAS kick in on June 1, after release. Is that correct?

**Cpl Mark Fuchko:** There's actually a waiting period. I got told to wait anywhere from six to ten weeks before I received any payment from that.

It would be nice if it could almost be instantaneous so that the member isn't—

**Hon. Laurie Hawn:** Yes, but understanding that, or acknowledging that, it essentially kicks in after release, whatever the—

**Cpl Mark Fuchko:** As far as I'm aware; I'm not sure exactly what I'll qualify for, because that has yet to be determined.

**Hon. Laurie Hawn:** I'm not the adjudicator, obviously, but if you're 108% disabled, then I would assume you would qualify for the PIA plus the PIA supplement, which together will be about \$2,700.

Is that your understanding?

**Cpl Mark Fuchko:** That is my understanding, although I've been told that this is not set in stone.

**Hon. Laurie Hawn:** Okay. Obviously each case is adjudicated on its own merit.

Just out of curiosity, if they didn't keep you at Foothills, where did you go for your rehab?

**Cpl Mark Fuchko:** I was pulled out to the University of Alberta hospital in Edmonton, Alberta. From there I went to the Glenrose Rehabilitation Hospital, a fantastic facility. I don't think I could have gotten better care anywhere else. They were phenomenal.

**Hon. Laurie Hawn:** They are the gold standard in at least North America, for sure.

**Cpl Mark Fuchko:** Yes. I hate to say that anything in Edmonton is better than in Calgary, but I have to give them that.

**Voices:** Oh, oh!

**Hon. Laurie Hawn:** Both hockey teams suck—

**A voice:** Go Winnipeg.

**Hon. Laurie Hawn:** —but that's another question.

**Mr. Peter Stoffer:** Right on, buddy.

**Hon. Laurie Hawn:** It sounds like you've dealt well psychologically...is that a fair statement?

**Cpl Mark Fuchko:** I was really lucky; I had a really supportive family, and my friends were behind me 100%. In my unit they were all really behind me and really proud of me. That meant the world to me, just having that support from that whole group behind me. That really put me where I am today.

**Hon. Laurie Hawn:** Do you know Warrant Officer Willy MacDonald? He's a master chief now.

**Cpl Mark Fuchko:** I can't say I do.

**Hon. Laurie Hawn:** He started a program called "It's okay to be okay". What I'm getting at is that not everybody comes back, even despite your injuries, psychologically damaged. Veterans have talked to me about how they're having a hard time getting interviews because they think there's an attitude, because there's been so much publicity about it, among some employers that if the guy or gal is a veteran, they must be damaged somehow, which obviously is not true.

Have you thought about that, or have you experienced that, you or your buddies, about people being rejected because of an attitude on Civvy Street?

• (1620)

**Cpl Mark Fuchko:** I would say there's probably a little bit of prejudice; the general public would probably view us as emotionally damaged or a risk factor. But for me, I personally haven't run into anything like that. I think it's just that everybody is different, and my perspective is a little different from somebody else's who may be going through that. So I really don't know.

**Hon. Laurie Hawn:** Yes. I mean, your perspective is excellent, and—

**The Chair:** Thank you, Mr. Hawn. We're at the end of it.

**Hon. Laurie Hawn:** Thanks.

**The Chair:** Mr. Lizon, please, for six minutes.

**Mr. Wladyslaw Lizon (Mississauga East—Cooksville, CPC):** Thank you very much, Mr. Chair.

Thank you, Mr. Fuchko, for coming here this afternoon. I thank you for your service to this country.

First, just to clarify, at this moment you are in a transition process from DND to Veterans Affairs. Is that correct?

**Cpl Mark Fuchko:** That is correct, yes.

**Mr. Wladyslaw Lizon:** Therefore, at the present time you are not receiving any benefits, per se, from Veterans Affairs. Is that correct?

**Cpl Mark Fuchko:** That is correct. I received a disability award in 2008. That was the one-time lump sum.

**Mr. Wladyslaw Lizon:** My next question is with regard to the difficulties you had with your quotes. I would understand if you were not the only one who may have had difficulty getting quotes, especially in the smaller communities. Do you know exactly what happens if you cannot get the third quote? I know the construction business and business in general, and I know that you may not find three companies in certain places that are interested in giving a quote. Do you know what happens then?

**Cpl Mark Fuchko:** I was told that a documented failure to quote can actually fulfill the requirement, so that's eventually how my project actually moved on. Whether or not that's the case for everybody, or everybody is aware of that, I can't speak to that, but that would be something to look at. For example, maybe a certain company having a contract with Veterans Affairs or the forces to provide accessibility services and things like that would be something to look at, but it was definitely a challenge.

**Mr. Wladyslaw Lizon:** Actually, what I want to ask you next is.... It's an interesting thing that you brought up, that the lowest quote did not include doors in the elevator. Therefore, who prepared the specifications for the project? Because it looks to me like whoever quoted it did not quote the same thing. Therefore, was it you? Or was the project predetermined by DND, or by someone?

**Cpl Mark Fuchko:** It was the occupational therapist who came up with the requirement and they drew up a draft report of what was required. It wasn't until further inspection of the actual quote that was delivered that it became apparent that one was missing specific items that were essentially imperative to the system, and that became problematic.

**Mr. Wladyslaw Lizon:** You described the difficulties with the service, and it looks like there is a gap there in communications, in the information that people like you receive. Therefore, do you have any suggestions on the best way to correct it? How do you get information? Do you use the website? Do you use only your contact at Veterans Affairs or DND? How do you get information to make sure that you are aware of everything, all the benefits that you're entitled to?

**Cpl Mark Fuchko:** My best resource is actually individuals who are employed in the various branches. I could go and look at a website all day long and read it until my face is blue and still not understand what any of it means. Actually engaging with the people who are responsible for these services was the best, because they could tell me step by step what I had to do, what I was entitled to, what the requirements were, and stuff like that. So I really found that one-on-one time was invaluable, and I would say that more of that would probably be necessary.

Most briefings for wounded members happen in essentially a classroom setting. It's difficult because you may not be paying attention. You may just be told to be there. So a lot of the information might not be getting out. But I was really lucky to have a lot of one-on-one time with individuals in the know, and they were able to guide me and show me what I could access and what I could utilize.

**Mr. Wladyslaw Lizon:** How would you grade your case manager?

•(1625)

**Cpl Mark Fuchko:** With Veterans Affairs or with DND?

**Mr. Wladyslaw Lizon:** With both. I guess you are dealing with both at the present time.

**Cpl Mark Fuchko:** I would give them both Fs. It was rather difficult, absolutely.

**Mr. Wladyslaw Lizon:** You did express your disappointment and the negative aspects of the whole process after you were injured. Were there any positives that kept you going?

**Cpl Mark Fuchko:** Well, the interesting thing was, I got to have a whole group of experiences I would have never, ever had.

In my first year, I got to meet a whole bunch of celebrities. I got to do a whole lot of adventures through the military Soldier On program, which was key in my rehabilitation. It was a rehab-through-sport program. With Canada being so geographically challenged, the next injured veteran might be hundreds of kilometres away. The program brought us all together to establish a community, where we could all mutually support each other, and in addition to bringing the member around, it brought the families around as well. So the wounded members' families could lean on each other for support, and that developed that community.

All the people I met through Solder On are my support network today. I still see them, and that was just phenomenal for me. And it gave me a lot of opportunities to show, "Hey, I may be disabled, but I can still do all this stuff." I had the opportunity. I climbed Kilimanjaro for a fundraiser. I get to play sled hockey now and show that I can still rough people up, even though I don't have my feet. That was a really major factor in getting me back on my feet and getting some kind of normalcy back in my life.

**The Chair:** Thank you very much, Mr. Lizon.

Mr. Rafferty now, please, for six minutes.

**Mr. John Rafferty (Thunder Bay—Rainy River, NDP):** Thank you, Chair.

Thank you, Corporal, for being a witness with us today, and thank you very much for your service.

All through your speaking so far really what you've been saying in a number of cases is that red tape is a real problem.

**Cpl Mark Fuchko:** It absolutely is.

**Mr. John Rafferty:** I wonder if you would have maybe one or two things that could be fixed very easily and would reduce red tape. I'm thinking—and I would like, if I do have time, to hear why your caseworkers got Fs—and just wondering, for example, if getting more time with a caseworker, with a qualified caseworker, would that help reduce red tape? It's that sort of thing. Do you have any suggestions for us?

**Cpl Mark Fuchko:** My experience was that the case managers were extremely overworked. They had a whole group of cases, and they couldn't really devote any time to one specifically. This is problematic when they're dealing with people with minor injuries all the way to those with severe injuries. Thus, the people at the higher end of the disability spectrum really feel like they get shortchanged in that regard.

For cutting red tape, one of the things I would like to see has to do with the three-quote system, especially for aids to daily living. Something needs to be done about that, because it's really difficult for these services to be delivered in a timely fashion. Again, in the community you live in, you might be unable to acquire this.

The other thing is the veterans independence program. The onus is always on the member to get that service delivered. I could barely walk, yet I was handed a binder with an infinite list of names of people I had to contact to set up the services. Again, that was a long process. It would have been nice if my case manager just could have had a contact number and could have told me that these people were coming on this date to do a consult, and then it could have carried on in that fashion.

**Mr. John Rafferty:** Is the problem that the caseworkers are not trained well enough, at least in your experience, or that you don't have enough time with them?

**Cpl Mark Fuchko:** I really don't think that any of my case managers really cared about my well-being, to tell you the truth. There were numerous opportunities where they could have brought up issues that I was having, and they failed to do so. Luckily, I had a switched-on chain of command and an awesome assisting officer who was able to catch this, because there would be conference calls where I'd be having a whole group of problems and my case manager would fail to bring them up to anybody higher.

The other difficulty, I feel, is that there are probably not enough case managers, as one of the constant issues I kept hearing about was, "I have so many cases, I have so many cases, I have so many cases...". A lot of it was the lead time to deliver aid, the aids to daily living. It took a long time.

**Mr. John Rafferty:** Can I assume, then, that you're a little concerned about what's going to happen after June 1?

**Cpl Mark Fuchko:** I am. I am severely concerned.

**Mr. John Rafferty:** In terms of casework and...?

**Cpl Mark Fuchko:** Yes. I haven't heard from my Veterans Affairs case manager for a while. Sporadically, I receive letters saying that they have failed to contact me. They have left zero messages. They have not attempted to call me. As well, I cannot physically call my case manager. What happens is that there's a 1-800 number and I leave a message. Maybe it will get to them. Maybe it does not. I really haven't had the need to utilize my Veterans Affairs case manager yet, although that's coming up, and it's of some concern.

• (1630)

**Mr. John Rafferty:** A little while ago, we were talking about priority hiring with the government. It's certainly a good initiative, but it doesn't cover crown corporations, so there's a whole group of possible job opportunities that are not open. I wonder if you would like to make a comment about that and whether or not it would be helpful to open that priority hiring to a larger group.

**Cpl Mark Fuchko:** I think the more opportunities there are for veterans, the better, because there's a broad scope. I know that crown corporations encompass quite a bit, and veterans have a wide variety of skills that can be utilized in different industries, absolutely.

**Mr. John Rafferty:** Now, you sound as if you've had a lot of support, certainly from chain of command and your units and people who were there and so on, but we've heard a few times from witnesses that reservists are not treated like regular members. I wonder if you have any comments on that, particularly with regard to injured reservists.

**Cpl Mark Fuchko:** There are a few issues.

One I had was with educational reimbursement. Even though I was a Class C soldier and had received all the same training, had gone on the same roto, and was in the same tank, I did not initially receive a 100% education reimbursement. It was only 50%, given my reserve status. They have since topped that up, but again, it was a rather lengthy process to get that.

I was rather lucky. My adopted unit, Lord Strathcona's Horse, really took me under their wing. They really took good care of me and really made me feel like one of their own, and I know that's not necessarily the case. Maybe I was just lucky, but they were an awesome unit. They're still interested in my case today. They have been phenomenal.

**Mr. John Rafferty:** You're out on June 1. Do you feel that you've been adequately prepared for what's happening after June 1?

**Cpl Mark Fuchko:** I don't know. I've been doing my best to prepare myself, because, again, there's a real concern about what happens on June 1. I've been luckier than most. I take a proactive approach and do the best I can, but again, not everybody is in the same position that I am, so I worry about members who are incredibly disabled and who might not be ready to transition out.

**Mr. John Rafferty:** What sorts of supports would you have liked to see in place for your son? You mentioned a few times that families are left out of the equation, and you mentioned your son a few times. What would you have liked to see to make your transition back from Afghanistan better?

**Cpl Mark Fuchko:** Well for him, he was really young so I don't think he really noticed a whole lot. He thought I was a Transformer essentially.

For the families and stuff like these Soldier On trips, it's really good to get the community together and really develop that support. But a lot of the times you're limited to one family member. I think that could be expanded so everybody can see the whole family out there rather than just one person, to help really develop that community because that community is really powerful. Everybody who engages with Soldier On, I know it's been very beneficial to them.

**The Chair:** Thank you very much, Mr. Rafferty.

Mr. Trost, welcome this afternoon and we'd like to hear from you for six minutes, please.

