

Adjournment Debate

VETERANS AFFAIRS—REJECTION OF EXCEPTIONAL INCAPACITY ALLOWANCE APPLICATIONS. (B) DELAY IN PROCESSING PENSION APPLICATIONS

Hon. Allan B. McKinnon (Victoria): Mr. Speaker, on February 21 I asked two questions of the Minister of Veterans Affairs (Mr. Campbell). The first dealt with the way in which the Canada Pension Commission has been dealing with applications for the exceptional incapacity allowance. Only a relatively small number of Canada's most severely disabled veterans are eligible to apply for this allowance.

My second question dealt with the delays veterans continue to face in applying for disability pensions, up to four years from first application to final appeal in many cases. The Minister's responses were less positive than I had hoped.

Canada's veterans should be given a firm undertaking that their interests are the principal consideration of the Minister, his Department and the various boards and commissions which report to him. Some of the veterans of whom we are speaking are now in their eighties; surely prompt consideration of their needs is the least they deserve.

Exceptional incapacity allowance, the subject of my first question to the Minister, affects a limited number of the most severely disabled veterans. Only those who are classified as 100 per cent disabled, and who have been rendered helpless, suffer pain and are unable to enjoy life and whose life expectancy has been shortened as a result of their disability, are eligible for the allowance. As of March 31, 1983, there were 960 awards in force at an annual cost of just over \$3 million. The relatively small number of veterans pensioned at the 100 per cent rate, 3,736 or 3.7 per cent of all veterans' disability pensions, means we are not talking about a program which has the potential to become prohibitively expensive. There is a limit of something under \$3,000 per person per year for those who can get the allowance.

My question sought clarification from the Minister as to why so many applications for this allowance are being turned down by the Canadian Pension Commission. We are not discussing frivolous cases. The 17 unsuccessful applications I referred to in my question were those of amputees, many of whom also suffer from arthritis, back problems and heart disease. The CPC refused in most cases to admit a connection among these various disabilities, and would not recognize the exceptional incapacity of these veterans. Fortunately, 16 of them appealed to the Pension Review Board and in each case the ruling was overturned and the award granted.

Therefore the problem here is that the Canadian Pension Commission is taking a very hard line on these cases, necessitating expensive and time consuming appeals. Surely the CPC can take into consideration previous rulings by the Pension Review Board in order to make its own judgments more consistent with those of the Pension Review Board. If the Commission feels it is the Pension Review Board which is in error, granting awards too easily, perhaps closer co-operation in the other direction would be appropriate.

What we come down to here is the inability of these two bodies to interpret the same piece of legislation, Section 57 of

the Pension Act, in a judicially responsible manner. The losers in this struggle over the correct interpretation are the veterans who gave up their health and in some cases their limbs in service to their country.

The time invested in appeal after appeal was the substance of my second question to the Minister. Thousands of veterans are waiting for two, three or even four years for a final ruling on their pension applications. In his answer to my question the Minister stated that he was concerned to see veterans' cases dealt with as quickly as possible while respecting the necessary preparatory work to ensure that a veteran's case has the greatest possibility of success.

In my question to the Minister I made reference to the average 277 days from receipt of an application for hearing by the Pension Review Board until its decision is rendered. This 277 days' delay comes after the veteran's case has been heard and ruled upon by the Canadian Pension Commission, which will in most cases have taken well over a year. Having received an unfavourable ruling, the time taken to apply for a pension review board hearing may be up to 11 months, depending on the case load of the veteran's advocate. By this point the veteran has been involved in the process for something like two years, on average. His case has been before two boards and he will have been working with a representative of the Bureau of Pensions Advocates or a veterans' organization.

● (1805)

While one must commend the Minister for his concern that adequate evidence be prepared in support of the veteran's application, 277 days from appeal to the Pension Review Board until a decision is rendered is excessive. The Minister's implication that the interests of the veteran would suffer if the process were speeded up is simply not credible.

There is, of course, a close relationship between the consistency of rulings by the CPC and the Pension Review Board and the interminable delays in the whole application process. If the CPC was ruling fairly and was perceived to be doing so, there would be fewer appeals to the Review Board level.

The veterans who are bringing forward these applications feel justified in asking for disability pensions. Their anger and frustration with the inconsistent rulings and endless delays is very understandable. The Pension Commission and Pension Review Board exist to serve, not to thwart the interests of Canada's veterans. Bearing this in mind, I am sure the Minister will see the necessity of remedying those problems which I have mentioned.

● (1805)

[Translation]

The Acting Speaker (Mr. Guilbault): Order, please! The Hon. Parliamentary Secretary to the Minister of Veteran Affairs (Mr. Leduc).

Mr. Jean-Louis Leduc (Parliamentary Secretary to Minister of Veterans Affairs): Mr. Speaker, the Minister of Veter-