> That the Government act at once to bring pension rates in line with salaries of Civil Servants as they existed following World War I.
>
> As we indicated to you in our telegram of October 6, this relationship can only be restored by increasing the basic rate to $3,500 per year.

It seems to me that this practice of paying pensions on rank is entirely wrong and should be changed. It should make no difference whether a veteran served as an officer or as a private. All veterans and their dependents should receive exactly the same pension for the same percentage of disability.

The Legion's brief also makes reference to the benefit of the doubt provided by section 70 of the Pension Act. Anyone who has ever had anything to do with the Pension Act can almost repeat it from memory. Section 70 presently reads as follows:

> Notwithstanding anything in this Act, on any application for pension the applicant is entitled to the benefit of the doubt, which means that it is not necessary for him to adduce conclusive proof of his right to the pension applied for, but the body adjudicating on the claim shall draw from all the circumstances of the case, the evidence adduced and medical opinions, all reasonable inferences and presumptions in favour of the applicant.

With respect to that, the Legion had this to say at page 6 of its brief:

> As we stated in our brief last year we have for many years been indicating our dissatisfaction with the Pension Commission's interpretation of section 70 of the Pension Act. The majority of applications under the legislation are affected by the Pension Commission's policy in applying the Benefit of the Doubt. Tied in with the Benefit of the Doubt are, "conditions not recorded on enlistment" and "retroactive awards."

The Legion has set out in its brief a number of cases, giving all details. In one case in particular there were six appeals or appearances before the Pension Board and the Appeal Board, all of which were rejected, but the seventh appeal was successful and the widow was awarded an entitlement. The Legion pointed out:

> Because the Pension Commission apparently did not apply the Benefit of the Doubt until the final decision, this widow lost pension for approximately forty-four months, amounting to $6,000. The veteran—

That is, her husband.

> —during his lifetime, was without treatment entitlement and pension. Prior to his death the Pension Commission had assessed his total disability at 100%, but he was receiving only a 20% disability pension for two other pensionable conditions. Had the Pension Commission, when he applied for entitlement in 1954, taken the same action it did in 1964, and sought an opinion from one of the departmental consultants, it is likely that entitlement would have been granted in 1955, rather than in 1964.

Any honourable senator who has had dealings with the Pension Commission on behalf of veterans will recognize these old familiar words, "the condition was pre-enlistment and was not aggravated by military service." This is without doubt one of the most annoying phrases used by the Pension Commission. I know of no other ruling or finding which enrages veterans as much as this one. Everyone knows that on enlistment a veteran is given a most rigorous and detailed medical examination by highly qualified men. The soldier is given tests, including a very complete X-ray examination. After all that, he is passed by the medical officer, accepted into the service and marked down as A-1. His medical sheet is clear and clean in every respect as to his physical condition on the date of his enlistment. Yet, in so many cases, the medical authorities and the Pension Board bend over backwards to find that the present condition of the veteran was of a pre-enlistment nature, and that the disabilities now complained of were not aggravated by military service.

Is it not reasonable, honourable senators, for a veteran to take the position on appearing before the Pension Board, that if his medical history sheet shows no record of pre-enlistment disability, then such present disability should be accepted as arising during his war service and be attributed to such service? Will any reasonable man say that the soldier is being given the benefit of the doubt when the medical officers who examined him on enlistment found him in A-1 condition, and then later on discharge, or after discharge, the same medical officer attached to the Pension Board for some unknown reason says that this disability under review was a pre-enlistment condition and was not aggravated by military service?

The Pension Act contains no definition of the word "doubt," and the Legion has suggested that an amendment be made in which "doubt" is defined. I heard honourable Senator Pouliot say tonight that he always gave his party the benefit of the doubt, so he might be able to pass on this proposed amendment. It is as follows:

> "Doubt" means that doubt which would exist in the mind of a reasonable man on