**Mr. Brad Trost (Saskatoon—Humboldt, CPC):** Thank you, Mr. Chair.

I've been listening here and I've been making a few notes. The biggest issues seem to have been bureaucratic management and the particularities of how your case was handled as far as implementing... If you could sum up one or two key points as far as administration that would change it...

You've mentioned a few things about case managers getting an "F". What would you recommend so that they could improve their service to you? What would it be? Would it be just simply having more of them or are there very specific ways that you would use to adjust it?

**Cpl Mark Fuchko:** Having more case managers would be ideal in most locations. One of the complaints I heard frequently, especially in Edmonton, was that their caseload was immense. It's difficult for them to track everybody they have to take care of, so more case managers would probably be beneficial. For aid to daily living, if some of the red tape could be cut out of that to streamline that process, because that is a major point of frustration for all injured vets.

Again, the onus is on the case manager and on the member to get that done. It's that three-quote system. If there could be something done about that to streamline the system... Most members end up going to the director of casualties support management and using the contingency fund to move ahead and get this stuff implemented.

**Mr. Brad Trost:** I'm a visitor to this committee as I told you when we were visiting earlier. So I'm not totally as well versed on some of this. But one of the things I was wondering about is whether it would be positive to have case managers who specialize in severely injured cases, where soldiers are severely injured. You were noting they have so many cases to deal with now.

My older brother draws a vets pension because of a very minor injury that got him disqualified from the infantry after five years in the infantry. His case is very simple. Every five years, he gets reassessed, very minor, etc. So dealing with a case like his is a world apart from dealing with a case like yours.

Is there anything to be said for having specialist case managers for the more severely injured soldiers?

• (1635)

**Cpl Mark Fuchko:** I think that would be beneficial if you had some case managers who specialize in dealing with the severely disabled. Absolutely.

**Mr. Brad Trost:** That's all the questions I have, Mr. Chair.

I wasn't anticipating....

**The Chair:** It doesn't work that way, folks, and we are up against a time limit.

So what I'd like to do is first of all, thank you very much. I think that was incredibly helpful information for....

What? You were done.

**Mr. Brad Trost:** I am done but my understanding was that Parliamentary Secretary Gill was going to ....

**The Chair:** Oh you were going to share your time. I guess I missed that comment.

**Mr. Brad Trost:** My apologies, I did not make the comment. I assumed something was going to....

**Mr. Parm Gill:** How much time do we have, Mr. Chair?

**The Chair:** It's a lot less than when I started with my speech.

You've got about three minutes at most.

**Mr. Parm Gill:** That's perfect, thank you.

I have just a couple of questions.

Sir, you mentioned in your remarks that the lump sum you initially received was \$266,000?

**Cpl Mark Fuchko:** That is correct, yes.

**Mr. Parm Gill:** Can you tell us a bit about that in terms of whether all of it came from DND or VAC or was there a certain portion of that came from DND or from VAC?

**Cpl Mark Fuchko:** When I say \$266,000 that is my DA that I received from Veterans Affairs. I received \$250,000 from SISIP which is insurance that I paid for over and above what Veterans Affairs offers. I think my total dollar figure was \$566,000.

**Mr. Parm Gill:** Just to clarify, \$266,000 came from Veterans Affairs?

**Cpl Mark Fuchko:** That's correct.

**Mr. Parm Gill:** You said that roughly \$250,000 came from SISIP, I guess.

**Cpl Mark Fuchko:** Yes, that is correct, the dismemberment benefit.

**Mr. Parm Gill:** Okay. The other question I have is assuming that you must have had some experience with the joint personnel support unit.

**Cpl Mark Fuchko:** Currently I fall under the chain of IPSC Calgary, which falls under JPSU Edmonton. It's a release and retention command, so I've had a lot of guidance from them. They've been managing my case for the last couple of years.

**Mr. Parm Gill:** Can you share your experience on that with us, please?

**Cpl Mark Fuchko:** When I originally went to the IPSC in Calgary, it was a rather new organization. The whole JPSU idea is fairly new to the military. There were a few teething problems getting off the ground at the start, but I would say in general my experience has been positive. They put me back in a work environment at the museum where they could manage my progress, and at the same time I was doing something I thought was meaningful, staying connected to my regimental family, etc. There was a group of specialists there who could watch my transition, make sure I knew about these programs, make sure I hit my medical appointments, and things like that. It's definitely a beneficial unit to have, definitely.

**Mr. Parm Gill:** Thank you, Mr. Chair. That's it.

**Mr. John Rafferty:** I'll take one minute now, Mr. Chair.

**The Chair:** Unfortunately, it doesn't transfer.

This is all very friendly. We're up against it because of the votes coming up.

One of things we talked about was the cooperation between DND and Veterans Affairs, how that might be streamlined, and so on. If you have any additional comments you'd like to send along in writing, we'd certainly appreciate getting those as well.

**Cpl Mark Fuchko:** My main thing would just be to re-emphasize the earnings loss benefit, and change needs to happen with that. The fact that a member who decides to go back to work is penalized for doing so, to me and most veterans, that's unacceptable. If I want to contribute in a meaningful fashion, I should be able to do so. Under the old system I could go back to work and I would not be penalized for doing so. To me, that's a lot more incentive to get veterans out there. Even if they're doing some kind of menial job, they're still engaging within their community. That is the one thing that absolutely needs to be addressed.

The other is what happens at age 65 with the 2% lump sum. That absolutely needs to be addressed because, again, there are going to be a lot of severely disabled veterans who are going to be out in the cold and they're going to be in rough financial standing when they reach retirement age. I would stress that those are very important points, and those really need to be addressed.

**The Chair:** Thank you very much for that. We appreciate your being here.

**Some hon. members:** Hear, hear!

**The Chair:** We're going to suspend for a couple of minutes to thank our witness and then we'll move on to the next witnesses.

• \_\_\_\_\_ (Pause) \_\_\_\_\_

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• (1640)

**The Chair:** Okay, we're back in action. We had a wonderful get-together to decide who's going first, and when we get started I'm going to let you folks go in that order if you don't mind.

I want to welcome you all here this afternoon. As you're well aware, we're continuing this study of the review of the new Veterans Charter. It's very important that we get your views on record. I think you know the routine: we have the presentations, each organization has 10 minutes to do so, then we do a round of questions. Because there is a vote that's going to take place upstairs, the bells go at a quarter after five, what we'll do is we'll continue until you finish your presentations, in other words we're not going to leave at that time but we definitely have to be upstairs by a quarter to six. We will come back down and then resume the questioning, so you'll have time to regroup or figure out further strategy while we're upstairs doing our business.

So thank you very much for being here and I believe, Mr. Forbes, we're going to start with you.

We have Brian Forbes, chair of the National Council of Veteran Associations in Canada. Also, Derrill Henderson is with you, the vice-chair, national secretary, Hong Kong Veterans Association.

Thank you very much for joining us.

Mr. Forbes, please begin your presentation.

• (1645)

**Mr. Brian Forbes (Chairman, National Council of Veteran Associations in Canada):** Thank you, Mr. Chair.

First of all, I'd like to thank the committee for inviting us to your session on this very important subject, the review of the new Veterans Charter.

I am the chairman of the National Council of Veteran Associations, and I'm also the chairman of the executive committee of the War Amps of Canada. I'm accompanied by Derrill Henderson, who is our vice-chair, and is the national secretary of the Hong Kong Veterans Association, which is a member group of the NCVA.

The NCVA, Mr. Chairman, was founded over 80 years ago and today reflects an umbrella organization of some 60 distinct veterans associations, formed to ensure a strong and independent voice on issues that are of significant concern to the veterans community at large.

If I could just take a moment, Mr. Chairman, I would like to, before I start my formal presentation, just indicate to you that, as many of you will be aware, the former chair of the NCVA, Cliff Chadderton, passed away last November. I would like to take this opportunity to publicly thank the members of this committee, particularly your vice-chair, Peter Stoffer, for the generous tribute that you paid Cliff in the House of Commons on December 3 of last year. This was not only appreciated by our organizations, but was also appreciated by the Chadderton family.

For over 35 years, I had the privilege to work with Cliff as the association's solicitor for the War Amps, as the secretary general of the NCVA, and also as his personal legal counsel. As you all know, Cliff dedicated his entire life to protecting the interests of veterans and their families. He was an inspirational leader of the veterans community and his tenacity and determination were legendary in the many crusades that he took up on behalf of Canada's veterans.

He was a truly remarkable advocate for the disabled, and particularly the amputee community.

Thank you, Mr. Chairman, if I could just start my presentation, I did want to make that observation and record it for—

**The Chair:** It's well appreciated.

**Mr. Brian Forbes:** Good.

Mr. Chairman, I believe you have our submission. I'll try to go through it as quickly as I can, but there are important parts to it that I'd like to emphasize.

As a matter of background, upon the enactment of the charter in 2006 the government declared that the legislation represented a "living charter" and made a formal commitment to the veterans' community that as gaps and inequities were identified, immediate remedial action would be taken to address these deficiencies. Unfortunately, the government has largely failed to fulfill this commitment with regard to a significant number of substantive issues impacting upon the financial security and compensation benefits of disabled veterans in violation, in our opinion, of the social covenant that the Canadian people owe to our veterans and their families.

Through the consultation process that led to the enactment of the charter, it was recognized by all veteran stakeholders and indeed, I would suggest, by the government itself that the veterans charter was an imperfect document. I would underline that the government commitment to address inequities was fundamental to the acceptance of the charter by the veterans community. There has been some misunderstanding of this over the years, but that was the process. The commitment to alter, the commitment to identify mistakes and flaws and rectify them, was fundamental. I'm sure everyone at this end of the table would agree.

Recent studies, including that of the new Veterans Charter advisory group of 2009, this standing committee's report in 2010, which was entitled "A Timely Tune-up for the Living New Veterans Charter", and the recent ombudsman's report of October 2013 clearly identify the self-evident inadequacies of the new Veterans Charter.

Mr. Chairman, we can summarize those deficiencies as follows.

First is the financial instability and decreased standard of living caused by reduced post-military release income and insufficient financial support after the age of 65 for totally and permanently incapacitated veterans. I'm sure you've had many witnesses who have talked to that point.

Second, the unduly restrictive application of the permanent impairment allowance provisions of the charter unreasonably constrains the number of disabled veterans who are able to qualify for appropriate levels of entitlement for this important allowance.

Third, there is the insufficiency of the lump sum disability award in its failure to parallel the non-economic awards that are awarded by the Canadian courts.

Fourth, there are the limitations in vocational rehab and educational funding, which impact on secondary career aspirations and employment options for veterans.

Fifth, there is inadequate support to address difficult family environment scenarios as a consequence of military service.

Mr. Chairman, the government's inertia in relation to this list of well-established concerns is simply unacceptable to the veterans community. The government has done a number of things over the last eight years, but they have done nothing to substantially change the charter in these major categories of concern, except in a brief effort with regard to Bill C-55.

The NCVA has consistently demanded over the last number of years that Veterans Affairs implement an overall plan of action to fulfill its commitment not only to reforming the charter, but also to dealing with other outstanding issues impacting on seriously disabled veterans and their health care.

In accordance with the fundamental conclusions of the aforementioned studies, it continues to be our position that, notwithstanding the ostensible economic constraints that have faced the country over the last few years, the seriously disabled veterans should be given immediate priority in the implementation of the first phase—and I emphasize “the first phase”—of VAC's plan of action for legislative reform.

In our opinion, there is no higher obligation on Veterans Affairs Canada and the veterans community than the responsibility to address the requirements of seriously disabled veterans and their families. In this regard, we take the position that budgetary restraints should never be a consideration in satisfying the needs of the seriously injured or the permanently incapacitated. In the NCVA's view, immediate implementation of a comprehensive course of action to legislate charter reform, pursuant to the recommendations of the various advisory groups—this standing committee, this standing committee's report of four years ago, and the veterans ombudsman's report of October—would represent an important step towards meeting the controversy surrounding the much-maligned lump sum disability award through these proposed enhancements of the complementary benefit and the income support programs in the current legislation.

We have encouraged the new minister, Minister Fantino, and his predecessors to get out in front of the significant criticisms of the charter with such a plan of action and to adopt a proactive approach vis-à-vis this committee review that is presently taking place.

● (1650)

Given the significant and exhaustive studies already completed on charter reform over the last five years, it was our expectation indeed that the minister would be in a position to present recommendations to this committee as part of your evaluation.

The minister appears to be suggesting to the committee that he wishes to hear your views before he's prepared to initiate any action. It seems to me that the time for action is long overdue.

Based on the consensus of all of these advisory group proposals and the unanimous position of the 60-member organizations of the NCVA, in our judgment these further reforms to the charter should include the following. If I may, let me touch on these, Mr. Chairman.

First, the SISIP long-term disability program should be eliminated to eradicate the insurance culture constraints presently contained in

the charter. It is to be noted that at the time of the enactment of the charter, VAC committed that as a fundamental precondition to the passage of the legislation, the SISIP LTD program would be eliminated as soon as possible so as to remove the restrictions that were inherent to the overall income replacement program. That was again a fundamental commitment to our acceptance of the charter in 2006.

