Paul Ledwell; Deputy Minister Veterans Affairs Canada
paul.ledwell@veterans.gc.ca

April 28, 2025

Dear Mr. Ludwell,

Re: Submission of Research Paper – "Improving Assessment Consistency for Veterans"

I am writing to share with you a research paper titled *"Improving Assessment Consistency for Veterans,"* which examines the current assessment process within Veterans Affairs Canada and proposes practical, evidence-based solutions to enhance fairness, efficiency, and overall outcomes for our veterans.

Over the past year, my colleagues and I have reviewed hundreds of Veterans Review and Appeal Board (VRAB) assessment decisions. We found that more than 90% of reviewed assessments resulted in increased entitlements—highlighting a systemic issue in the accuracy of initial VAC assessments. This pattern not only contributes to increased operational costs and prolonged wait times, but it also undermines the confidence of veterans in the system meant to support them.

The enclosed paper outlines a set of recommendations aimed at addressing these challenges through a structured early resolution process, enhanced communication between veterans and assessors, better supervision, and continuous learning for assessment staff. Drawing from my prior experience establishing an Alternative Dispute Resolution (ADR) model in the BC government, I am confident that a similar approach within VAC could yield significant improvements in both efficiency and client satisfaction.

This proposal is grounded in data, firsthand experiences from veterans, and proven dispute resolution practices. I respectfully submit it for your consideration and would welcome the opportunity to further discuss these findings and recommendations with you or members of your team.

Thank you for your continued leadership in supporting Canada's veterans. I hope this paper contributes meaningfully to the Department's ongoing efforts to improve the veteran experience.

Sincerely,

Commander (ret'd) James P. Hutton r m c, CD, BSc, MSc, MBA

Director, Veterans with Cancer Inc.

cc.   Steven Harris, ADM, Service Delivery; steven.harris@veterans.gc.ca
       Chris McNeil, Chair, Veterans Review and Appeal Board; chris.mcneil@vrab-tacra.gc.ca
       Anthony Saez, Executive Director and Chief Pensions Advocate; anthony.saez@veterans.gc.ca
       Colonel (Ret'd) Nishika Jardine, Veterans Ombud; niska.jardine@ombudsman-veterans.gc.ca

Attachment: Research Paper: Improving Assessment Consistency for Veterans

Improving Assessment Consistency for Veterans

Executive Summary

April 28, 2025

This paper critically examines the assessment process used by Veterans Affairs Canada (VAC) to determine veterans' entitlement to benefits, with a particular focus on the second phase: the assessment of the impact of service-related conditions on a veteran's quality of life. While the current process is structured to be objective and guided by the Table of Disabilities, a significant number of veterans report that their entitlements are consistently under-assessed.
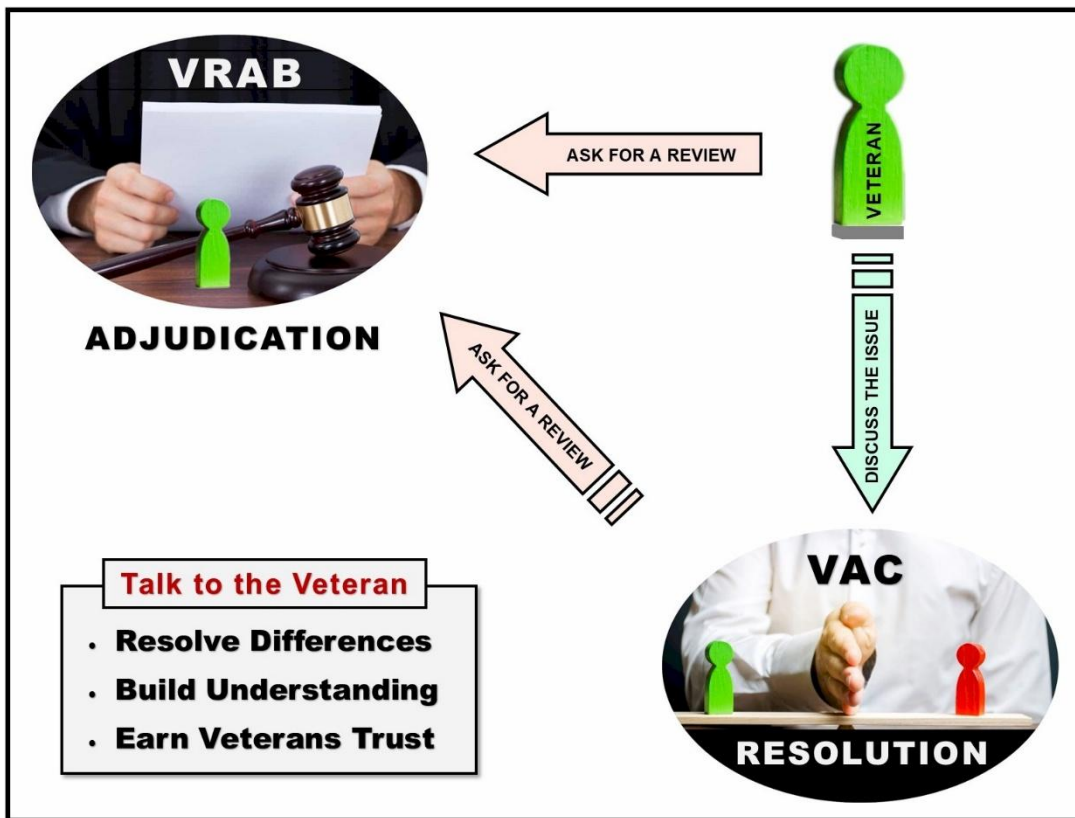
A comprehensive review of 696 Veterans Review and Appeal Board (VRAB) assessment decisions made between March 2024 and March 2025 revealed that 91.5% of VAC assessments were increased upon review. This alarming trend suggests a systemic issue with the accuracy and consistency of initial assessments. While these data represent only the cases that proceeded to VRAB, the exceptionally high rate of successful appeals signals a broader problem with the reliability of the assessment process.

