Veterans Affairs Canada | Anciens Combattants Canada

“Attributable to Service” Determinations for the Purposes of Statutory Priority Pursuant to the Public Service Employment Act

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Purpose

This policy provides direction on how Veterans Affairs Canada will determine whether the medical release of a Canadian Armed Forces member/Veteran is the result of a service-related injury or disease or a non service-related injury or disease that was aggravated by service for the purposes of statutory priority hiring under the *Public Service Employment Act*.

Policy

General

1. The *Public Service Employment Act* creates a statutory priority for Canadian Armed Forces personnel who are medically released from the Canadian Armed Forces when the reason for the medical release is “attributable to service".
2. The Public Service Commission is responsible for the administration of the *Public Service Employment Act* and for managing the priority lists. The Department of National Defence is responsible for submitting registrations to the Public Service Commission and activating the priority on the priority lists.
3. Veterans Affairs Canada is responsible for determining whether a Canadian Armed Forces member’s/Veteran’s medical release was “attributable to service”, and communicating that determination to a releasing Canadian Armed Forces member/Veteran applicant.

Medical Release that is "Attributable to Service" pursuant to the Public Service Employment Act

4. In order to be eligible for priority hiring under the *Public Service Employment Act*, the medical release of a Canadian Armed Forces member must be found to be “attributable to service” by the Minister of Veterans

Affairs.

5. For the purposes of the *Public Service Employment Act*, Veterans Affairs Canada will determine that a medical release is “attributable to service” when the medical release is the result of a service-related injury or disease or a non service-related injury or disease that was aggravated by service.
6. A service-related injury or disease means an injury or disease that:
    a. is attributable to or was incurred during special duty service; or
    b. arose out of or was directly connected with service in the Canadian Armed Forces.

    “Service-related injury disease” has the same definition as in subsection 2(1) of the *Veterans Well-being Act*.

Eligibility for an "Attributable to Service" Determination

7. To be eligible to receive an “attributable to service” determination from Veterans Affairs Canada for the purpose of statutory priority hiring pursuant to the *Public Service Employment Act* an individual must:
    a. be a Veteran who was medically released; or
    b. be in the process of being medically released from the Canadian Armed Forces.

Reviews

8. When a Canadian Armed Forces member or Veteran receives an unfavourable “attributable to service” determination for the purposes of statutory priority hiring under the *Public Service Employment Act*, the individual can request a review of that decision in writing to the Department of Veterans Affairs.
9. If, after the review, the Canadian Armed Forces member or Veteran receives a second unfavourable “attributable to service” determination, the member or Veteran may request a second and final review only with additional information which was not available during the initial determination and first review, and which could show that the medical release was “attributable to service".
10. No more than two reviews can be requested by a Canadian Armed Forces member or Veteran.

References

Public Service Employment Act

Pension Act

Veterans Well-being Act

Public Service Employment Regulations

Disability Benefits in Respect of Peacetime – The Compensation Principle

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

Disability Resulting from a Non Service-related Injury or Disease

Improper Conduct

Physical Training or Sport