

Veterans Review and Appeal Board

2011-12

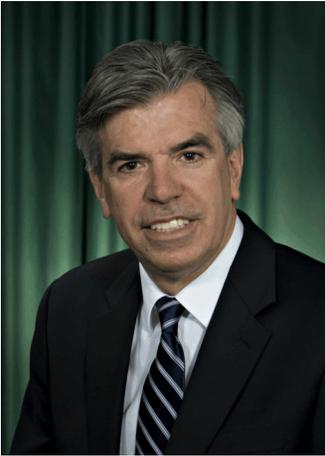
Report on Plans and Priorities

The Honourable Steven Blaney, P.C., M.P.
Minister of Veterans Affairs

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Chair's Message



I am pleased to present the 2011-2012 Report on Plans and Priorities for the Veterans Review and Appeal Board.

The Veterans Review and Appeal Board is an independent, quasi-judicial tribunal that fulfills an important role within Canada's disability benefits system for Veterans, Canadian Forces members, Royal Canadian Mounted Police members and their families. Throughout the year, in locations across the country, our members hear and make decisions on applications for review and appeal of disability decisions rendered by Veterans Affairs Canada. As Canadians, they carry out this work with a strong sense of the responsibility inherent in the Board's mandate to those who have served – and continue to serve – their country. As adjudicators, they are often faced with difficult human situations and complex issues in making decisions.

The role of our Board members is to determine whether the laws governing the disability benefits programs for Veterans and other applicants have been properly applied by Veterans Affairs Canada in individual cases. To accomplish this, they conduct hearings where they listen to applicants' testimony and/or arguments from representatives and consider new evidence; interpret and apply the legislation based on the evidence; and render written decisions with reasons for their rulings. In making these decisions, Board members are required by law to resolve any doubt in favour of applicants. While the Board is not able to rule favourably in all cases, it makes every effort to issue a fair and well-reasoned decision for each applicant.

As Chair of the Board, I recognize that applicants expect, and deserve, an effective appeal process. The Board is constantly working to make improvements to its program without sacrificing quality decision-making. We also support our members through on-going training, regular dialogue as a membership and access to expertise from staff in legal services and quality assurance roles.

For 2011-2012, the Board's activities will continue to be guided by the following priorities:

- To provide applicants with the opportunity to be heard at the earliest opportunity and to issue fair and timely decisions;
- To consider opportunities to further simplify our processes in order to improve service to applicants;
- To communicate more with applicants and Canadians; and
- To deliver an effective program by focussing on management, transparency and accountability.

2011-2012 Report on Plans and Priorities

In closing, I would like to invite you to read this first stand-alone Report on Plans and Priorities for the Board. In the past, the Board's information was presented to Parliament in a portfolio-wide report for Veterans Affairs. A recent change in our Program Activity Architecture requires us to report separately from Veterans Affairs Canada.

We look forward to meeting the challenges ahead as we continue to fulfill our mandate as an independent appeal tribunal for the benefit of applicants and all Canadians.

A handwritten signature in black ink, appearing to read "John D. Larlee". The signature is written in a cursive, flowing style.

John D. Larlee
Chair, Veterans Review and Appeal Board

Section I - Overview

Raison d'être

The Veterans Review and Appeal Board is an independent, quasi-judicial tribunal created in 1995 by the *Veterans Review and Appeal Board Act*. The Board provides an appeal process for service-related disability decisions made by Veterans Affairs Canada.

The *Pension Act* governing disability benefits for Canada's Veterans came into effect after the First World War in 1919. An appeal process, with several variations, has been in place since 1923 to address the concerns of dissatisfied applicants. From 1971, the final level of appeal has been in the hands of an agency independent from the Department of Veterans Affairs. Since 1995, the final two levels of appeal have been vested in the Board.

The Veterans Review and Appeal Board's objective is to ensure that Canada's traditional Veterans, Canadian Forces members and Veterans, Royal Canadian Mounted Police members, qualified civilians and their families receive the disability pensions, disability awards and other benefits to which they are entitled under the law.