The current mechanism for disputing an assessment, through formal VRAB reviews, is resource-intensive, adversarial in nature, and often results in wait times of up to a year. This not only burdens the system, including the Bureau of Pensions Advocates (BPA) and VRAB, but also causes undue stress and delay for veterans seeking fair recognition of their service-related injuries and conditions, who are already waiting far too long – Veterans Wait Times.

Drawing on both data analysis and personal experience, the paper identifies key weaknesses in the current system, including:

- The limited effectiveness of the Quality-of-Life (QOL) form, which restricts veterans' ability to fully describe the impact of their conditions.

- A lack of dialogue between assessors and veterans.

- Inadequate internal feedback mechanisms for assessors whose decisions are later overturned.

- The absence of a consistent oversight or verification process to catch obvious under-assessments.

Executive Summary (con't)

To address these issues, the paper proposes a four-part strategy to improve assessment consistency:

1. **Structured Interviews** with veterans to allow for better understanding of the veteran's lived experience.

2. **Enhanced supervision and verification** to catch errors and ensure quality control in assessments.

3. **A self-improvement framework** for assessors, using feedback from VRAB decisions to identify and correct patterns of error.

4. **A structured early resolution process**, modeled after successful Alternative Dispute Resolution (ADR) systems, to resolve disputes quickly and informally—reducing the number of cases proceeding to formal VRAB review.

If adopted, this strategy has the potential to significantly reduce processing delays, lower administrative costs, and most importantly, restore confidence in the fairness and accuracy of VAC's assessment process. The paper concludes with a call for VAC to pilot these reforms and task the newly established inter-agency committee to evaluate the systemic accuracy of entitlement decisions across the board.

Improving Assessment Consistency for Veterans

Prologue

Veterans Affairs Canada (VAC) follows a two-step process to determine benefit entitlement. The first phase assesses whether a veteran's condition is service-related and assigns an entitlement level. The second phase—the assessment stage—determines the severity of the condition and its impact on quality of life.

This paper focuses on flaws in the assessment stage and presents four(4) simple solutions to address these shortcomings and improve the fairness, efficiency, and accuracy of VAC assessment decisions.

The Problem

VAC uses a standardized assessment model based on the Table of Disabilities and a quality-of-life questionnaire to determine entitlement. Although the system is designed to be objective, veterans often feel their entitlements are undervalued, leading many to pursue a formal review with the Veterans Review and Appeal Board (VRAB).

