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Royal Canadian Mounted Police Disability Pension Claims

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Table of Contents

Purpose
Policy
General
Regular Members
Civilian Members
Special Constables
Canadian Security and Intelligence Service (CSIS) Members
Special Duty Service Claims
RCMP Regular Service Claims
Consequential Claims
Dual Service - RCMP and Canadian Armed Forces (CAF)
Dependants/Survivors
Effective Dates
Special Awards
Other Applicable Sections
Examination and Travel Costs
References

Purpose

This policy describes the eligibility criteria for a member or former member of the Royal Canadian Mounted Police (RCMP) to receive a disability pension or other benefits. The policy also provides direction in respect to the effective date of the disability pension/benefit entitlement.

Policy

General

1. Veterans Affairs Canada (VAC) adjudicates and administers disability pension claims on behalf of the RCMP.
2. Disability pensions for RCMP members are granted under the authority of the *Royal Canadian Mounted Police Superannuation Act* and awarded and administered in accordance with the *Pension Act*.
3. The *Royal Canadian Mounted Police Pension Continuation Act* provides for the payment of pensions to RCMP members who were appointed before March 1, 1949, and did not elect to become a contributor under the *Royal Canadian Mounted Police Superannuation Act*. Disability pensions for these members are awarded under section 5 of this Act and awarded and administered in accordance with the *Pension Act*.

4. The RCMP has two categories of members who contribute to the RCMP Pension Plan, which is governed by the *Royal Canadian Mounted Police Superannuation Act* - Regular members and civilian members.

Regular Members

5. Regular members are persons appointed as officers under section 6(*1*) of the *Royal Canadian Mounted Police Act*.
6. For the purposes of Part II of the *Royal Canadian Mounted Police Superannuation Act*, the service of members of a provincial or municipal police force (absorbed) may also be counted as service in the RCMP under the conditions outlined in section 31.1 of the *Royal Canadian Mounted Police Superannuation Act*.
7. A member/former member of the RCMP may be eligible to apply for pension under the *Royal Canadian Mounted Police Superannuation Act* for a disability which occurred while he/she was a member of a provincial or municipal police force, if:
    a. The member served in a provincial or municipal police force with which the Governor in Council entered into an agreement under section 5 of the former act, as defined in section 3 of the *Royal Canadian Mounted Police Superannuation Act*, or section 20 of the *Royal Canadian Mounted Police Act* which provides for the taking over by the RCMP of officers and other members of any provincial or municipal police force; and
    b. The member's service was continuous since the date of absorption of the provincial or municipal police force by the RCMP (see paragraph 6).
8. Police Forces absorbed by the RCMP and the dates of absorption:
    a. New Brunswick Highway Patrol - February 1, 1989
    b. Tracadie-Sheila - August 21, 1997
    c. Moncton-Dieppe - January 18, 1998
    d. Grand Bay - April 1, 1998
    e. Hartland - April 1, 1998
    f. Dalhousie - April 28, 1998
    g. Shediac - December 30, 1998
    h. Sussex - December 30, 1998
    i. Berwick - August 1, 1999
    j. Blacks Harbour - October 1, 1999
    k. Wolfville - June 7, 2000
    l. Middleton - August 8, 2000
    m. Lunenburg/Mahone Bay - March 1, 2001
    n. Hantsport - September 12, 2001
    o. Caraquet - November 1, 2001
    p. St. Stephen - March 25, 2002
    q. Unama'ki - March 28, 2002
    r. Sackville - June 2, 2003

Civilian Members

9. Civilian members have specialized qualifications, primarily in the application of technical/scientific/law-enforcement expertise, and support law-enforcement activities, as well as developing and interpreting law-enforcement policies. Civilian members are appointed under paragraph 7(1) of the *Royal Canadian Mounted Police Act*.
10. Some civilians employed by the RCMP are members of the Federal Public Service and do not receive benefits under the *Royal Canadian Mounted Police Superannuation Act* or in accordance with the *Pension*

Act.

Special Constables

11. The “special constable” category was created during the Second World War. The designation referred to a person specially engaged and employed by the RCMP under the authority of the Governor in Council.
12. Subject to Part V of the *Civilian War-related Benefits Act*, disability pensions shall be awarded to, or in respect of, special constables who, during the war and as a direct result of the performance of their duties as special constables, suffered injury or disease or aggravation thereof resulting in disability or death.
13. This category was continued after the war. A peacetime special constable contributed to the RCMP Superannuation Account and, from a pension perspective, is treated in the same manner as a Regular Member. Thus, a peacetime special constable is eligible for benefits in accordance with the *Pension Act*.

Canadian Security and Intelligence Service (CSIS) Members

14. Members who became employed by CSIS and remained contributors under the *Royal Canadian Mounted Police Superannuation Act* have the same benefit entitlements to a disability pension.