Mandate

The Veterans Review and Appeal Board has full and exclusive jurisdiction to hear, determine and deal with all applications for review and appeal that may be made to the Board under the *Pension Act*, the *Canadian Forces Members and Veterans Re-establishment*

and Compensation Act - Part 3, the *War Veterans Allowance Act* and other Acts of Parliament. All matters related to appeals under this legislation are authorized under the *Veterans Review and Appeal Board Act*.

The Board also adjudicates disability pension applications under the authority of the *Royal Canadian Mounted Police Pension Continuation Act* and the *Royal Canadian Mounted Police Superannuation Act*.

Organization

The adjudicative role of the Board is carried out by a complement of members. As legislated by sections 4 and 6 of the *Veterans Review and Appeal Board Act*, not more than 29 permanent members may be appointed by the Governor in Council and, based on the Board's workload, any number of temporary members. The Board's offices are centralized in Charlottetown where all staff are located to support the adjudicative process. Approximately one-half of the members are located in Charlottetown and the remainder are located in major cities across Canada.

Responsibilities

The Veterans Review and Appeal Board provides applicants with two levels of redress for disability pension and disability award decisions and the final level of appeal for War Veterans Allowance applications.

The Board liberally construes and interprets the legislation to fulfill the obligation of the people and the

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Government of Canada to those who have served their country so well.

The Board can review Veterans Affairs Canada's decisions related to:

- Disability pensions or awards.
- Special awards, including Attendance Allowance, Exceptional Incapacity Allowance and Clothing Allowance.
- Dependent/survivor benefits.
- War Veterans Allowance appeals.

The first level of redress is the review hearing. It provides applicants the opportunity for an in-person hearing before two members of the Board.

The second level of redress is the appeal hearing where cases are heard by three members who were not involved in the review hearing.

The Board may affirm, vary or reverse decisions made by Veterans Affairs

Canada or refer decisions back to Veterans Affairs Canada for reconsideration.

The Board ensures benefits to Canadians in these ways:

- Gives applicants the right to have their decision reviewed by an independent tribunal.
- Conducts hearings where individuals may appear before the decision-makers, tell their story, and bring witnesses.
- Gives applicants the benefit of doubt in the weighing of evidence and is responsible to resolve any doubt in their favour.
- Is non-adversarial.
- Has no time limits.

The Board carries out its work with a strong sense of responsibility to those who protect Canadian values.

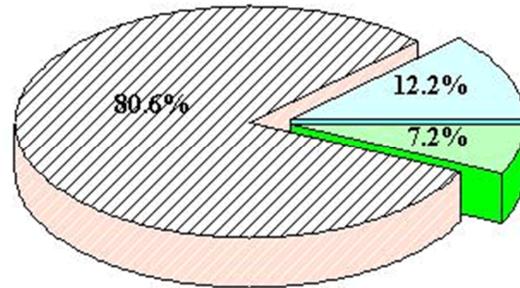
Hearing Locations

The Veterans Review and Appeal Board will continue to travel to approximately 30 locations to conduct review hearings and will also convene hearings in other locations where there is sufficient demand. The Board also provides videoconference hearings upon request. Appeal hearings are usually held in Charlottetown.