Evidence of Growing Discontent

Over the past year, we have had several veterans describe what they believed was an inaccurate assessment of their entitlement. Dissatisfaction appears to be increasing, as evidenced by comments in various Facebook veterans' groups:

- *"I have appealed every one of my decisions and was granted an increase on every one of my awards and won."*

- *"I went from a VAC assessment PTSD of 39%. Clearly under-assessed. After I appealed I was awarded the true value, 77%."*

- *"The table clearly showed a 15% increase, my psychologist who filled it out even agreed. And VAC gave me a 5% increase. So I appealed, and bam, I got bumped up to 15%. "*

My own experience reinforced this issue: I received a 10% assessment despite my own review showing that a 39% entitlement was appropriate based on the Table of Disabilities.

Research Results

From March 2, 2024, to March 1, 2025, VRAB reviewed 696 VAC assessment decisions—roughly 30% of all assessments during this period. The results were troubling:

- **637 cases (91.5%)** resulted in an increased entitlement;
- **44 cases (6.3%)** remained unchanged;
- **15 cases (2.2%)** were referred back to VAC for reassessment.

These figures indicate a serious issue in assessment accuracy and undermine trust in VAC's processes. Though we lack data on satisfied veterans who didn't appeal, the high reversal rate raises legitimate concerns.

Notably, these assessment-related cases represented **25.9%** of VRAB's English-language caseload during the same period (2,690 reviews/appeals), highlighting the system-wide impact of inconsistent assessments.

> *"The Assessment Process is truly objective and as such, should produce consistent, repeatable outcomes—ten assessors, ten identical results. Yet VAC Disability Adjudicators' decisions are overturned 91.5% of the time when challenged. This isn't a statistical anomaly; it's a systemic failure demanding urgent reform."*   *...Master Warrant Officer (ret'd) Donald MacPhail*

Background

After retiring from military service in 1997, I completed a program in Conflict Resolution at the Justice Institute of British Columbia. Later, I served as General Manager of a provincial tribunal tasked with resolving union-management, job competition, disputes. Implementing an ADR program in that role led to **68%** of disputes being resolved informally, saving time and costs.

This experience informs my recommendation: VAC can benefit from a similar ADR-based approach to resolving assessment disputes—resolving many before reaching VRAB.

Addressing the Problem: *A Four-Pillar Strategy*

To reduce assessment discrepancies and improve trust in the system, VAC should implement the following four measures:

1. Veteran-Assessor Dialogue

The current Quality-of-Life form, with only seven yes/no questions and limited space for elaboration, fails to capture the full impact of a veteran's condition. Supplementing it with a structured interview would allow for more nuanced understanding and accurate assessments.

2. Improved Supervision and Verification

A major difference between a VAC Disability Adjudicator and a VRAB Panel is that Panel members have an opportunity to discuss the assessment and reach a consensus, whereas the VAC Disability Adjudicator is the sole decision-maker. To mitigate this difference, assessments should be reviewed and verified by a third party. An experienced supervisor should be assigned to review all assessments before finalization. Many inaccuracies would be caught if assessments were verified by someone familiar with the Table of Disabilities and assessment patterns.

3. Assessor Feedback and Learning

Currently, assessors receive no formal feedback on assessments overturned by VRAB. Implementing a self-improvement mechanism tied to performance evaluations would reduce recurring errors and raise standards system-wide.

4. An Informal Facilitated Dispute Resolution

Introducing a non-adversarial process where veterans can discuss concerns directly with assessors—guided by trained facilitators—would resolve many cases quickly. A simple 20–30-minute conversation could avoid escalation and the need for a formal VRAB review.

Benefits of Reform

1. *Cost Savings:* Reducing the number of VRAB reviews would significantly lower costs for both VAC and the Bureau of Pensions Advocates (BPA), which currently provides legal representation in most appeals. The savings are huge—Assessment Reviews made up 25.9% of VRAB's Hearings.

2. *Shorter Wait Times:* With most cases resolved informally, veterans could avoid the 8–12 month delay associated with formal reviews—freeing up capacity for others in the system.

Recommendations

To improve assessment accuracy and fairness, we recommend VAC adopt the following:

1. Implement direct communication between veterans and assessors.

2. Introduce supervision and verification mechanisms.

3. Launch an assessor performance feedback and learning system.

4. Establish a VAC early resolution process with facilitated discussions with veterans and their assessor.

Conclusion

The high reversal rate of assessments at the VRAB level underscores a critical need for reform. The current process contributes to delays, rising costs, and erosion of veteran trust.

By improving communication, accountability, and informal resolution options, VAC can significantly enhance the assessment process. These changes would not only benefit veterans but also increase system efficiency and reduce the burden on VRAB and BPA. Ultimately, fair and accurate assessments are not only a matter of administrative efficiency—they're a moral obligation to those who have served.