Special Duty Service Claims

15. Special Duty Service includes service in both special duty areas (SDAs) and special duty operations (SDOs). Disability pensions may be awarded to or in respect of members/former members of the RCMP who become disabled or die, as a result of an injury or disease or aggravation thereof, incurred or attributable to special duty related service under section 32.1 of the *Royal Canadian Mounted Police Superannuation Act* and in accordance with subsection 21(1) of the *Pension Act*. Please see policy entitled Disability Benefits in Respect of Wartime and Special Duty Service – The Insurance Principle.
16. RCMP members/former members may be awarded pensions in respect of an SDA-related disability effective the date of entitlement. However, the effective date cannot predate June 11, 1998, per subsection 32.12(2) of the *Royal Canadian Mounted Police Superannuation Act*.
17. RCMP members/former members may be awarded pensions in respect of an SDO-related disability effective the date of entitlement. However, the effective date cannot predate September 11, 2001, per subsection 32.13(2) of the *Royal Canadian Mounted Police Superannuation Act*.

RCMP Regular Service Claims

18. Disability pensions for injury or disease, or aggravation of an injury or disease leading to disability or death related to service in the RCMP may be claimed under section 32 of the *Royal Canadian Mounted Police Superannuation Act* or section 5 of the *Royal Canadian Mounted Police Pension Continuation Act*. Such claims are to be adjudicated in accordance with subsection 21(2) of the *Pension Act*. Please see policy Disability Benefits in Respect of Peacetime Military Service – The Compensation Principle.

Consequential Claims

19. Consequential claims are to be adjudicated under subsection 32.2 of the *Royal Canadian Mounted Police Superannuation Act* in accordance with subsection 21(5) of the *Pension Act*. Please see policy entitled Consequential Disability.

Dual Service - RCMP and Canadian Armed Forces (CAF)

20. A person with both RCMP and CAF service may apply for a disability benefit for a disability related to either one or both types of service. A given disability could be totally related to one type of service, partially related to each type, or not related to either. Total assessment may not exceed 100%. Please see policy entitled Dual Entitlement - Disability Awards/Disability Pensions.

Dependants/Survivors

21. Members awarded disability pensions under the *Royal Canadian Mounted Police Superannuation Act,* per the *Pension Act,* may receive additional benefits on behalf of their eligible dependants.
22. Survivors of members covered by the *Royal Canadian Mounted Police Superannuation Act* may also be eligible for benefits per the *Pension Act*.
23. Dependants/survivors of members covered by the *Royal Canadian Mounted Police Pension Continuation Act* or survivors of serving members covered by the same act, who died of a service-related death, are not eligible for benefits in accordance with the *Pension Act.* However, benefits may be available through the RCMP under the *Royal Canadian Mounted Police Pension Continuation Act*.

Effective Dates

24. The effective date of a disability pension entitlement is in accordance with section 39 of the *Pension Act*. It is important to note that RCMP members were not eligible to receive disability pensions, while still serving, for disabilities related to:
    a. Special duty area service, prior to June 11, 1998,
    b. Regular service, prior to October 27, 2000.
    c. Special duty operations service, prior to September 11, 2001.
25. The effective date of a pension paid in respect of the death of a member/former member covered under the *Royal Canadian Mounted Police Superannuation Act* will be in accordance with section 56 of the *Pension Act*.

Special Awards

26. Special Awards (Exceptional Incapacity Allowance, Attendance Allowance and Clothing Allowance) are payable to those applicants who meet the criteria, whether a disability pension was awarded under the *Royal Canadian Mounted Police Pension Continuation* or *Superannuation Act*. Please see policy entitled Allowances.

Other Applicable Sections

27. Other sections of the *Pension Act*, including those regarding third party liability, 25 & 26; stabilization of assessment, 35(2.1); pulmonary tuberculosis, 35(3), and paired organs/limbs, 36, also apply to RCMP applicants.

Examination and Travel Costs

28. VAC administers treatment, treatment allowance, health-related travel and health care benefits for Civilian Members and "discharged" Regular Members.
29. Costs incurred for medical examination or testing for pension application or reassessment purposes, and resultant costs related to travel and living expenses for serving Regular Members, are the responsibility of the RCMP.

30. Where a serving Regular Member has incurred costs related to a disability entitlement due to previous Canadian Armed Forces service, VAC may cover these costs as they relate to disability from CAF service and not service in the RCMP.

References

Pension Act, sections 21, 25, 26, 35, 36, 39 and 106.2

Royal Canadian Mounted Police Superannuation Act, sections 3, 5 and 32

Royal Canadian Mounted Police Pension Continuation Act, section 5

Royal Canadian Mounted Police Act, sections 5 and 20

Civilian War-related Benefits Act, *Part V*

Allowances

Consequential Disability

Disability Benefits in Respect of Peacetime Military Service – The Compensation Principle

Disability Benefits in Respect of Wartime and Special Duty Service – The Insurance Principle

Dual Entitlement - Disability Awards/Disability Pensions