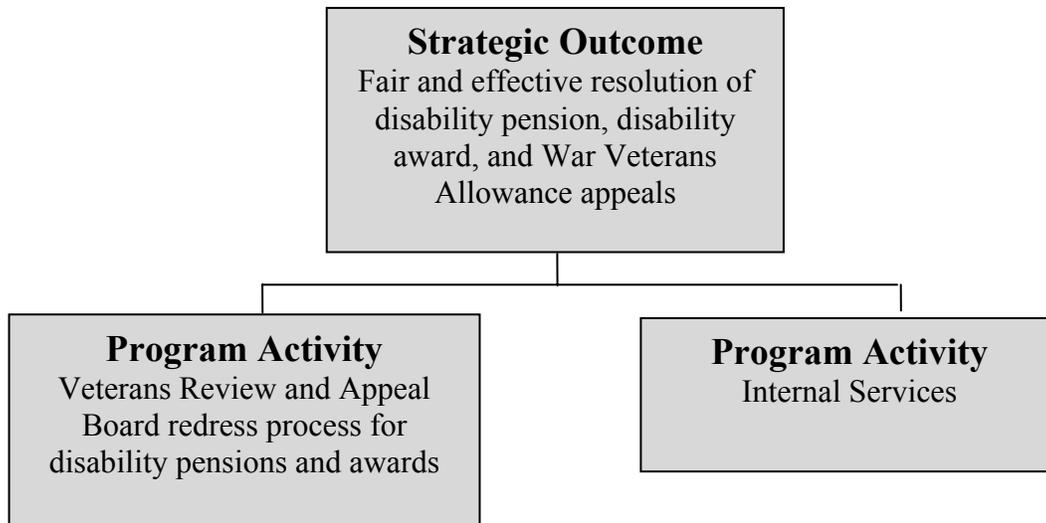
Applicant Profile in 2009-2010

- Second World War and Korean War Veterans - 12.2%
- Canadian Forces members and Veterans - 80.6%
- Royal Canadian Mounted Police (serving and former members) - 7.2%



Program Activity Architecture

The Veterans Review and Appeal Board's Program Activity Architecture (PAA), approved by Treasury Board in June 2010, is shown below. Based on the Board's legislated mandate, the PAA consists of one strategic outcome and two program activities that support the strategic outcome. The performance information presented in Section II is organized according to this structure.



Program Activity Architecture Crosswalk

The Veterans Review and Appeal Board's Program Activity Architecture (PAA) was modified for the 2011-12 fiscal year to create a separate PAA for the Board. Previously, the Board was included as a Program Activity within Veterans Affairs Canada's PAA although it always functioned as an independent agency and at arm's length from Veterans Affairs Canada. The funds in the Board's distinct Vote are now allocated directly to the Board through the creation of its own PAA.

Planning Summary

Financial Resources (\$ millions)

2011-2012	2012-2013	2013-2014
11.5	11.5	11.5

Human Resources (Full time Equivalents - FTE)

2011-2012	2012-2013	2013-2014
121	121	121

Strategic Outcome: Fair and effective resolution of disability pension, disability award, and War Veterans Allowance appeals

Performance Indicator		Target			
Percentage of client concerns that are effectively responded to		80 percent of complaints are responded to within 60 days			
Program Activity	Forecast Spending 2010-11	Planned Spending			Alignment to Government of Canada Outcomes
		2011-2012	2012-2013	2013-2014	
Veterans Review and Appeal Board redress process for disability pensions and awards	11.7	11.5	11.5	11.5	Income Security and Employment for Canadians

Internal Services

Internal Services to support the operations of the Veterans Review and Appeal Board are provided by Veterans Affairs Canada through its Vote 1 – Operating Expenditures.

Contribution of Priorities to Strategic Outcome

The Veterans Review and Appeal Board has three operational priorities and one management priority which link to the Board's strategic outcome. The operational priorities outline the planned actions to be taken to improve the delivery of the Board's program in order to achieve better results for Canadians. The management priority is focussed on improving internal practices and controls in order to strengthen overall performance. The following tables link the Board's operational and management priorities with its strategic outcome and program activities.

Operational Priority: Program delivery	Type Ongoing	Strategic Outcome Fair and effective resolution of disability pension, disability award, and War Veterans Allowance appeals
<p>Why is this a priority? It ensures applicants have an avenue of redress by an independent tribunal for disability compensation and War Veterans Allowance applications.</p> <p>Plans for meeting the priority</p> <ul style="list-style-type: none"> • Continue to provide maximum opportunities for applicants to have their applications heard at the earliest opportunity. • Focus on internal processes to meet post-hearing commitment to issue decisions within six weeks of hearing. 		
Operational Priority: Improved program delivery	Type Ongoing	Strategic Outcome Fair and effective resolution of disability pension, disability award, and War Veterans Allowance appeals
<p>Why is this a priority? Enhancing program delivery through innovation and the use of technology improves the process for applicants.</p> <p>Plans for meeting the priority</p> <ul style="list-style-type: none"> • Review processes to identify further opportunities to improve program delivery and access for applicants. • Continue to refine the annual schedule of review hearings in co-operation with organizations who represent applicants. • Provide professional development opportunities and enhanced training programs for members and employees. 		

