Veterans Affairs Canada | Anciens Combattants Canada

Consequential Disability

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Purpose

The following policy provides guidance in the adjudication of disability benefit applications for claims related to injuries or diseases which are a consequence of a service-related injury or disease, or the consequence of a disability which is itself a consequence of a service-related injury or disease.

Policy

General

1. A disability benefit may be granted for disabilities which are a consequence of:
    a. an injury or disease which was previously determined to be service-related (regardless of whether or not it resulted in a disability); or
    b. a disability for which consequential entitlement has been granted under either the *Pension Act* or *Veterans Well-being Act*.
2. In order for entitlement to be granted, the disability resulting from the consequential condition must be considered permanent.
3. The consequential relationship between the two conditions does not need to be medical.

Number of consequential conditions: Pension Act

4. Under the *Pension Act*, an unlimited chain of consequential rulings may be provided; i.e., entitlement granted for disability “A” which caused disability “B”, which in turn caused disability “C”, which leads to disability “D”, etc..

Number of consequential conditions: Veterans Well-being Act

5. A Veteran or a member may receive unlimited consequential rulings under the *Veterans Well-being Act* where each stems directly from the primary condition which was granted.
6. A Veteran or a member may only receive two consequential rulings stemming from each consequential condition granted; i.e., it is possible to grant disability entitlement for a primary condition, a consequential disability which arises from it, a 2nd consequential disability which arises from the first, and a 3rd consequential disability which arises from the second. No entitlement may be granted for a 4th disability which arises as a consequence of the third consequential.

Degree of Entitlement

7. If a member or a Veteran is suffering from a permanent disability which is a consequence of an injury or a disease, in whole or in part, that was previously determined to be service-related; a disability benefit may be paid in respect of that fraction of the disability that represents the extent to which that injury or disease is a consequence of another service-related injury or disease. [*Pension Act* ss. 21(5), *Veterans Well-being Act* (s. 46)]. A definition of partial entitlement and full entitlement for determining the extent of service relationship is included in the policy entitled "Disability Resulting From a Non-Service Related Injury of Disease".
8. Once a consequential relationship has been established, the degree of entitlement granted for the consequential condition is to be based on the extent to which it is a consequence of the primary condition, and not the extent to which the primary condition is related to service. The Department will:
    a. Award Full Entitlement when it has been determined that a disability has resulted in its entire from a service-related injury or disease; or
    b. Award Partial Entitlement when it has been determined that a disability has resulted in part from a service-related injury or disease.

Dual Entitlement - Clients Holding Entitlement Decisions Under Both the Pension Act and the Veterans Well-being Act

9. If a condition is ruled as consequential to a primary condition related to WWII, Korean War service, Royal Canadian Mounted Police service, or other service eligible under the *Pension Act*, the claim will be adjudicated under the *Pension Act.*
10. If a condition is ruled as consequential to a primary condition related to Regular Force or Special Duty Service, the claim will be adjudicated under the *Veterans Well-being Act*, even if the primary condition was ruled under the *Pension Act*, unless sections 42 or 56.5 of the *Veterans Well-being Act* apply (see policy Dual Entitlement - Disability).

Consequential Claims for Veterans of the British, Commonwealth or Allied Forces of World War I and World War II

11. Where authorities of the British, Commonwealth or Allied governments have ruled that no entitlement to a disability pension exists under their law, and subsequently entitlement is granted under the *Pension Act*, a

claim for a condition as consequential to the condition pensioned under the Act, will be considered by the Minister without reference to the other government.

References

Pension Act, subsection 21 (5)

Veterans Well-being Act, section 46

Dual Entitlement - Disability Benefits