In this regard, the earnings loss benefit should be increased to 100% of pre-release income and in relation to permanently incapacitated veterans be paid for life and not terminated at 65, as is currently the case.

In addition, the projected career earnings of a Canadian Armed Forces member should be employed as the standard for the payment of the earnings loss benefit. In this context, VAC should adopt the approach utilized by the Canadian courts in assessing the concept of future loss of income, which specifically addresses the projected lifetime earnings lost by a plaintiff in a personal injury claim.

Mr. Chairman, we're often talking about what model we should be following under the charter. We talk about the Pension Act, we talk about disability insurance programs, we talk about workers compensation. Why don't we talk about what the courts do? The courts look at all of these features. Yes indeed: they have a lump sum award as general damages, they have a future loss of income projection, and a future care cost element.

It's the future loss of income parallel that I'd like to propose to this committee to consider seriously as the model. We can talk about it later, if you'd like.

I might just say that as an interim measure, one of the problems we have confronted over the last number of years is that the SISIP program is administratively very difficult to extract from the system. If that continues to be the case, we are proposing that there be a top-up; that Veterans Affairs top up the insurance policy— bump the coverage from 75% to 100%, change the termination date from the age of 65 to the end of life, and get rid of the COLA cap. There is a 2% COLA cap under SISIP of which you may or may not be aware, which hasn't had any impact because inflation hasn't been quite as rampant as it normally is. But 2% is the cap.

The idea of applying the future career projected loss of income is something that can be put in as a VAC element to the SISIP policy. We obviously would like to see the policy eliminated, but it has been eight years. It's time to do something as a solution by way of a top-up.

The restrictions and complexities of the permanent impairment allowance guidelines should be addressed, so as to allow greater numbers of disabled veterans to qualify for appropriate levels of entitlement for this important allowance.

We have noted in our submission, Mr. Chairman, that the PIA was intended to be a fundamental component of the financial security and compensation package contained in the charter in relation to seriously disabled veterans. In effect, the objective of the allowance was to address the loss of career earnings suffered by a totally and permanently incapacitated veteran.



As evidenced by the findings of the recent veterans ombudsman's report, the restrictive application of the PIA by Veterans Affairs has led to the conclusion that this significant allowance has largely failed to fulfill its purpose.

Statistics developed by the ombudsman demonstrate that more than 50% of seriously disabled veterans have not qualified for PIA, which is shocking. Of those veterans who have been granted PIA, 90% have been awarded the lowest grade, grade 3. In effect, that means, with a \$20,000 allowance, that 90% of the most seriously disabled are only getting \$6,000 to \$7,000. It was meant to be much more.

Something that should be noted as well is that for the enhanced permanent impairment allowance you have to qualify for the primary PIA before you get the enhanced version, which means that if you don't make the first grade, you don't make the second grade. That, to us, is absolutely contrary to the intent of the legislation.

We have spent considerable time in this submission talking about our proposal. I won't read it all; I'd just refer you to it, on page 4. It basically talks in terms of a simplification of this PIA allowance.

• (1655)

Why don't we simply look at the disability award of the veteran? If the veteran has a 70% or more disability award, then give them a grade 1 PIA. Don't force them to go through applications, don't force them to get medical reports. He's a primary class A seriously disabled veteran, permanently incapacitated. Do we really have to ask such a veteran to go through a process to get a grade 1 PIA? I don't think so.

From 48% to 78%, a grade 2 would be automatically awarded. In this way, we would be in a position to actually take away the complexities of the allowance and create an administratively efficient solution. As I've concluded in our brief, this would allow PIA to satisfy its original objective as conceived under the charter.

Quickly, the lump sum disability award should be increased, as I mentioned earlier, to be commensurate with what's paid in the Canadian courts. The differential now is approximately \$50,000 between the two. In our opinion, there is no justification for a lower amount being paid to a disabled veteran who is severely injured in the service of his country. Why should a plaintiff in a motor vehicle accident be entitled to \$50,000 more in general damages compared to a veteran who was seriously injured in Afghanistan?

Educational benefits should also be expanded to both of the rehab provisions of the charter so as to address the vocational and occupational constraints faced by many returning veterans with serious service-related disabilities.

We do commend the minister for his announcement of last October where he bumped, in effect, the VOC rehab program to a \$75,000 cap for individuals, which is a substantial increase.

Our only concern is that there are so few veterans who are granted eligibility for educational grants. In the process of the veterans ombudsman's study, they discovered that only 31 veterans since the year 2000 have been granted an educational eligibility. There have been 32 under the SISIP program. If we're going to effectively

recognize that education is a serious requirement for a seriously disabled veteran then the system has to give that recognition.

The last concern is on compensation: the discrimination that currently exists with reference to specific classes of reservists, particularly those who are seriously disabled, should be eliminated in the charter and also in the SISIP provisions.

With regard to family concerns, we have two recommendations. In order to recognize the caregiving requirements that many disabled veterans confront to cope with their incapacities, the attendance allowance provisions of the Pension Act should be added to the charter in recognition of the financial costs faced by many families.

And lastly, the charter should acknowledge that veterans with dependants—those who have family members who are dependent on them—should receive a higher level of compensation either through the augmentation of the lump sum disability award or an increase in the earnings loss benefit for such veterans and their families.

Many of you will know that the Pension Act does recognize that distinction. Under the Pension Act, if you have a spouse or you have dependent children, you get more pension. We don't recognize that under the charter and that is of concern.

If I could conclude, Mr. Chair, we commend the minister for his immediate commitment upon receipt of the ombudsman's report to effectively initiate this review that you are now all participating in. We do commend the minister on his emphasis that the most seriously injured, support for families, and the delivery of programs by VAC are important priorities.

However, in our judgment, the aforementioned proposed reforms have been studied and studied to death, Mr. Chairman, and analyzed for many years, such that the gaps and voids have been readily identified by all of the advisory groups, by your committee, and by the ombudsman in the recent report.

In our considered opinion, it is long overdue for VAC to become proactive and implement remedial legislation to address those well-established concerns and live up to its obligation under the social covenant to Canada's veterans and their dependants.

For a government that professes to support our military, the lack of substantive action to reform the charter is truly unacceptable and represents a betrayal of the government's commitment to the veterans' community.

I thank you, Mr. Chairman, and I apologize for taking longer than I should have.

• (1700)

**The Chair:** I wasn't going to cut you off.

**Mr. Brian Forbes:** Thank you.

**The Chair:** Thank you very much. Would you mind changing seats? The next presenter is going to be Deanna Fimrite. If you could face all of the committee members, I would appreciate that.

From the Army, Navy and Air Force Veterans in Canada, we have Deanna Fimrite, the Dominion secretary-treasurer. We're pleased to have you here and as you know, you have more or less ten minutes. That's just a guide, so please go ahead. We'd like to hear from you.

**Ms. Deanna Fimrite (Dominion Secretary-Treasurer, Army, Navy and Air Force Veterans in Canada):** Thank you, Mr. Chairman.

Mr. Chairman, members of the committee, it is a great honour to represent Dominion President George Beaulieu, our executive, and the approximately 15,000 members of Canada's most senior veterans association, The Army, Navy and Air Force Veterans in Canada, or ANAVETS for short. Our association has a long history of contributing to the consultation process with governments of the day in relation to services and benefits affecting the well-being of veterans, current serving members of the Canadian Armed Forces, as well as former members of the RCMP.

ANAVETS was a contributing stakeholder in all the committees and advisory groups leading up to and following the passing of the new Veterans Charter. We understood that as the traditional war veterans were aging, the programs and services were being adjusted to remain relevant with their changing needs. Conversely, these same programs and services were inadequate in addressing the needs of a new, younger generation of veterans.

The new Veterans Charter was to encompass a holistic approach to disability management and career transition and to encourage health and wellness for not only the veteran but the entire family. The new approach was to be easily adaptable to changing situations and requirements and, as such, was considered to be a living charter, which meant that as needs changed or we realized gaps in services and support, the legislation would be easily adjusted to remedy those shortcomings.

Unfortunately, in the eight years since the all-party passing of Bill C-45, the only enhancement of the legislation has been with Bill C-55, which delivered the minimum pre-tax income standard of \$40,000 for earnings loss benefit, the introduction of the permanent impairment allowance supplement, and offered options to veterans on how to receive their disability award. There continue to be major shortcomings with the new Veterans Charter that have not been addressed, leaving veterans and veterans groups feeling duped with respect to the promised ongoing improvements to address gaps as they were discovered. To this end, we request that a biennial review of the charter be instituted to confirm the government's resolve to truly make this a living charter.

It is of further concern that the legislation was written without the construction paragraph that can be found in the Pension Act, the War Veterans Allowance Act, and the Veterans Review and Appeal Board Act, which is commonly referred to as the social covenant. In light of the comments made by government lawyers in the Equitas lawsuit, we request that the following paragraph be enshrined in the Canadian Forces Members and Veterans Re-establishment and Compensation Act. I will read that for you.

The provisions of this Act shall be liberally construed and interpreted to the end that the recognized obligation of the people and Government of Canada to provide compensation to those members of the forces who have been disabled or have died as a result of military service, and to their dependants, may be fulfilled;

This would put an end to the ongoing debate regarding the moral, social, legal, and fiduciary responsibilities that this nation's citizens and its government have with regard to their commitment to the care of and compensation to veterans and their families. For those who were willing to write a blank cheque for up to and including their lives for this great nation, we owe them nothing less.

It is clearly understood that both rehabilitation and transition success is heavily correlated with financial stability. Injured veterans are much more likely to be able to concentrate on their rehabilitation program if they are not burdened with the concern over how they will be able to financially support themselves and their families. It is not surprising then that the most pressing priorities encompass issues of a financial nature.

In April 2013, the Veterans Consultation Group, consisting of 20 veterans groups, unanimously agreed that the following items needed to be the top priorities for immediate resolution. These priorities were reiterated by the same group in October 2013 and are issues that have also been identified by the veterans ombudsman's report on the new Veterans Charter.

One, the earnings loss benefit must be increased to 100% of the pre-release salary and include provisions for loss of projected career earnings, be continued for life, and be indexed according to the consumer price index, removing the currently mandated 2% cap.

Two, the inequity of compensation paid to class A and B reservists with less than 180 days' service who receive injuries attributable to service cease.

● (1705)

Three, the maximum disability award be increased so that it is consistent with the amounts provided by a court of law to injured civilian workers.

These priorities remain unresolved and we implore this committee to recognize them in your deliberations as being the most vital items requiring immediate action.

The veteran's ombudsman has provided a comprehensive set of reports including an actuarial analysis of the new Veterans Charter and has outlined the deficiencies with the programs and services provided therein. His review is unbiased, comprehensive, and fully supported by ANAVETS and we urge this committee to consider all of his recommendations in this comprehensive review. He has highlighted, as a major concern, the circumstances surrounding the most seriously injured veterans.

It is recognized that severely injured veterans may never have the ability to work permanently again. It is these veterans who are most vulnerable at the age of 65 when their earnings loss benefit is suddenly ended. A mere 2% retirement supplement is insufficient when over the years their income has been reduced to 75% of their salary, hampering their ability to save for their retirement years. Furthermore, although taxable, because the earning loss benefit is not considered earnings income, it does not give the option for continuing to contribute to the CPP, thereby reducing the amount of future income to be received upon reaching the age of 65 or 67.

It is therefore imperative that the totally and permanently incapacitated veterans be eligible to receive the permanent impairment allowance and the permanent impairment allowance supplement. We are deeply concerned that the ombudsman has found that over half of veterans deemed totally and permanently incapacitated are not in receipt of the PIA and the supplement when, by Veterans Affairs' own definition:

A Veteran may be determined to be Totally and Permanently Incapacitated if the Veteran is assessed as not having the capacity to return to any occupation which can provide suitable, gainful employment as a result of the permanent health problem(s) for which the Veteran is eligible for the Rehabilitation Program.

The amount of PIA payable is based on the extent of the veteran's permanent and severe impairment, and the payment of the PIA supplement is based on whether the veteran is totally and permanently incapacitated to the extent it prevents the veteran from performing any occupation that would be considered suitable, gainful employment.

In light of these similar definitions, it would be expected that all veterans who are considered totally and permanently incapacitated be automatically eligible for the PIA and PIA supplement. In addition, the attendance allowance and exceptional incapacity allowance should also be made available to severely injured veterans if required.

When a Canadian Armed Forces member becomes ill or injured the entire family unit is affected. In many cases spouses become caregivers or breadwinners and family dynamics change or break down. When dealing with mental health issues of a spouse or a parent, anxiety is often heightened and access to support systems becomes imperative. When transitioning from military to civilian life, there needs to be a continuum of care for the family members who are affected.

Military families often require short-term counselling, workshops, group therapy, child care, and referral services, all of which are available to them through the military family resource centres. After their family member releases from the forces, currently all of these supports are no longer accessible. Family members need to have access to counselling in their own right, as well as similar support services for child care, and respite care for those spouses who are giving full-time care to their injured partner.

In many cases, military spouses have given up career and education advancement to follow their husbands and wives as they received new postings and to raise children alone when duty called. When a CF member is seriously injured, it is often the spouse who becomes the full-time caregiver, further hampering their ability to work outside of the home. The Government of Canada needs to

address these issues by offering respite care and compensation for full-time caregivers.