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Operational Priority:	Type	Strategic Outcome
Communication	Ongoing	Fair and effective resolution of disability pension, disability award, and War Veterans Allowance appeals

Why is this a priority?

It ensures applicants and all Canadians have information on the Board's mandate, program, and redress process, while meeting the increasing information needs of applicants.

Plans for meeting the priority

- Continue to identify and pursue opportunities to communicate with internal and external audiences.
- Develop new tools (i.e. publications and Web site updates) to inform applicants and Canadians about the Board.

Management Priority:	Type	Strategic Outcome
Accountable management	Ongoing	Fair and effective resolution of disability pension, disability award, and War Veterans Allowance appeals

Why is this a priority?

To provide an effective program for applicants and their families by focussing on management, transparency and accountability.

Plans for meeting the priority

- Review and strengthen management practices and processes.
- Identify and respond to additional accountability and reporting requirements.

Risk Analysis

The Veterans Review and Appeal Board operates in an adjudicative environment where the volume of applications for hearings is difficult to predict. In 2009-10, the Board finalized 5688 decisions which was down in comparison to the previous year. Despite workload indicators such as the volume of Veterans Affairs Canada decisions, forecasting the workload remains challenging due to factors such as the operational tempo of the Canadian Forces.

There are continual pressures to shorten wait times for hearings. Although the Board continues to seek opportunities for efficiencies, they are becoming increasingly limited. The Board does not control the time applicants take to prepare their case. Legal arguments and medical interrelationships are increasingly complex and will continue to evolve.

The Board is also under more and more pressure to provide additional information on its program. The changes in applicant demographics and increasing expectations that have stimulated Veterans Affairs Canada to pursue a transformation agenda are also a reality for the Board. As well, the Board is responding to additional reporting to central agencies as a result of reporting as a separate agency.

Collectively, these circumstances present challenges in terms of planning, implementing new initiatives and assigning limited resources.

To identify and mitigate risks that may impact its program, the Board has in place key elements to ensure good governance, management and accountability. These include a strategic plan, a rigorous annual risk assessment, and quarterly business meetings that take into account operational priorities, human and financial resources, and performance measures.

Board members engage in ongoing professional development through training sessions, conferences, workshops and reference tools. The Board actively monitors its workload and continually refines its annual hearing schedule so that cases can be brought forward to a hearing at the earliest opportunity. Plans are in place to carry out a comprehensive review of the Board's processes to identify further opportunities to improve program delivery and access for applicants. Work is underway to enhance the content of the Web site to ensure more open communication about the Board's appeal process for applicants. The Board is also undertaking an in-depth authorities review to ensure it has all the policies and agreements in place to operate effectively and in accordance with central agency requirements.

Expenditure Profile

Veterans Review and Appeal Board Spending Trend

\$ millions	2011-2012	2012-2013	2013-2014
	Planned	Planned	Planned
Totals	11.5	11.5	11.5

Planned spending for the Veterans Review and Appeal Board is expected to remain constant over the three-year planning period. The 2011-12 Report on Plans and Priorities is the first stand-alone report for the Board. Spending for previous years has been reported as part of the Veterans Affairs Portfolio.

Estimates by vote

For information on the Board's organizational vote and/or statutory expenditures, please see the 2011-12 Main Estimates publication. An electronic version of the Main Estimates is available at <http://www.tbs-sct.gc.ca/est-pre/20112012/me-bpd/info/info-eng.asp>.

Section II - Analysis of Program Activities by Strategic Outcome

Strategic Outcome: Fair and effective resolution of disability pension, disability award, and War Veterans Allowance appeals.

