

*Supply—Veterans Affairs*

to exist, the case was prepared and submitted to the commissioners for decision. It is significant to note that this action was taken by the commission without any application whatever on the part of the veteran.

Where entitlement was conceded by the commission, that the condition was incurred or aggravated during service, notification was sent to the pension medical examiner in the district where the veteran resided to call him in for pension examination. This included a complete physical examination and a reference to the departmental specialist for reports and opinions when these were indicated. When this information reached Ottawa, it was reviewed by the medical advisers before submission to the commissioners and the disability was assessed and the file passed to the chief treasury officer to implement the commission's decision and get pension into payment.

It will be appreciated that in dealing with claims the commission came across a great number wherein it was clearly established on the record that the disability existed prior to service and, as a matter of fact, in thousands of cases was recorded on the attestation form. Where the review of the documents indicated no worsening due to service, the commission ruled "pre-enlistment condition, not aggravated during service". The decision rendered in that regard is known as an initial one and the applicant has the right to proceed further with his claim; and this is the procedure provided by the statute.

One, the applicant has the right to renew his application before the commission with additional evidence. Actually he is not limited to one renewal but may come back as often as he desires in an endeavour to establish his claim. The commission thoroughly and sympathetically reviews the application in the light of the history contained on attestation, that which is completed during service and, now, the post-discharge history, and renders a renewal decision.

Two, the applicant has the further right, when his claim is not upheld, to request an appearance before an appeal board of the commission sitting in his own locality. The claim is heard by three commissioners, none of whom has adjudicated upon his claim previously. It reaches them as an entirely new one and their decision is based upon the evidence adduced at the hearing by the applicant, his advocate and his witnesses. Incidentally, the applicant and his witnesses are compensated for out-of-pocket expenses and lost time when attending such hearings. These appeal boards of the commission travel throughout Canada and usually two appeal boards, in different centres, are sitting each

[Mr. Gregg.]

week, and I am happy to report that most cases are heard within a short time after their certification as being in readiness.

Three, the Pension Act states: "The decision of an appeal board is final." There is provision in section 58 (4) of the act, however, whereby the commission may entertain an application based upon any error in the decision of the appeal board by reason of evidence not having been presented or otherwise. Such an application is heard by three commissioners who are designated by the chairman for the purpose. Should the board grant leave to reopen the claim, it immediately constitutes a new one in so far as procedure is concerned. That is to say, it proceeds to initial hearing and, if necessary, from there to renewal and appeal.

Hon. members will be interested to know the Pension Act provides that, whenever an application is not wholly granted, the commission:

Shall promptly notify the applicant, in writing, of its decision, stating the grounds therefor, and shall inform such applicant that he may renew his claim, before the commission on the submission of additional evidence, or before an appeal board of the commission in person or by or with a representative, with or without additional evidence, and that he may have the assistance of the veterans' bureau free of charge or of a service bureau of a veteran organization, or other representative at his own expense, in the preparation and presentation of his application.

Each decision rendered by the commission contains the reasons leading to the decision and, when the application is not granted, the applicant has, generally speaking, full information regarding the grounds on which his claim was not granted.

I might add that the veterans' bureau, which is a branch of my department, has a chief pensions advocate and staff at Ottawa, and in each district office of the department there is an advocate, or there are advocates who are, generally speaking, barristers, and are specially trained in the preparation and presentation of claims. They have access to all the documents completed during service and, of course, to the records on the departmental files. This service is rendered without any charge whatsoever to the applicant. In addition to this, the service bureaux of some of the national organizations of ex-servicemen render very excellent and much appreciated service in the advancement of claims.

I have given an outline of the procedure in effect when an applicant claims entitlement for a disability and to complete my statement it might be well to give an indication regarding the procedure in effect in arriving at the amount of pension to be paid for a service accepted disability. Previously