



Veterans Review and  
Appeal Board Canada

Tribunal des anciens combattants  
(révision et appel) Canada

# A Guide to Review and Appeal Hearings

**Your right to be heard**

Canada

This publication is available in other formats upon request.

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## What is the Veterans Review and Appeal Board?

The Veterans Review and Appeal Board is a federal tribunal that provides an independent appeal program for disability benefits decisions made by Veterans Affairs Canada (the Department). The Board also hears applications for compassionate awards and final appeals of War Veterans Allowance decisions.

We exist to support Veterans, members of the Canadian Armed Forces and RCMP, and their families in obtaining the benefits they are entitled to for service-related disabilities.

The Board is an entirely separate organization from Veterans Affairs Canada. This ensures that we can offer a fair and independent appeal process.

Our mission is to provide **timely, respectful hearings** and **fair, plain-language decisions** to those who come to us for redress of their disability benefits decisions.

## What can the Board do for me?

You can come to the Board for an independent review if you are dissatisfied with the Department's decisions on:

- Disability pensions or awards
- Critical Injury Benefit
- Special awards including Attendance Allowance, Exceptional Incapacity Allowance, and Clothing Allowance

Two levels of redress are available to you at the Board: a **Review hearing** and, if you remain dissatisfied, a subsequent **Appeal hearing**. Hearings are non-adversarial, which means that no one opposes your application or argues against you.

## Who can help me?

The Bureau of Pensions Advocates (BPA) is an organization of lawyers within Veterans Affairs Canada that offers free legal representation to Veterans who come to the Board. If you are dissatisfied with the Department's decision on disability benefits, you can contact the BPA at **1-877-228-2250** to discuss your case. Some Veterans' organizations, like the Royal Canadian Legion, also provide free representation and help.



Your representative will:

- advise you on your redress options;
- make an application to the Board on your behalf;
- research your case to determine if you need additional supporting evidence, medical reports, or other documentation;
- help you prepare for your hearing; and
- present your case to Board members at your hearing.

If you would like to hire a private representative at your own cost or represent yourself, you must notify the Board in writing.

## What kind of evidence do I need?

The evidence you need will vary, since every case is different and decided based on its own unique facts and circumstances. A good place to start is the most recent decision on your application, which should explain the reasons for the ruling. Your representative will advise you on what additional evidence may be required to support your case.

## Who will hear my case?

Your case will be heard by a panel of Board members. Board members are independent decision makers who come from a variety of backgrounds, including military, medical, policing, and legal. They receive ongoing specialized training, and are knowledgeable about the medical conditions commonly related to service in the military and RCMP.

## What is a Review hearing?

The Review hearing is the first level of redress at the Board. It is your first and only opportunity to appear before decision makers and tell your story. Your representative will advise you on whether it would be helpful to bring any witnesses with you. Please feel free to bring a friend or family member with you for support.

Review hearings are conducted by two Board members in locations across Canada. The Board also conducts hearings by video conference. If you are unable to attend your hearing, we can arrange for you to participate by telephone. Please discuss these options with your representative.

The hearing set-up is informal: in most cases, you will sit at a boardroom table with your representative beside you and the Board members across from you. Before the hearing begins, you will be asked to swear an oath or make a solemn declaration about the testimony you are about to give. Then, the Board members will welcome you and explain how your hearing will unfold. During the hearing, your representative will present your case, make



arguments on your behalf, and ask you to speak about details related to your service and medical condition. Board members will ask you and your representative questions to better understand your case.

The Review hearing is your chance to be heard, so you should be prepared to talk about your situation. This could include talking about your military or RCMP service, how your disability came about, and how it has affected you.

Hearings are audio recorded and usually last about 30 minutes. You will be reimbursed for travel and living expenses to attend your Review hearing. For more details, please contact your representative.

After the hearing is finished, the Board members will consider all the evidence and make a decision. You and your representative will receive a written decision by mail. Our goal is to issue decisions within six weeks of the hearing.



## What if I am dissatisfied with a Review decision?

You should contact your representative to discuss an Appeal hearing.

## What is an Appeal hearing?

The Appeal hearing is the Board's second and final level of redress. Your case will be heard by three Board members who were not involved in your Review hearing.

This hearing is another opportunity for your representative to present information and to make arguments on your behalf. Applicants rarely attend their Appeal hearings because the legislation does not allow for oral testimony or reimbursement of travel expenses. Appeal hearings are usually held at the Board's office in Charlottetown as well as by teleconference.

After the hearing is finished, the Board members will consider all the evidence and make a decision. You and your representative will receive a written decision by mail. Our goal is to issue decisions within six weeks of the hearing.

Appeal decisions are final and binding.



## What if I am dissatisfied with a final-and-binding Appeal decision?

You can apply to the Board for a reconsideration (i.e. a reopening of the case) if new, credible, and relevant evidence comes to light at a later date, or if an error in fact or law is found in the Appeal decision. You should contact your representative to discuss this option.

## What happens after I receive a decision from the Board?

The Board sends your decision to the Department to be placed in your file. If the decision increases your benefits or changes the effective date, the Department is responsible for processing it. They will let you know if you need to have a medical exam to assess the extent of your disability before you receive benefits.



## Did you know?

As an administrative tribunal, the Board is bound by the open court principle. This is the idea that decision-making processes should be open to the public. At the Board, it means that we depersonalize and publish our hearing schedule and decisions online. Our decisions are available on the Canadian Legal Information Institute's website and are searchable by key word.



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## Our pledge to you

### **FAIR DECISIONS**

Board members must be independent, impartial, and objective. They are required by law to look at evidence in the best light possible, and to provide written reasons that explain the decision. If you have concerns about the Board's decision in your case, please contact your representative to discuss your options.

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### **TIMELY SERVICE**

Once your representative tells us your case is ready, our goal is to hear your case and issue a decision within 16 weeks. This time includes our service standard to mail your decision within six weeks of your hearing.

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### **RESPECTFUL HEARINGS**

The Board is committed to providing you with a respectful hearing environment. If you have concerns about how you were treated at your hearing, please submit them to us in writing. We will acknowledge receipt of your complaint, investigate it, and send you a written response.

## Contact us

Please contact us if you have questions or suggestions.

Phone:

In Canada and the United States, call us toll-free at

**1-800-450-8006** (English)

**1-877-368-0859** (French)

From all other locations, call us collect at

**0-902-566-8751** (English)

**0-902-566-8835** (French)

Fax: **1-855-850-4644**

Mail:

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