Veterans Affairs Canada | Anciens Combattants Canada

# Assessment and Reassessment of a Disability

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This policy replaces the following policies: Assessment of a Disability - Article 35(1) Section 1; Grandfathering Provision - Article 35(1) Section 4; Stabilization Policy - Article 35 (2.1); Increase in Extent of Disability - Article 48(1), and When Award Payable - Article 53.

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# Purpose

The purpose of this policy is to provide direction with respect to the assessment and reassessment of a disability for which a disability benefit has been granted.

# Policy

## General

1. The extent of the disability is determined on the basis of current clinical examination findings from either an applicant’s personal physician/practitioner or a Departmental Medical Officer.
2. The assessment of a disability may range from nil (0%) to 100% and is determined in accordance with the Table of Disabilities.
3. The amount of disability benefit awarded is dependent on the extent of disability suffered from an entitled condition, and paid in accordance with rates set out in the applicable schedules of the acts.
4. The assessment of a disability is made following the award of a new entitlement or in response to an application or request for the reassessment of an already entitled disability.

## Pain and Suffering Compensation (PSC)

5. For information on the assessment and re-assessment of a disability for which PSC was granted, or for which a Disability Award (DA)was granted but was not assessed, see the Pain and Suffering

### Disability Pensions - Grandfathering Provision (2006 Edition of the Table of Disabilities)

6. Assessments for pensioned individuals or bracketed disabilities which were established using the 1995 edition of the Table of Disabilities are grandfathered and protected from any decrease in assessment related to the introduction of the 2006 edition of the Table of Disabilities.
7. As interim assessments, assessments with assigned mandatory reviews, and temporary high assessments are provisional in nature, they are not protected by this grandfathering provision.

### Disability Pensions - Limitation on Reduction

8. No reduction in the assessment of a given pensioned disability shall be made if the same assessment has been in effect for three years or more and the Veteran has reached the age of 55 years.
9. For pensioners having reached the age of 55, the assessment of their disability becomes stabilized three years following the effective date of that given assessment.
10. In cases where the stabilized assessment is increased, the assessment shall not subsequently be reduced below the previously stabilized assessment.
11. As interim assessments, assessments with assigned mandatory reviews, and temporary high assessments are provisional in nature, they are not protected from reduction.

### Redress

12. As interim assessments, assessments with assigned mandatory reviews, and temporary high assessments are provisional in nature, they cannot be reviewed or appealed.

## References

*Pension Act*, sections 35 and 37

*Veterans Well-being Act*, sections 48, 51, and 53

Date Payable – Disability Benefits, Special Awards, and Prisoner of War Compensation

Review of Decisions