With the recent office closures and an overall reduction in front-line staff at Veterans Affairs Canada, there is a concern that the quality and timeliness of program delivery will suffer. This is an item that all veterans groups are watching closely.

● (1710)

The process in which members are transitioned from the care of the Department of National Defence to Veterans Affairs Canada requires continued harmonization, so that all transitioning members are acutely aware of the services available to them, and the eligibility, timeline, and required documents they need to access these programs and services. Adjustments to eligibility requirements and expansion of the timeline in which veterans and their families have to apply for the programs should be re-examined, in order to ensure that undue hardship is not put on these members at a time when they are ill and unable to handle the pressure of time constraints and unnecessary bureaucracy.

To conclude, in order to truly ensure that our servicemen and women are able to successfully transition from a life of service to country, to a fulfilling life of civilian employment, we need to invest in their future. By making certain that they have the financial stability to concentrate on their health and vocational training, we can ensure that they are well-equipped to start a new and fulfilling career. For those who have received injuries that preclude them from that ability, we must ensure that they and their families are cared for and compensated in a manner such that their quality of life, as near as possible, be no worse off than had the injury never occurred.

Since the introduction of the new Veterans Charter in 2006, there have been many reports issued from advisory groups, stakeholders, and parliamentary and senate committees highlighting over 200 recommendations on the necessary improvements needed for the new Veterans Charter. Add to that the comprehensive review and recommendations put forth in the ombudsman's report, and there is a clear road map for improvement. Now is the time for action.

Thank you, Mr. Chairman.

● (1715)

**The Chair:** Thank you very much.

For our last presentation, we turn to the Canadian Aboriginal Veterans and Serving Members Association. Again, we have Mr. Richard Blackwolf, national president and chief executive officer of CAV and National Alliance; and also Joseph Burke, national service officer, Ottawa, CAV and National Alliance.

Thank you, and please proceed. If you hear buzzers and bells, just ignore them. That's just letting us know that votes can take place some time.

**Mr. Richard Blackwolf (National President and Chief Executive Officer, CAV, National Alliance, Canadian Aboriginal Veterans and Serving Members Association):** Mr. Chairman and honourable members, thank you for the invitation to appear before you and present our findings on the questions posed in the committee's invitation.

I'm pleased to introduce Master Corporal, retired, Joseph Burke, who served with the Royal Canadian Regiment, with the Royal Canadian Medical Corps, and as a flight medic. He is here today to assist in the presentation and to participate in answering your questions.

Canadian aboriginal soldiers, sailors, and airmen and women have been involved for the past 214 years in the defence of Canada, the liberation of others, and on peacekeeping missions in many foreign lands.

Canadian Aboriginal Veterans are well-established on the Internet, with the CAV national website that is designed to be a comprehensive information resource for veterans, a source of information on military careers for our youth, and a wide-ranging video library of military history. The CAV national website has been visited by over 239,000 visitors since 2011. The CAV also maintains 20 groups on social media, enabling the CAV to make a major connection between our youth and our armed forces veterans. The groups feature pictures, stories, and many of the accomplishments of those who served in war and peace.

The CAV has a number of World War II veterans, a good number of Korean War veterans and Cold War veterans, and a growing number of new veterans.

As national president, one of my duties is to place telephone calls to our members across the country on a regular basis to converse with them about their family lives. Our elder World War II veterans, Korean War veterans, and Cold War veterans get concerned when they hear on the news that if their sons and grandsons who are serving today are injured, they are not going to receive the same level of care as they received over the years.

Our answer to them is tentative but hopeful that their concerns will be unfounded.

**Mr. Joseph Burke (National Service Officer, Ottawa, NAV, National Alliance, Canadian Aboriginal Veterans and Serving Members Association):** to the House of Commons Standing Committee on Veterans Affairs, this is the CAV contribution.

On the care and support to seriously injured veterans, veterans report that the earnings loss benefit income replacement program paid during participation in a rehabilitation program or vocational assistance services is inadequate. The problem is that the earnings loss benefit is not a benefit. It represents a 25% loss in net income at a crucial time when the added stress of the loss of income can and does interfere with the transition progress of a person working with injuries and disabilities.

For example, for a military pay of \$56,568 military, after-tax net income would be \$39,597.60. With an earnings loss benefit of only \$42,426, the earnings loss benefit after-tax provides a net income of \$29,698.20. Subtracting these figures you can end up with a total loss of \$9,899.40 in net income over your military pay.

On the relief sought, we suggest renaming this a "transition allowance" and maintaining the net income at the same level of pay as the previous military net income.

Veterans report that there is no lifetime index disability available under the new Veterans Charter. The new Veterans Charter is

intended to aid transition from military service to civilian life. The legislation clearly states two classes of veterans, those with mild injuries, and those with severe, permanent, long-term disabilities. The new Veterans Charter is primarily focused on personnel who are transitioning to civilian life and employment with no or mild injuries. The new Veterans Charter's rules and regulations are clearly designed to avoid the long-term cost of care for the severely disabled veterans. The new Veterans Charter provides an earnings loss benefit, which is curtailed by age limitation.

On the relief sought, we suggest replacing the earnings loss benefit at the end of the transition and rehabilitation with a viable lifetime indexed veteran's disability pension. A viable example is a veteran's disability pension that is based on the average wage of all non-commissioned ranks or ranks below the flag rank in the year the veteran's disability pension is to commence and then indexed annually thereafter.

Veterans report that a lump sum award for pain and suffering is insufficient compensation, particularly for multiple injuries and the resulting lifetime disabilities. The problem is that awarding a lump sum award for pain and suffering with the aggregate cap is an austere cost control designed solely to save money by setting a limit to the reward available. Those personnel who have suffered multiple wounds and amputations are grievously under-compensated. The lump sum award just for pain and suffering is a deliberate avoidance of full compensation by omitting compensation for the consequences of an injury that will have to be endured by a veteran over a lifetime.

On the relief sought, we suggest the removal of the aggregate cap to provide a lump sum award on the basis of past, present, and future pain, suffering, and the long-term consequences of each injury and each resulting disability.

On support to the family, veterans report that the termination of the earnings loss benefit at age 65 causes veterans and their families stress and fears for the future. On turning age 65 the reality of their fears comes true with the real financial hardships they are facing.

There are a number of problems. Number one, there is currently no spousal allowance, and there is no respite provision for caregivers of the severely disabled. Number two, there are also no provisions for a dependent child allowance. Number three, age 65 is a handy milestone to abbreviate the cost of the severely disabled veterans and their families, accomplished by sidestepping the rule of law and ignoring section 15 of the Charter of Rights and Freedoms. Section 15 prohibits certain forms of discrimination: sex, age, or mental and physical disability.

We suggest the following. Number one, the inclusion of a spousal allowance to the amount of not less than \$1,600 per month indexed annually. Number two, the inclusion of a dependent child allowance to be based on the province of residence rate of child support, or on an income based on the average wage of all non-commissioned ranks or commissioned ranks below flag rank adjusted annually. For example, with an overall wage of non-commissioned ranks to \$65,000, for children who live in the province of Ontario, the Department of Justice child support allowance calculation is the following: for one child \$594; two children \$966; and three children \$1,264. Number three, the removal of all age-related regulations from the new Veterans Charter.

• (1720)

The third question relates to improvements to the way in which the Department of Veterans Affairs delivers services and benefits set out in the charter. Why does it take 16 weeks or longer to get an answer or acknowledgement from Charlottetown? Delays that occur now are based on the Privacy Act and impede the efficient flow of documents that occur at the interface between these two different departments with two different corporate cultures. It's a further source of delays. Veterans often express frustration that the people they are dealing with have only an elementary knowledge of what is involved in military service.

The recommendation is for a total unification and merger of Veterans Affairs Canada with the Department of National Defence, expanding the head offices in Ottawa, as required. The rationale is that the Department of National Defence administers and operates the Canadian Armed Forces, regular and reserve forces, and the cadet organizations administration and training service, which is a subcomponent of the reserve force. All personnel serving in the Canadian Armed Forces will become veterans. The inclusion of Veterans Affairs Canada in the Department of National Defence would be the most efficient and cost-efficient operation of the Canadian military force, and services to its veterans. Personnel documents and records would flow efficiently through the integrated Department of National Defence. Transitioning through the military family from the cadet corps to the regular force, or the reserves, to the veteran force would be seamless and would retain DND corporate knowledge and a cohesive pool of talent.

The CAV believes that an integrated Department of National Defence would allow veterans to go to a Canadian Forces base to have their needs met by people who are familiar with military service. At the military bases, the personnel assigned to help veterans would have an in-depth knowledge of military service and would also provide further help to veterans by being able to coordinate with the Royal Canadian Legion service officers who are on a number of the bases.

Military base locations would also eliminate the cost of leasing space across Canada which is a substantial savings in itself.

• (1725)

**Mr. Richard Blackwolf:** Honourable Chairman and honourable members, in closing, because the Canadian Forces Members and Veterans Re-establishment and Compensation Act legislation was signed off by all political parties, Canadian aboriginal veterans feel that the honour of Parliament rests on the replacement of this flawed legislation.

We are asking for new legislation to implement a new Canadian Forces Members and Veterans Re-establishment and Compensation Act, 2014. The new legislation would ideally be an amalgamation of the best features of past legislation; namely, the Pension Act; the Canadian Forces Members and Veterans Re-establishment and Compensation Act, 2006; and Bill C-55, the enhanced new Veterans Charter act.

The objective of our request for new legislation is to produce a world-class military service compensation and pension act that is fair and generous to all veterans, and especially those veterans with a lifetime disability.

Mr. Chairman and honourable members, thank you for your time and attention.

**The Chair:** Thank you very much to the witnesses. Obviously, you've left a lot of room for a lot of questions when we return.

As I said, we do have to proceed upstairs and I think that rather than starting questions, we'll break now and be back around 6 o'clock. Please relax and you'll be well taken care of by the clerk.

We'll suspend until after the vote.

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\_\_\_\_\_ (Pause) \_\_\_\_\_

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• (1800)

**The Chair:** Okay, folks, we're reassembled. As I said, it is roughly six o'clock. We've had an exciting vote. We're all pumped here, as you can imagine.

We're now going to the question session with the members. As usual, we'll start with Mr. Stoffer for six minutes please.

**Mr. Peter Stoffer:** Thank you much, Mr. Chairman. I'm sorry for that interruption folks.

I want to thank each and every one of you for being before us today. Your advice and your recommendations are very helpful for us to narrow down what we should do for the enhancements to the new Veterans Charter.

To Mr. Forbes, Deanna, and Richard, you're all correct. This was an all-party committee. Most of the major veterans groups back in '05.... I remember the late Jack Stagg very clearly. And the selling point was that this was a living charter.

You are correct, it has been some time before we've seen any changes. You're also correct that the time is now. I can assure you that this committee will work very hard to ensure, not every single change that we want will happen right away, but to get the major ones done for the most seriously injured.

My first question is for you, Mr. Forbes. Then I have one for Deanna and then one for Mr. Blackwolf.

We were talking to the gentleman who came before us, the previous witness. He indicated that he knew of a fellow who got in a train accident and lost both legs. He received \$1.5 million for that compensation benefit as a disability award or a loss of injury award—whatever the courts call it. In Britain right now the lump sum is over \$1 million Canadian. Right now ours is under \$300,000. There have been calls to get it to about \$350,000 or to half a million dollars.

In all fairness, sir, I know it's always difficult to throw out numbers of what it should be, but when we hear Britain is getting \$1 million—and I'm not sure what the States would be—would you support a fairly large increase into what is called the lump sum payment in order to assist the initial action? I don't mean to say that this is the only thing the veteran would get, but the initial action.

Deanna, for you the question is what you want to see interpreted in the act. You have it in italics on page 1. Do the ANAVETS have a legal opinion on that? For you, you know in italics on your front page—you can answer after Mr. Forbes—do the ANAVETS have a legal opinion of what this holds the government or any future governments to?

Richard and Joseph, thank you very much for coming. I'm interested to know about the family aspects for individual members, reservists, for example, who don't have a spouse and children, but leave behind a mother and father who may be impoverished because that person may have been the only breadwinner for the mother and father.

What are your views on what should happen in that particular regard? As you know, when a veteran who is married gets killed there's a lump sum payment given to the family, to the spouse, but if the person is single and doesn't have any family there is no payment to the estate. I'd just like your views on that after the other two.

Thank you for coming.

•(1805)

**Mr. Brian Forbes:** Thank you, Mr. Chairman, through you to Mr. Stoffer.

I unfortunately didn't hear Mark Fuchko's evidence, but I suspect he was talking about the Canadian courts.

**Mr. Peter Stoffer:** He told us privately that he knew of a gentleman in a rail accident who had a \$1.5 million settlement, plus a disability pension.

**Mr. Brian Forbes:** Let me just make this observation, that in the Canadian courts the so-called general damage award is capped at essentially \$350,000. That's of course where we're trying to move the lump sum disability award under the charter.

When people talk about \$1.5 million in a damage settlement, what they're usually talking about is the combination of those general damages together with a lump sum that is given for future loss of income and a lump sum that's usually given for future care costs. The combination of those will often get you into the millions of dollars ranges. You see those reported in the press, but they're rarely divided or allocated to these various heads of damages.