Program Activity 1.1: Veterans Review and Appeal Board redress process for disability pensions and awards

Human Resources (FTEs) and Planned Spending (\$ millions)					
2011-2012		2012-2013		2013-2014	
FTE	Planned Spending	FTE	Planned Spending	FTE	Planned Spending
121	11.5	121	11.5	121	11.5
Program Activity Expected Results		Performance Indicator		Target	
Veterans and other clients receive a timely decision following their hearing		Percentage of decisions finalized within the published service standard		85 percent	

Planning Highlights

In order to achieve the expected result, the Veterans Review and Appeal Board plans to undertake the following activities:

- Continue to provide maximum opportunities for applicants to have their applications heard at the earliest opportunity.
- Focus on internal processes to meet post-hearing commitment to issue decisions within six weeks of hearing.
- Review processes to identify further opportunities to improve program delivery and access for applicants.
- Develop new tools such as publications and Web site updates to inform applicants and Canadians about the Board.
- Review and strengthen management practices and processes.

Benefits for Canadians

Provides Canada's traditional Veterans, Canadian Forces members and Veterans, Royal Canadian Mounted Police members, qualified civilians and their families with full opportunity to request review and appeal hearings to ensure a fair adjudicative process for disability pension, disability award, and War Veterans Allowance applications.

Program Activity 1.2: Internal Services

Internal services to support the operations of the Veterans Review and Appeal Board are provided by Veterans Affairs Canada through its Vote 1 - Operating Expenditures. This relationship has been in place since the Board was created in 1995 and continues to capitalize on the efficiencies presented by the Portfolio Department providing internal services to a very small Portfolio member. A Memorandum of Understanding dated 29 April 2009 between the Veterans Review and Appeal Board and Veterans Affairs Canada describes the internal services that are provided on an ongoing basis. These services are provided without charge to the Veterans Review and Appeal Board appropriations, with the exception of telecommunications, information technology hardware and certain program evaluation services. As part of this agreement, the Board's targets and reporting on the Departmental Sustainable Development Strategy are included in the Veterans Affairs Portfolio-wide report.

An electronic version of the report is available at <http://www.veterans.gc.ca/clients/sub.cfm?source=department/reports/sds2007>.

Planning Highlights

In order to achieve the expected result, the Veterans Review and Appeal Board plans to undertake the following activity:

- Work within the Memorandum of Understanding for Internal Services developed with Veterans Affairs Canada.

Benefits for Canadians

This arrangement capitalizes on the efficiencies presented by the Portfolio Department providing these internal services to a very small Portfolio member.

Section III – Supplementary Information

Financial Highlights

The future-oriented financial highlights presented within this Report on Plans and Priorities are intended to serve as a general overview of the Veterans Review and Appeal Board's financial position and operations. These financial highlights are prepared on an accrual basis to strengthen accountability and improve transparency and financial management.

Future-oriented financial statements can be found on the Board's Web site

<http://www.vrab-tacra.gc.ca/Plans-eng.cfm>.

Condensed Statement of Financial Position at March 31 (\$ millions)	% Change	Estimated Results 2010-11	Forecast 2011-12
Financial Assets	0%	0	0
Non-financial Assets	-21%	0.39	0.31
Total Assets	-21%	0.39	0.31
Liabilities	2%	1.25	1.27
Equity	-12%	(0.86)	(0.96)
Total	-21%	0.39	0.31

Condensed Statement of Operations at March 31 (\$ millions)	% Change	Estimated Results 2010-11	Forecast 2011-12
Expenses	2%	12.8	13.1
Revenue	0%	0	0
Net Cost of Operations	2%	12.8	13.1

The planned spending for the Veterans Review and Appeal Board as reported on a modified-cash basis for 2011-12 is \$11.5 million. This amount has been adjusted by estimated amounts for services provided without charge (i.e. accommodations, government payments to employee insurance plans, etc.) and amortization of capital assets to arrive at a future-oriented total expense of \$13.1 million for 2011-12. Including net adjustments, total expenses are expected to exceed planned spending by 13.9 percent.

Web Site

The following Web site provides more detailed information on material provided in this report. If further information is required, contact may be made through the general enquiries lines.

Veterans Review and Appeal Board
www.vrab-tacra.gc.ca

Contact Information

If you wish to make a general enquiry about the Veterans Review and Appeal Board, please call 1-800-450-8006 (Canada and the United States). All other locations, please call collect 0-902-566-8751.

Publications

The Board produces a variety of publications on its appeal process. Copies of these publications are available on our Web site.

For more information or if you have any questions, please contact:

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