The Americans are much more aggressive with regard to damage suits. They don't have the caps. In fact, there are a lot of politics

around why they don't have caps, but they don't. I think maybe what Mark was talking about is a Canadian court settlement which combined different types of lump sums to get to \$1.5 million. What we're proposing of course is let's at least get to the Canadian court level on general damages, which would be about \$350,000. I'm as intrigued as you are, though, as to what is happening in the United Kingdom, because for the last six or seven years we have been aware that they have lump sum awards that are close to a million dollars for their most severely disabled.

We have been told over the years, and I have a question on this, that Veterans Affairs takes the position that those are so unique and so catastrophic that they don't have too much general application, but I would suspect it would be useful for this committee to take a look at that.

If the British can see the catastrophic case at closer to \$1 million, and we are paying \$350,000 in the courts and \$300,000 under the disability award of the charter, maybe it's time for us to look at those catastrophic-type cases, because there are some. I won't use the names. I think many of you around the table will know the people I'm talking about. But there are people who are amputees who are part of what we do in the War Amps, who have what I consider catastrophic injuries.

I question whether we are doing enough for those people on the lump sum award. If the British have a better sensitivity for that we should look at it.

**Mr. Peter Stoffer:** Thank you.

**The Chair:** Thank you.

We're going to have to move along with Mr. Stoffer's time limit here, so please go ahead.

**Ms. Deanna Fimrite:** Mr. Chairman, thank you.

In response to Mr. Stoffer's question, what we've written here is the construction paragraph that you find in the Pension Act and many other acts that came before it. It's not found in the new Veterans Charter. As veterans associations that were involved at the time, we understand that this is something that we missed, and we accept our responsibility in that. But never before has any government of this country ever questioned that there is a social covenant or a legal, moral, or social obligation to care for its veterans, until recently, within the context of the new Veterans Charter. The only thing we can point to is the fact that this is conveniently now missing in the new legislation. We would like it to be put back in, and we think that might stop any of the questions. Then it would be very clear that this country and its successive governments do have an obligation to care for and compensate injured veterans.

Thank you.

**The Chair:** Thank you very much.

Mr. Blackwolf, you had a question?

**Mr. Richard Blackwolf:** I believe our question was regarding the family and in particular the parents whose son or daughter was killed in action or severely maimed. But just to refer to the committee's question regarding support to family, family to us, particularly to aboriginal people, is everybody. We don't discriminate between fathers and parents and other children. So there should be compensation there particularly where an estate is involved. We're not lawyers in this case and we can't really quote the law, but in essence and in correctness and in honour, to deny payments, say, to parents is the wrong thing to do. They should be included. It's money that has to be paid out, and it would be paid out normally, so it's fair.

Gentlemen, honourable members, Mr. Chairman, there is no economy in war. History is full of chronicles of those who didn't prepare for war, countries that didn't prepare for war, those countries that didn't prosecute a war properly, and also the aftermath of war. What we're dealing with here is the aftermath of war in families and spouses and children and parents.

● (1810)

**The Chair:** Thank you very much.

Mr. Gill, go ahead, please, for six minutes.

**Mr. Parm Gill:** Thank you, Mr. Chair.

I also want to take this opportunity to thank our witnesses for taking the time out and being here before the committee and for providing their valuable feedback on the study we're currently conducting.

Can you tell us if your respective organization called for the comprehensive review and whether you support the committee's comprehensive review of the charter as a whole?

Could I quickly get an answer from each of the organizations?

**Mr. Brian Forbes:** I would comment that when we were first made aware that there was going to be a further parliamentary review, we felt that it was not necessary. I'll pay this compliment to the committee: You had done a report in 2010 that endorsed the new Veterans Charter advisory group report and also added supplementary recommendations for improvements to the charter. We felt that it was time for that report to be implemented.

Do we really need a further study when those reports of 2009 and 2010 as well as the report from 2013 by the veterans ombudsman overlap many of the recommendations in those earlier reports? Without criticizing the good intentions of this committee, it was our position that your committee had done its work and that it wasn't necessary to do further review. I appreciate that the minister and others felt that other voices should be heard, but in our respectful opinion, there's been enough study.

**Mr. Parm Gill:** The others?

**Mr. Richard Blackwolf:** In the same regard, we believe the same thing as Chairman Forbes...all the studies that have gone on over these years.... The most important thing is that what's being said here is being said time and time again, so everything that's wrong is known. It's been fixable since 2010, and it's been long overdue, and we consider this another...I wouldn't say it's a waste of time, but it's an unnecessary time to review a review, and to review again. Hopefully, we'll have action rather than review.

What we need is a strong minister at the table, and if we're not getting that, we're going to be pushing for.... We need a strong minister at the table because we support the government's objective of balancing the budgets—we know how important that is to the country—but what we're asking for is to move up the scale of priorities. That's where we want to move up. We need a minister who can move us up to those priorities, because the money is there, it's being spent on all different things. We want to see some action in that area.

Thank you.

**Ms. Deanna Fimrite:** Mr. Chairman, yes, I would concur with both my colleagues at this table that the work has been done in the past, and doing it over and over again seems redundant to many of the veterans' organizations.

We appreciate the fact that this committee was going to have to do a review on the enhanced new Veterans Charter in Bill C-55 anyway, and we appreciate that the minister created this more comprehensive look at all of the problems, but there could have been action alongside the review. That's what we would have hoped for, to have some of these items that we've been talking about for years actioned, and then continue to review it as required.

● (1815)

**Mr. Parm Gill:** Thank you for actually pointing that out. Obviously, the committee is mandated to conduct a review of Bill C-55. What the minister asked the committee to do was basically turn that into a comprehensive review of the whole new Veterans Charter, and that's exactly what we're doing today.

My next question is, can you tell us if your organization was involved or consulted during the process of Bill C-55 that was brought in in 2011?

**Mr. Brian Forbes:** Yes, I can speak to that.

If I might just comment on your conclusion of the last question, I think what we expected is that the minister would have had proposals for your committee to consider at this time, implementing at least in part some of the recommendations of the earlier studies. I think, Deanna, you're correct, we were expecting something more than just further study. It would have been very useful, in our opinion, if the minister had brought forward, let's say, five or six proposals implementing earlier reports as part of the ongoing evaluation. That's what we'd like to see in the future, quite frankly.

Now as far as your current question is concerned, clearly our organization...and I believe the ANAVETS, of course, were consulted prior to the enactment of the charter. In fact, many of us sat on the Canadian Forces advisory council from about 2002 to 2005. Many of us sat on the new Veterans Charter advisory group from 2006 to 2009. We agreed with the philosophy—Deanna expressed it rather well earlier—of the need for a new Veterans Charter.

The Pension Act had problems. It wasn't a transitional piece of legislation. It was no longer applicable to the modern-day veteran in many ways. But the reality is, the document that was produced as a charter, as I commented in my submission, was flawed, and we all knew it was flawed. People were sitting around this table; I know Mr. Peter Stoffer was, and others were. It was flawed and it was recognized as being imperfect.

The thing that was committed to, though, is that there would be an annual review. I remember very well Jack Stagg, and the minister of the day, and the hierarchy of the day...the Darragh Mogans, the Ken Millers of the day...it will be reviewed on an annual basis, and in that way we will catch up with the imperfections. We will rectify the problems with the SISIP program, we will rectify the problems with.... Well, let's not go on to all of the evidence. All of the submissions made today...we expected that to be done eight years ago, seven years ago, on an ongoing basis.

**The Chair:** Do you want others to comment?

**Mr. Parm Gill:** Yes, please.

**Mr. Richard Blackwolf:** Our organization at the time was a member of the NCVA. As Chairman Forbes has brought it out, that was our position in those days.

Concerning what we have today, I can remember that when I was young, at the end of World War II, there were gratuities. People, including our family members, the ones who survived the war, came home in 1947, and they had options—the Veterans' Land Act and that kind of thing. I don't recall any great controversies or upsets with people, and my grandfather was an expert on these things.

But what I'm trying to say is that five years later, in 1950, when the call to arms went out again for the young people in our families and across the country for the Korean War, had the provisions they had at the end of World War II been insufficient and caused a lot of problems, our family and many of the others from across the country would have said no to their sons going until they were fixed. That's what will happen here.

There's a website I was going to point out today called Wars in the World. Right now there are about 256 conflicts going on. There is a potential always that two or three of them could blow up. Who is going to fight this war? Until this is fixed, I can tell you right now that on our website we'll have banners saying that nobody is going. We don't want anybody going until this is fixed. It has to be fixed.

• (1820)

**Ms. Deanna Fimrite:** Mr. Chairman, I believe your question was whether we were consulted about Bill C-55.

I wasn't in my position back then. My predecessor, Lorne McCartney, would have been the Dominion secretary-treasurer at that time. I would assume that if ANAVETS and the NCVA and the Legion and the other veterans organizations were consulted, we likely would have had different priorities from what you found in Bill C-55 at the time, but that is what came out of it.

So we would have been consulted, but—I cannot say this for certain, so you'd have to ask my predecessor—my guess would be that our priorities, as given at that consultation, would have been not quite the ones that came out in Bill C-55.

**The Chair:** Okay, thank you very much.

Mr. Valeriote, please.

**Mr. Frank Valeriote:** Thank you all for coming today to speak to us.

Mr. Forbes, in other language and based on an opinion that I have now arrived at after being here for just a little more than a week, the government has been ragging the puck on fixing the veterans charter and addressing the real issues.

I have looked at and have read most of "Improving the New Veterans Charter", from the veterans ombudsman. I have looked at reports. He says there are three main flaws: financial instability caused by reduced post-release income and insufficient after-65 support; limitations in vocational rehab and assistance; and third, insufficient support to families.

He says then in his report that we should look at everything with this lens: the adequacy of the programs or whether they are appropriate; the sufficiency of the programs or whether they are supported financially and with proper human resources; and finally, whether they are accessible to everyone who needs the program.

I'm listening to all the different presentations today and last week. Everybody has their own idea of how to fix things, though we all agree on what's broken.

Mr. Forbes, you come from a legal background, and I got the clear impression that you've been involved previously in personal injury cases for people other than veterans. You talked about future cost of care, loss of income, and a pain and suffering award—those three elements.

That intrigues me. Do you think that the application of this approach that the courts take has merit when it comes to veterans with these kinds of total and permanent disabilities, something like structured settlements and others that you no doubt have been involved in?

**Mr. Brian Forbes:** As I touched on in my submission, I put forward the supposition that we're always looking for a model. What is the model we should use to compensate our veterans? We had a Pension Act model, which had its strengths and weaknesses; we've had disability insurance, which has its strengths and weaknesses; we looked at workers compensation—I think this committee has looked at it—as another model. I don't know why we don't look at what the courts do.



I appreciate the question, because as I suggested earlier, we have general damages now—under the new Veterans Charter, coincidentally—which are about \$50,000 short of what a court might award. We have sort of future care costs, because our health care programs and treatment benefit programs more or less cover the future care costs of our veterans. They could be improved, but this is a component that a court would look at.

And a court would look at future loss of income. That's what we do not have. Under the charter, we have a frozen income. If a young corporal or private is badly injured, he walks out of the service firstly with a 25% reduction of income; he winds up with a fixed income with a small cost of living increase maxed at 2% for the rest of his life until he reaches the age of 65, and then he's cut off.

The courts would not do that. The courts would look at future loss of income and project the career earnings of that young private or corporal and award that as part of the overall assessment of damages.

We looked at this in the new Veterans Charter advisory group, and our proposal was to use that as the model: use the empirical evidence, which could be very easily found, as to where a private or corporal would wind up if he lived through his normal military career. Give him that amount of money and increase his salary as it would have been increased had he stayed in the service, which is where he wanted to be in the first place.

So to answer your question, rather than going on at great length here, yes, I think the court model would be an excellent parallel, which would at least address this idea of future loss of income, which is missing from the charter.

• (1825)

**Mr. Frank Valeriote:** All right, thank you.

I'm going to ask each of you, Deanna, Brian, and Richard. The government likes marks on these things. On a scale of A to F, with F for failure or A-plus for really good, how would you rate the government's response to its covenant, the social covenant and sacred obligation that was to be manifested through the new Veterans Charter?

Deanna?

**Ms. Deanna Fimrite:** Mr. Chairman, I think everybody answered that question. It's missing in legislation, and now the government—

**Mr. Frank Valeriote:** —A to F?

**Ms. Deanna Fimrite:** —although it may not be the minister... The minister has committed in public that he believes that there is some sort of covenant—

**Mr. Frank Valeriote:** —A to F, though.

**Ms. Deanna Fimrite:** —but the government lawyers are not quite there. So I have to give them at least a D-minus.

**Mr. Frank Valeriote:** Mr. Forbes.

**Mr. Brian Forbes:** I'm glad you've asked that question, because as you know, the idea of a social covenant is fundamental to what we're doing here today and what we do in the veterans community and what I hope this committee looks at on a regular basis.

I know the term was used last week before this committee that there's a disconnect. There's a disconnect between what the minister

is now saying publicly and what the Department of Justice is arguing in the class action Equitas Society lawsuit in the British Columbia Supreme Court.

You'll find our letters to the editor attached to my brief, by the way, in case you want our full response.

Our feeling is that the government should be ashamed that they would go into a court of law and argue that there is no such thing as a social covenant that protects our veterans, and that's where I see the disconnect. I found that the minister—and I don't mean to be disrespectful—saw the light a couple of weeks ago and said: wait a minute; I agree with all of that, that there's a social covenant, there's an implicit contract, there's a sacred trust. He said that in a press communiqué, and we welcomed it.

But we still see the Department of Justice arguing in the courts that there's no such thing as a social covenant. It wasn't even a necessary argument to deal with this case. Why did they raise it? Why didn't the minister instruct the Department of Justice to take that off the table? That is sacrilegious in the veterans community.

**Mr. Frank Valeriote:** I asked that in the House.

**Mr. Brian Forbes:** When you talk about social covenants, you don't dare suggest that one doesn't exist.

I'm sorry. I got on a bit of a rant, but I welcome the question. What it comes down to is yes, I think it's a D-minus. The actions that have been implemented to deal with the flaws in the charter are unsatisfactory; they're unacceptable.

**Mr. Frank Valeriote:** I asked the question yesterday, by the way, and got the same—

**The Chair:** Mr. Blackwolf, could we have your answer, please, because we are slightly over our time.

**Mr. Richard Blackwolf:** Thank you, honourable Chairman.

Yes, I was in the courtroom for those three days. I watched the expression of the judge. I watched the expressions of the people there. I saw Justice Canada present their case. Mind you, they're trying to block an action. Their whole point of being there is to dismiss that action, so they're going to be saying things like that.

I know that the veterans are horrified. But for me, as an aboriginal.... If you've sat in any courtrooms with aboriginal things going on.... The government says all those same things, including that they don't exist.

Setting that aside, we look upon.... There's a civil-military covenant, and it exists because the governor and the Privy Council have the authority to declare war. The governor, on the advice of the Prime Minister and Privy Council.... That's where the Canadian Forces are deployed, whatever actions they're going to take.

The relationship between the governor and Privy Council and members of the Canadian Armed Forces, who are taking the oath and provided unlimited liability, is a fiduciary relationship. And that's where it comes in. That's the connection between the civil... The government is transitional. Canada is the people and also the honour of the crown, which is this other part up here. Both of them have fiduciary responsibility.

**Mr. Frank Valeriote:** A to F?

**The Chair:** Thank you.

**Mr. Richard Blackwolf:** F.

**Mr. Frank Valeriote:** Thank you.

**The Chair:** It's kind of like question period, Frank. You don't know what you're going to get out of this thing, do you?

Mr. Hayes, please, for six minutes.

**Mr. Bryan Hayes:** Thank you, Mr. Chair.

The same questions will be directed to all of you. They are comprehensive questions.

Mr. Forbes, I'm going to direct them to you first.

Mr. Chair, I'll leave you the liberty as to whether you allow the others to answer, because they are a bit comprehensive.

I just want to understand, in terms of preparation for today's meeting and the recommendations you have all brought forward, how these were identified, how you solicited feedback, and was there, in fact, unanimity?

In terms of how you identified feedback, did you send out the proposed recommendations to all your members, or did you send out a request asking your members for recommendations? On top of that I want to know, are your recommendations prioritized, and if not, would you be prepared to prioritize them in writing for our group?

In terms of the report you're presenting to us today, did you send it out to your members for their feedback and for their support prior to bringing it forward to our committee?

Thank you, Mr. Chair.

• (1830)

**The Chair:** Mr. Forbes, you probably can use up all his time on the question by yourself.

**Mr. Brian Forbes:** I'll try not to take up the entire six minutes but within the NCVA organization we have what is called a legislative agenda. Obviously Mr. Henderson who is vice-chair is very familiar with this. In all the years I've been with the NCVA and the years that Mr. Chadderton was the chairman—I've been the chairman for the last five years—we've had a legislative agenda at our annual meeting, which is brought forward to all our membership. It's based on the input we get from the membership through the year and we adopt that legislative agenda. Of what I presented today 95% was sourced from that legislative agenda. All our member organizations had an opportunity to speak to it at our annual meeting, to amend it, and at the end of the day, adopt it. That is how the NCVA operates.

We have 60 member organizations; we have about 85% attendance at our meetings, which we're quite proud of. We have a very comprehensive protocol as far as our legislative agenda.

As far as prioritization, I must say, first of all I would share again the view that as a veterans consulting group you are probably familiar with the fact that we meet regularly. There are 20 organizations, we're one of them, the other two groups here are part of that group. We meet at the Legion, the Legion hosts the meetings, and we come together and create priorities.

I'm going to say something that is a little different today, which is we have been pursuing three priority issues, which Deanna identified in her submission earlier and I have touched on in my submission. We identified those two years ago. The reason I want to speak to this is that at that point the government was going through an economic recession. The government reaction to a lot of our proposals was that they didn't have the budget for that, they couldn't do that, they had to deal with the budget of the day, the economic crisis of the day. We cooperated to some degree. We limited our priorities to those three. We asked if they could at least do these three right away. We've waited for two years. We've not seen anything come from those three recommendations.

So when I brought my recommendations here today—and I have about 10 on my list if you're counting—it's a new world today. In 2015 we're facing a government that says they're going to have a budget surplus, hopefully the budget will be balanced in 2014. It's a different world. We'd like to get the charter right. We're a little tired of the one-off solutions of Bill C-55. Bill C-55 was an attempt to at least give the veterans a little something to placate them. It wasn't nearly sufficient. It didn't nearly address the proposals that were on the table. The Legion groups do have priorities, we do support them, but I would like to think your committee would go beyond that. I'd like to get this right. Let's get the charter right. We've had eight years to do it, let's get it right and stop doing incremental changes. That's my view on your questions.

Thank you.

**The Chair:** Would the other two like to comment briefly, please?

**Mr. Richard Blackwolf:** I agree 100% with Chairman Forbes. We were a part of the original committee and this Royal Canadian Legion committee. We've set three, and at the minister's meeting on October 2 we put those suggestions to him, he accepted them, and nothing's happened.

**Ms. Deanna Fimrite:** With regard to the Army, Navy and Air Force Veterans in Canada, we have 67 units across the country and seven provincial commands. We have a structure very similar to that of the Royal Canadian Legion. We have Dominion conventions every two years, resolutions come from the membership to that committee, are passed at the convention, and brought back to Ottawa as my mandate for the work of the office for the next two years.

In addition to that I have a 16-member board of directors that has a provincial president from every provincial command within our association, as well as a Dominion vice-president from every province in which we have units. All those people have been consulted in that presentation and the majority of our priorities come from the resolutions passed by our membership.

In addition to that I have also consulted with Robert Cassels, a Dominion past president of ours who served on the VAC-CFAC advisory council as well as the new Veterans Charter advisory group, as well as past president Ken Henderson who served on the gerontological advisory council, my predecessor Lorne McCartney, and our honorary president Gerry Wharton. All very knowledgeable on what has gone on with the legislation.

I would agree with Brian that when we had a list of priorities to be changed, we were told by the government of the day we couldn't do all those, give us three. We gave the government three and still nothing happened. Those are definitely the top three priorities but if we can add some priorities, as Mr. Forbes has eloquently spoken to, let's do it and get it right.

•(1835)

**Mr. Bryan Hayes:** Thank you, Chair.

**The Chair:** We'll now go to Monsieur Chicoine, for six minutes.  
[Translation]

**Mr. Sylvain Chicoine:** Thank you, Mr. Chair.

I thank all of the witnesses for being here with us today.

I would like to go back to the existence of the social pact between the Canadian population and veterans. Do you think it would be a good idea, in the preamble of the New Veterans Charter, to state that that social pact exists, so that no one can deny it?

[English]

**Ms. Deanna Fimrite:** I don't believe that it's in the new Veterans Charter. I believe it's in the Pension Act, it's in the War Veterans Allowance Act, and it's in the Veterans Review and Appeal Board Act, but it is not found in the preamble and there is no construction paragraph in the Canadian Forces members and veterans rehabilitation act.

[Translation]

**Mr. Sylvain Chicoine:** In fact, I asked you if you were in favour of spelling out the existence of this social contract with the Canadian population in the preamble of the New Veterans Charter, so that no one may deny its existence.

[English]

**Ms. Deanna Fimrite:** Yes, absolutely, I asked for that in my presentation.

**Mr. Richard Blackwolf:** Most certainly.

**Mr. Brian Forbes:** Yes, I'm sorry, my French is not terrific, but I did understand the question.

My only comment would be that it is one thing to talk about a social covenant, it's another thing to implement the true meaning of a social covenant. If the minister wants to speak of believing in a social covenant, then we'd like to see some action with regard to the implementation of it. It's an academic exercise as to whether there is or is not a social covenant. It's very important to the foundation of all veterans legislation going back to World War I because it was used as a basis.

If you don't mind my expressing my concern in this area, if you start talking about "maybe it doesn't exist" or "maybe it shouldn't be enforceable"....Governments are faced with all sorts of competing

interests, and there's a long list of people who come to your doors and ask for various things.

If veteran groups are just one of those and they have no priority in the system, then God forbid what will happen to the veterans community. There will be no priority assessed because it doesn't have a spot in the queue which it's had for 100 years. And if someone in the government is suggesting today that the veterans community has lost its spot in the queue, that's extremely troubling.

[Translation]

**Mr. Sylvain Chicoine:** My question is for you Mr. Forbes, since you are a lawyer.

Would the fact of including that in the preamble of the New Veterans Charter correct that problem? In another trial, could attorneys continue to deny the existence of that social pact? What would the solution be to prevent attorneys from claiming that that social pact does not exist?

•(1840)

[English]

**Mr. Brian Forbes:** I didn't catch the question. My system is not working.

**Mr. Sylvain Chicoine:** I'll ask it again. What is the solution to eliminate the possibility of a lawyer saying again that the social contract doesn't exist?

**Mr. Brian Forbes:** Are you referring to the Department of Justice argument in the British Columbia Supreme Court? I have some very strong feelings about what the minister's responsibility should be.

**Mr. Sylvain Chicoine:** What should that responsibility be?

**Mr. Brian Forbes:** Yes, exactly, you have a very good question.

The minister has suggested, until very recently, that he has a hands-off attitude with regard to the class action lawsuit in the British Columbia Supreme Court. If the Department of Justice wants to argue that there's no social covenant, it's apparently his position that he will not intervene, he will not issue an instruction to take that off the table. I find that objectionable.

It is the minister's responsibility as the Minister of Veterans Affairs to instruct the Department of Justice as to the position they will take in a legal suit that is being brought by a group of seriously disabled veterans. We find it offensive that the minister has not intervened. It's not the Department of Justice that argues principles for the government, it's the ministers of the various departments that have to instruct.

We've been on the other side of these cases for many years and we have found that ministers have been involved, so we're somewhat dumbfounded as to why this minister has had a hands-off attitude.

I hope that answers your question.

[Translation]

**Mr. Sylvain Chicoine:** How much time do I have left, Mr. Chair?  
[English]

**The Chair:** I think there's time for one more.

[Translation]

**Mr. Sylvain Chicoine:** My question concerns financial support for schooling.

The government announced a \$2 million envelope over five years, that is, a maximum of \$75,000 for post-secondary studies for each veteran. A rapid calculation allows me to say that if each veteran asked for \$75,000 to pursue university studies, only 27 veterans could ask for that assistance.

Is that envelope sufficient to help more veterans?

[English]

**Mr. Brian Forbes:** It's interesting, you've done this math. We did it ourselves and we were struck with the same conclusion that there's only a certain amount of budget available for educational assistance under this new program. We thought initially it was a typographical error because if you're going to initiate a program which is at \$20,000 and bump it to \$75,000 so that people can basically take on educational assistance as part of a skill set learning, you would think there would be more budget. I would encourage someone to ask the minister as to whether that amount is correct.

The concern we have is that if it is correct then there clearly is a consistent problem which has been in place for some years, which is that so few veterans are found to be eligible for educational assistance that there's very little impact on the budget. Now, I hate to think that would be the conclusion of what I thought was a well-intended change in the VOC rehab regulations, but you have the same mathematical conundrum that we do.

**The Chair:** Thank you very much.

Mr. Hawn, please for six minutes.

**Hon. Laurie Hawn:** Thank you, Mr. Chair.

And thank you all for being here. I want to make a couple of points first.

You know, when somebody passes away as a serving member, they get supplementary death benefit which is twice their salary and that happens immediately. The CDS authorizes a cheque and it's cut immediately.

With respect to the last point, veterans affairs programs are demand-driven. There is no \$2 million limit on the \$75,800. It is demand-driven. If more people apply and they qualify, they get it. There is no artificial \$2 million limit. It is demand-driven like most veterans affairs benefits. So, let's please put that aside. It's not true.

Mr. Forbes, you mentioned the Brit system of up to a million dollars and so on. We had another group come in last meeting who suggested the lump sum needed to be \$1.5 million and so on. You're suggesting roughly \$350,000. You want to look more into that and I would encourage that.

Now, defining catastrophic, what is catastrophic? To me somebody like—you're familiar with Steven Fletcher, our quadriplegic MP who's effectively a quadruple amputee. He has this much movement. To me that's catastrophic. I don't think anybody would argue that. I don't want to get into splitting hairs here but somebody who has lost a couple of legs—which none of us could put ourselves in that position—but they have otherwise full capacity, would that be

called catastrophic in terms of a potentially million-dollar settlement?

• (1845)

**Mr. Brian Forbes:** Well, as you say, Mr. Chairman through you to Mr. Hawn, catastrophic is the terminology used in Britain at the top end of their lump sum awards.

Let me just throw this out to you. We are very familiar with a number of the amputees who have come back from Afghanistan having suffered the consequences of an IED injury. Yes, they have lost two limbs but, my God, they have lost so much more—

**Hon. Laurie Hawn:** Yes, there are others....

**Mr. Brian Forbes:** —and that sort of speaks to the question of what I would define, if you're looking for a definition, as a catastrophic award, where there are multiple disabilities because we're the last people in the world to suggest that an amputee shouldn't be able to function, but when you layer on other disabilities as a result of—

**Hon. Laurie Hawn:** —psychological....

**Mr. Brian Forbes:** —yes exactly, psychological, but also physical, internal injuries and the like—those are the kinds of cases that we think deserve more attention.

**Hon. Laurie Hawn:** I'd be personally interested in what the Brits determine as catastrophic and I think that's worth pursuing.

You mentioned the earnings loss benefit. I think it was you, Mr. Forbes, that said the earnings loss benefit should be 100% and I don't necessarily disagree with that. Is that taxable or 100% untaxed?

**Mr. Brian Forbes:** Well, it's interesting you raised that because in the new Veterans Charter advisory group, we posed alternatives. If you're going to leave it at 75% then let's make it non-taxable. If you're going to allow us to elevate to 100% then with the net tax, it sort of winds up to be the same conclusion. But what struck me as rather peculiar at the time of the enactment of the charter is that for literally 90 years we did not tax any benefits under the Pension Act. We didn't tax the disability pension, we didn't tax the special allowances, and all of a sudden we're getting taxability. That's unfortunate because I think it skews a lot of the net benefit to some of our younger veterans.

**Hon. Laurie Hawn:** I don't disagree. I think net is the real number, however you get that—bigger taxable or lower non-taxable.

**Mr. Brian Forbes:** Correct.

**Hon. Laurie Hawn:** You mentioned that a big part is the assessing of future loss of income. You did get into that a little bit in response to another question, but how would you do that with respect to rank? Maybe you have a corporal or maybe you have a captain. What are you going to assess and how do you deal with their future employment?

**Mr. Brian Forbes:** That's something we've looked at, and we looked at it again in the advisory group. You may be familiar with Joe Sharpe, who is the chair of our financial committee on compensation.

**Hon. Laurie Hawn:** Yes. I know him well.

**Mr. Brian Forbes:** I'm sure you do.

I've talked to Walter Semianiw on this issue, who is the assistant deputy minister.

The reaction is that it would not be difficult, that effectively you could take a corporal and envisage—certainly in Joe Sharpe's mind—that he might become a warrant officer by the time his career is over. We could disagree, but there's a certain progress, I'm sure you'd agree, in your experience, that you could anticipate—

**Hon. Laurie Hawn:** Yes.

**Mr. Brian Forbes:**—and I think that's doable.

**Hon. Laurie Hawn:** Has somebody computed a kind of an average to arrive at that, like a corporal would be a warrant officer, a captain would be a half colonel or...?

**Mr. Brian Forbes:** There would have to be some work done on it, but I think the.... The concern, of course, is the private or the corporal who's had the devastating injury and has lost his career. Our main concern is that individual, who should be recognized as having lost a great deal because his career earnings are going to be impacted. He will never become that warrant officer. Shouldn't we appreciate that he has lost a great deal of income as a consequence?

**Hon. Laurie Hawn:** I agree, and the captain will never become a colonel or whatever.

**Mr. Brian Forbes:** That's right.

**Hon. Laurie Hawn:** Mr. Burke, you mentioned the idea of turning DND and VAC into one department. I wouldn't fundamentally argue with that, but you mentioned your suggestion of having veterans, qualified people, at the bases to deal with.... I'll pick Cold Lake as an example. You have a bunch of veterans in the area, and you obviously have military serving folks. For the folks who would be servicing the veterans side of it, are they civilians or are they military in a unified Department of National Defence?

**Mr. Joseph Burke:** Well, yes, it's envisioned in that way, and there are a lot of ways of doing it. I can use multiple examples. If you use Cold Lake, for instance, you have somebody who has 20 years in and you're now medically releasing them. What do you do with them? You shove them out the door. He's now going wherever.... Most of the ones in Cold Lake—you know Cold Lake—are delivering pizza because there are no jobs.

So what do they do? It depends on what trade you are.

Also, out of lot of things missed in this committee that I see, you're missing the part that you're an injured vet. Going to your example of Cold Lake, yes, they may look injury-free, but when they

go out to work, they might not pass things like.... Suncor, for instance, now does drug testing prior to employment, and most of our vets who are now medically released need those medications in order to function, right?

So they can't be employed on the Suncor oil field, but yet they could be employed on the base, because they know the military culture. They know what's going on. Then, when you bring in a civilian Veterans Affairs person, they would learn the culture, and when the member comes in the front door.... Because we are going to have those members who don't want to deal with military people—

● (1850)

**Hon. Laurie Hawn:** I understand.

My question was more about these people who would be part of this integrated Department of National Defence.

**Mr. Joseph Burke:** You would have both.

**Hon. Laurie Hawn:** Would they be civilians or would they be uniformed people dealing with the veterans' issues?

**Mr. Joseph Burke:** Well, you would have both, because when you leave.... I went through the medical release process. You're basically dumped out the door. This would actually stop that process from happening. So for the military person, right now you get a military case manager who looks after you medically. I'm sure you've all heard the whole thing about the military case manager. The military case manager has your file sitting there. What happens now when you're released? You're transferred to Veterans Affairs down the street.

I could use an example that I know of. It's in Trenton, Ontario. They moved the veterans office twice on the base, at a cost to the Trillium fund instead of Veterans Affairs, and now they've moved it to downtown Trenton. All the veterans in the area were used to going to the base. Their friends are on the base. They know the base. In answer to your question, they're used to going in and seeing.... If you were to do what we're asking, in one week you would be talking to the military sergeant who is your case manager or whatever, and then he would basically take the file...and now you're talking to Susan, who is your civilian counterpart in Veterans Affairs.

You would no longer need to have two heads of departments. You would no longer have to wait the 16 weeks for that file to fly everywhere that it's going to go to, which is Tunney's Pasture, by the way, because I did run medical records for three years, with 550,000 files, so I know where the records go, and that's where they sit. You would eliminate that for the short term.

**Hon. Laurie Hawn:** I need to squeeze in a quick question, because I'm going to be cut off.

Should the member leave—

**The Chair:** Sorry, we're eight minutes over already.

**Hon. Laurie Hawn:** Afterward you can tell me whether the member should—

**The Chair:** You can chat it up later, but I'm hoping to get us out of here by midnight, if you don't mind.

Everybody has gone quite lengthy tonight, and I know it's very interesting stuff, but I want to remind you that we are within a certain timeframe.

Thank you for that.

Mr. Lizon, please, for more or less six minutes.

**Mr. Wladyslaw Lizon:** More or less. Will it be more or less?

**The Chair:** Probably less.

**Mr. Wladyslaw Lizon:** Thank you, Mr. Chair.

Thank you to all the witnesses for coming here this afternoon.

I will start with a comment. Over these past several weeks, we have been listening to different groups, different witnesses, and different opinions. We all try to search for an ideal world, and the closer we get to it, I guess the better it is. But to be fair, we also, I think, have to say that maybe issues that were brought by veterans groups and veterans to this government—some that were addressed—were not necessarily related to the charter.

There were some deep cuts that probably all of you remember in the 1995 budget that this government reversed, and it brought the benefits back. Therefore, this should also count as an action.

The question I have, Mr. Chair, through you to Mr. Forbes, is on the existing services under the charter. What are the main complaints you hear from your membership on the delivery of the services? They exist, but we hear that there is a problem with delivery. What are the main issues? What are the main obstacles on the delivery side?

**Mr. Brian Forbes:** Let me just address one particular concern that would be somewhat unique to our organizations. The greater majority of our organizations are made up of the tradition veterans community: World War II and Korean veterans organizations. You'll note that from the letterhead that is on our submission.

One of the things that has come through to us—and I may ask Mr. Henderson for his comments on this in a second—that I've noticed is that the government has attempted in its efficiency procedures to suggest to the veterans community that we've got all sorts of online services, "You don't have to actually attend district offices, you don't actually have to pick up the phone, just access us through the online services." I have to tell you, and I'm sure this won't surprise you, that the greater majority of the traditional veteran community is not terribly friendly with the computer world. There are some who don't know computer work at all. Online services mean nothing to them. If you're an 85-year-old Korean veteran or a 91-year-old Normandy veteran, you are not too impressed with the idea of an online service. So that's one of the observations I might make.

I don't know, Derrill, if you have any other comments on that.

• (1855)

**Mr. Derrill Henderson (Vice-Chair, National Secretary, Hong Kong Veterans Association, National Council of Veteran Associations in Canada):** Not right now.

**Mr. Brian Forbes:** I think the other is that we are rather unique. We, as a service bureau in the War Amps, handle the War Amps applications, both modern day and traditional. We handle Hong Kong veterans claims, we handle war-blinded claims. We're not

gaining as much criticism, because that's what we do, somewhat like the Legion, but there are situations with the NCVA membership groups where they're finding that they're not getting the kind of access that they traditionally got.

I'm not necessarily criticizing the closure of district offices because I know there was much more to it than just the fact that they were closed, but there is a sense that the government is moving into a progressive technology that they're not familiar with, let me say that.

**Mr. Wladyslaw Lizon:** Anybody else?

**Mr. Richard Blackwolf:** Yes. I personally experienced this, because it was brought to my attention. If you went onto to the Veterans Affairs site with the intention of signing in, on the left there was a choice. When you clicked on that you ended up in an area with banks: CIBC, Bank of Nova Scotia—everything was there except my Royal Bank. Now, I don't know why I would be signing in through a bank to get to VAC.

The other choice when you went out is that it asked you for your Canada ID card. So I went through that and had to work all through that to get a card number. I don't have a VAC account, so I couldn't actually follow it right through, but what I'm saying is that what they were saying was true. When you come onto that site to go on the Internet, what you're looking for there is your VAC number and your ID number and you're into the VAC site. You don't want to be brought up and going through your bank. I couldn't understand why anybody would design a system like that in which you'd actually be going through your bank or have to go for a government ID card. What we really want is to have a Veterans Affairs ID card to go through so it simplifies it.

That was one of the things. Now, who do we talk to? I talk to people all across the country. We check frequently with our World War II vets, of course, and our Korean vets about how they're interacting with the Department of Veteran Affairs. The people who are doing the best are the ones who come under both the Pension Act and the new Veterans Charter. They're doing quite well because they're getting both. That's why we recommend that there has to be a meld of those things, because they have both. They have a pension plus they have the transition and the training all available there. There are a few of them who come under that category.

So essentially that's it. I think when they envisioned the new Veterans Charter, they were thinking that these young people were all going to be computer literate and be able to jump on there and go through. Well, as I said, I'm fairly literate and the first thing I ran into was that silly bank thing where you were signing in through your bank. I would never do that. The other option was, of course, you had to have a Canada ID card.

What we were really looking for, and what should be there, is just being able to sign in to Veterans Affairs, period.

**The Chair:** Mr. Lizon, your time is up, but if you'd like Deanna to respond, we'll give her some time.

**Mr. Wladyslaw Lizon:** Okay.

**Ms. Deanna Fimrite:** Sure. I'll try to make it quick, Mr. Chairman and Mr. Lizon.

I would definitely agree that pushing the online and digital access doesn't always work. I'm under the age of 40 and I can't figure out the Veterans Affairs website at all, and I'm quite technically savvy when it comes to computers.

The other issue, which I'm sure you've heard before and which we get quite often, is that there is a feeling of—how do they say it?—deny, delay, die. The feeling from a lot of our members out there is that you're never going to get.... Your disability application is always going to be denied the first time. Ninety percent of the time it's denied, and then you have to wait and find out why it is denied. They say, oh, you need this. Oh, well hang on—that will take another six months. Oh, we need this piece of paperwork. You give them that piece of paperwork and then it's, oh, I'm sorry—we also forgot to tell you that you were missing this, and here are some more reasons.

So the timeline goes on, and a lot of veterans feel that the entire process is testing them to just give up. A lot of them do. They cannot handle the stress. They get the Veterans Affairs envelope and they don't even want to open it. It scares them. It throws them into anxiety, and a lot of them walk away from benefits that they rightly should receive because of the way they're treated by Veterans Affairs, as if they're begging for these services that they're rightly entitled to.

I think that needs to change.

Thank you.

•(1900)

**The Chair:** Thank you.

We go to Mr. Rafferty, please, for six minutes.

**Mr. John Rafferty:** Thank you, Chair.

Thank you, everyone, for being here today.

I have a question that has just occurred to me that I haven't asked, and I don't think anyone has asked any of our witnesses. When we talk about the money part of changes to the charter, as opposed to word changes, have your organizations talked about whether a financial change in the charter would be on a go-forward basis or would it be retroactive to some point? What would you like to see?

I would think governments would not be very happy about retroactive, but have your groups given that any thought. I wondered, just quickly, each of you, if it's something that you've considered or talked about?

**Ms. Deanna Fimrite:** I can say it's not something that we've discussed certainly with each other. Our concern at ANAVETS about retroactivity would be just because you made a mistake previously, the veterans who were under that old system shouldn't be the ones to suffer for that. So I would suggest that we would, of course, like to

see retroactivity in order to not discriminate against those who have already been through the system.

**Mr. John Rafferty:** Okay, thanks.

**Mr. Brian Forbes:** I might just suggest that many of the changes we're recommending would necessitate sort of a change in, let's say, the income stream of the veteran. If we are looking for, let's say, 100% income replacement, logically one might argue you could go back. But I know that's fraught with danger. I know there are difficulties with retroactive legislation. We've seen that with assisted clawback. It's a very difficult thing to do. Equity suggests maybe we should in certain cases.

I thought you might have been asking the question—if you don't mind me answering another question which you didn't ask—about budget.

I stated that we're dealing largely in our submission with seriously disabled veterans, permanently incapacitated veterans. The budget shouldn't be a relevant factor. We have been confronted with that argument for eight years. The budget of the government will not sustain an amendment to the charter.

Can anyone really support that view in today's world, where we're dealing with permanently incapacitated veterans, seriously disabled veterans, who are suffering and are not being compensated at a proper level?

**Mr. John Rafferty:** Okay, yes, thank you for that.

**Mr. Brian Forbes:** I'm sorry, I injected a question.

**Mr. John Rafferty:** I'm trying to get to other questions in, and I'm going to be cut off here.

Mr. Blackwolf, Mr. Burke, I don't know if either of you...

**Mr. Richard Blackwolf:** I'll defer to him.

Just to restate your question again, please.

**Mr. John Rafferty:** If certain changes are made, financial changes, should it be from a certain point forward or should it be retroactive running forward?

**Mr. Richard Blackwolf:** Well, it should be when the applications are made. If it takes 16 weeks, then they still go back to an application made or a...actually, they've introduced a second thing, right? You have to get all your paperwork in and then it starts?

**Mr. Joseph Burke:** If you're talking timelines and retroactivity, then they actually changed the timeline. They came out in the government and they said they were doing it in 16 weeks. But what they failed to say was the timeline used to start when my application landed on the post office guy's desk. So as the intake post guy, I would sign here, I would punch in the computer "Joe Burke, 15 July, 2006".

•(1905)

**Mr. John Rafferty:** If I could just interrupt for a minute. What I'm

**Mr. Joseph Burke:** Oh, retroactive, for sure, because you're looking at somebody who has already gone through the system, they've already been diagnosed, they've already been given their percentage, so for you to now change that amount of money.... Let's say you gave a guy—because the maximum five years ago, whatever it was, was only \$200,000.

So what happened to those guys now that the maximum is going up to \$250,000? Did we go back and pay those guys? I think we should, because it's the same injury. They didn't change the injury. Why is it their fault?

**Mr. John Rafferty:** Thank you.

This question is for you, Mr. Burke.

I was intrigued when in your presentation you talked about integrating the Department of National Defence with Veterans Affairs and so on. There are lots of problems with that, of course. One is that governments like closing bases. Then you're going to be in trouble.

We've heard from just about every witness that there are all kinds of problems with the transition from being a regular member to being part of Veterans Affairs. You suggested this might save it. That's supposing that the government has enough money put into DND to make sure professionals are there and so on and so forth. But I'm just wondering how you think veterans in more remote parts of the country would be able to access that.

**Mr. Joseph Burke:** In just your own words, you said they're closing bases. Well, in retrospect, they just closed six Veterans Affairs offices. So they're going to close something they're going to close—

**Mr. John Rafferty:** It was nine Veterans Affairs offices.

**Mr. Joseph Burke:** Nine; it depends.... At any rate, you're still going to have the same problem. What I'm saying is that at least you're condensing the problem, you're getting rid of all these other offices, and it's going to be quicker and easier for the veteran to go there.

I know this argument will come up sooner or later, so I'll just mention it: what about the veterans who don't want to go onto the base to see the person in uniform for whatever specific reason? I can tell you, as a guy who's in the system, that I personally almost never have to go down to Veterans Affairs or whatever. If I call my case manager, she comes in. My CanVet person will drive from Hamilton to Trenton, where I live, to see me.

So for the external.... Let's say some guy, now that they've closed the North Bay base, has to go to Winnipeg. Well, I'm sure they'll come up with a system for veterans to do that anyway.

**Mr. John Rafferty:** I have one last question, if I can.

**The Chair:** You're actually past your time, Mr. Rafferty. But since we've given others time, if it could be very quick....

**Mr. John Rafferty:** It will be very quick.

A veteran is a veteran is a veteran, and we've heard from almost all of our witnesses about reservists being treated differently. I wonder if that is something that you'd like to see under the charter, that a

veteran is a veteran is a veteran; it doesn't matter if you're a reservist or a regular member or who you are.

**Mr. Richard Blackwolf:** The CAV's position on that is that the reserve force is a strategic force. It tends to be larger in peacetime. The regular force is smaller in peacetime. Right now there are three regiments of each type: infantry, artillery, and armoured. That's the peacetime dividend. We have a much larger reserve force.

We feel that when the regular force is deployed and reservists stand up with them, they're in the regular force. There should be no discrimination, because their liabilities and the duties they're taking on are like the regular force. There shouldn't be any discrimination, even in pay. As soon as they step up, the pay and everything else should be the same right across the board.

**Mr. John Rafferty:** Should that be made clear in the charter?

**The Chair:** We're out of time, Mr. Blackwolf.

**Mr. John Rafferty:** Thank you, Chair.

**The Chair:** Nice try, though.

We will now go to final questions from Mr. Trost, please, for six minutes.

**Mr. Brad Trost:** Thank you.

I'll just finish Mr. Hawn's last question on whether or not people, upon release, should have full access to their medical records and be able to take them.

Did I get that right?

**Hon. Laurie Hawn:** Yes: it's whether or not the member should get a copy of his medical file when they're released.

**Mr. Joseph Burke:** They do.

**Hon. Laurie Hawn:** No, actually that doesn't happen—

**Mr. Joseph Burke:** Under the Privacy Act, because it has your name on it, you're entitled to have a copy of it.

For me, I've only served as a medic on six medical bases. It's part of your routine that you do a stint on the surgery floor and you do a stint in medical records. As part of your duty, when someone is released, you stand at a photocopier...and yes, it's a stupid thing that you have a sergeant, who you're paying \$75,000 a year, to stand at a photocopier and photocopy a medical file.

My personal medical file, in the file in the military, is three volumes. It takes up two bank boxes. It's sitting in my closet.

• (1910)

**Mr. Brad Trost:** Since I was asking this question on Mr. Hawn's behalf, I'll throw it back to him.

**Mr. Joseph Burke:** Oh, and by the way, just as a caveat to that, nobody will accept that copy.

**Mr. Brad Trost:** I will throw this back to Mr. Hawn.

**The Chair:** Are you sharing your time with Mr. Hawn?

**Mr. Brad Trost:** I will be doing that.

**The Chair:** Okay.

**Hon. Laurie Hawn:** Thank you, Mr. Trost.



One of the issues we've had over and over again, and one of the issues we're trying to deal with, is the inability to transfer information between DND and VAC, because the Privacy Act has been getting in the way. It's not DND's fault and it's not VAC's fault, per se.

A couple of solutions—we're also working on a bill to hopefully deal with it—are to treat DND and VAC, for the purposes of the Privacy Act, as one department so that there is no wall between them. Some do get a copy, apparently, and some don't. I didn't, and I know many, many others who didn't. I got a copy of my medical files by accident. That was the only reason. But I've talked to many people who didn't get their files. It's not mandated that they get it.

Part of the changes would be to mandate that the person is proactively offered a copy of their medical file. The original has to stay with DND.

**Mr. Richard Blackwolf:** It could be a change in era. The policy may have changed.

Your age might have a lot to do with it.

**Voices:** Oh, oh!

**Hon. Laurie Hawn:** No; thank you for that accurate observation, but I'm talking about guys who were released just in the last few months.

**Mr. Joseph Burke:** I find that very hard to believe because—

**Hon. Laurie Hawn:** They're not lying to me.

**Mr. Joseph Burke:** As I was saying before all this started, I'm the generation of medic before the words “case manager” came in. That was my job as a medic; I was a case manager. When we brought the case management in we sat down in Montreal. The government hired Mont Tremblant... We all sat around and said, “What are we going to make of these case managers?” We came up with a tick sheet. You can find it in anybody who's been released since a case manager... Veterans Affairs has almost the same tick sheet. You go around, and everybody here who's ever been in the military...you used to have to sign on to a base with a little card. The case manager has the same card, and on that card it states, “Photocopy handed to member.” So if they're using another card on another base, then you're going to have to take that up with DND. But I can tell you, from Toronto, from Ottawa, from Trenton, and from Comox— all four of those bases—you will get a photocopy as of 2001.

**Hon. Laurie Hawn:** I can tell you there's a general officer who has just retired in Edmonton and he could not convince the master corporal in medical records to give him a copy of his medical documents. It's not uniform, and I guess that's one of the things. We need to make sure that it is mandated by law, regulation, whatever.

I accept what you're saying.

**Mr. Joseph Burke:** I suggest you put that to the defence committee and tell the defence committee to ask the general to put it in their work.

**Hon. Laurie Hawn:** We're going to deal with that. Obviously, it's essential, I think, that the member does leave with his or her file.

**The Chair:** This is really unusual when you have a committee member saying there's a problem and you have one of the witnesses

saying there isn't a problem. I'm having a little difficulty computing all this stuff.

Anyway, Mr. Trost, do you want to continue with this line of questioning?

**Mr. Brad Trost:** I'll just ask one final question.

I'll start with Mr. Hawn, and then a few of the other members around the table. We're getting into some of the administrative aspects. We heard this earlier from Corporal Fuchko, and I've heard it from other people who've come through my office, from family members who have fought with Veterans Affairs over the years. A lot of the difficulty is not necessarily what is there for the program, but the frustration of getting to it.

Mr. Burke, you said one of your possible solutions was merging the Department of National Defence with Veterans Affairs, and perhaps that would make it easier.

Two questions. Is there anything in the Veterans Charter that can be done, any recommendations that you have, to make the administrative burden easier for members as they leave, as they go through the system? Or are there other places where we can do this? Honestly, it doesn't matter how good the programs are, how good everything is. If you don't know where to go to it, if you don't know how to access it, it's useless. One of the examples the previous witness gave was the three quotes he had to have to be able to retrofit his house. It was very difficult in a hot western Canadian economy to get three quotes to fix his house.

You had one very practical administrative suggestion earlier. Is there something else that, on a priority level, would help members get services quicker, faster, and more efficiently?

● (1915)

**Mr. Brian Forbes:** I think I might answer that because I'm intrigued by that line of questioning.

We'd rather maybe optimistically talk to the minister and the department on a regular basis about placing the onus on the department official, who may be in a district office or who may be on that phone call or who may be on an online service feeder, to make it basically the responsibility of the government to have that list of benefits. Quite frankly, the average veteran, as you've properly put it, really doesn't know what his benefits are. It shouldn't be up to the veteran.

I may be unrealistic to suggest that because we're going into an era. I would have thought with the new Veterans Charter the departmental people would be now educated sufficiently to take on that role. For what that's worth, I think it's worth pursuing. I think the minister and the previous minister were certainly very enthused about trying to improve that level of efficiency.

Our particular pet project is that there should be more presumptions in the system, and I don't mean that in a legalistic way. If I come to you as a double-leg amputee, like Mr. Fuchko, I shouldn't have to do much more than that. I should just simply say, "Look, I'm a double-leg amputee. What have you got for me?" It shouldn't be up to Mr. Fuchko to go out there and get estimates. It shouldn't be up to Mr. Fuchko to make copious applications for various benefits, because an individual like him will have to apply for disability awards, an earnings loss benefit, a PIA, an enhanced PIA. It's frustrating. It's discouraging. Can we not develop a presumptive system?

Perhaps you don't mind my saying one last thing. One of the recommendations we made earlier in our submission was that if you take PIA, and Mr. Fuchko comes to you as a 100% pensioner, he gets a grade 1 PIA. Don't ask him to get medical reports. Don't ask him to get evidence. He doesn't need it surely. He's a seriously

disabled veteran. If he's between 48% and 78%, he gets a grade 2. It's a presumption. People think, well, is that fair?

Let's try to make the system efficient. I think that's the core of your question. Let's try to make the system work.

**The Chair:** Thank you very much. We did manage once again to get over eight minutes so we had fulsome discussions.

I want to thank our witnesses very much for this contribution. I know there's frustration, but also we're making progress. So thank you very much for being here.

**Voices:** Hear, hear!

**The Chair:** Folks, we're gone.

The meeting is adjourned.

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