Epilogue – Evidence of a Much Larger Problem

Case #1 During the study period there were 2690 VRAB English-Language decisions. Our analysis of the 696 assessments decisions, revealed that only 6.3% of VAC decisions were accurate, prompting a crucial question: What about the remaining 1,994 VRAB entitlement decisions? Were 91.5% of these VAC decisions also overturned?

To gain further insight, we reviewed VRAB decisions from December 2024. The results were deeply concerning: 78.8% were granted entitlement, while a mere 13.5% of VAC decisions were upheld. Although marginally better than the assessment-related figures, this still exposes a far-reaching issue—the systemic inaccuracy of VAC decision-making.

Case #2 On March 7th, the Minister informed us that VAC was now recognizing precedent, i.e., same trade —same exposure —same cancer —same outcome. There have been five successful claims for prostate cancer linked to exposure to carbon tetrachloride, including one involving a Radar Technician (Decision #100005546969). Yet, on April 1st, 2025, another Radar Tech (File #7516776) with terminal prostate cancer, due to carbon tetrachloride exposure, was denied benefits. Most troubling are the statements in the denial letter:

"We acknowledge your claim that exposure to Carbon Tetrachloride during your military caused your condition. We have no medical evidence to support your claim." "We have no other evidence to relate your condition to your military service."

These statements reveal a fundamental failure. The Disability Adjudicator either was unaware of the Minister's new policy and/or failed to consider existing precedent-setting decisions involving prostate cancer, which involved five successful claims, one of which did not require VRAB intervention. This raises a profound concern: how can a policy of recognizing precedent be enforced if adjudicators remain siloed and uninformed?

Given these findings, the first priority for the newly established inter-agency committee should be clear: commission a comprehensive, independent review into the training and performance of VAC Disability Adjudicators. The accuracy of these decisions is not a technicality—it is a matter of justice and dignity for the veterans who served this country.

Attachments:

    Annex A; Extracting Verifiable Data from the CanLII Database
    Annex B; Verification of Search Results - Assessments Resulting in An Increase
    Annex C; Verification of Search Results - Assessments Resulting in No Increase

Extracting Verifiable Data from the CanLII Database

The CanLII Database serves as a valuable resource for veterans seeking to review past decisions of the Veterans Review and Appeal Board (VRAB). However, its search functionality is somewhat limited, making it challenging to precisely extract specific data due to its restricted search fields. Currently, the search tool only allows keyword searches within decision texts, which can result in misleading results. This occurs because each decision includes statements from both VRAB panel members and the veteran's advocate, meaning that a search for decisions where an assessment was increased might return cases where an advocate argued for an increase but was unsuccessful, as well as cases where the panel actually approved an increase.

Refining the Search for Accuracy

To ensure accurate search results, a systematic approach involving an increasing number of specific keywords is required. Our objective is to refine the search parameters while maintaining comprehensive coverage. The first step is to narrow the dataset by selecting a specific time frame. We confined our search to records produced between **March 2, 2024, and March 1, 2025**. A general search within this period, without using keywords, yielded **3165 decisions.**

Filtering for Language

Since some decisions are in French, we aimed to limit our search to English-language decisions. To achieve this, we applied the keyword **"Veterans Review and Appeal Board"**, which reduced the results to **2,690 decisions**. To confirm accuracy, we conducted a complementary search using the French equivalent **"Tribunal des anciens combattants (révision et appel)"**, which returned **475 decisions**. This verification confirmed the completeness of our dataset (2,660 English + 475 French = 3,135 total decisions).

Isolating Assessment Reviews

VRAB considers two main types of cases: **Assessment Reviews** and **Entitlement Reviews**. Our interest lies solely in Assessment Reviews, excluding both **Assessment Appeals**, **Entitlement Reviews, and Entitlement Appeals**. Additionally, we sought to capture all Assessment Reviews handled through **Early Resolution Hearings**. To achieve this, we refined our search using the following criteria:

"Veterans Review and Appeal Board"
NOT "Tribunal des anciens combattants (révision et appel)"
Assessment OR Reassessment OR "Assessment Review" OR "Early Resolution Hearing"
NOT "Assessment Appeal"
NOT "Entitlement Review"
NOT "Entitlement Appeal"

This refined search resulted in **727 decisions**, providing a strong level of certainty that our dataset accurately includes all VRAB-reviewed **VAC assessment decisions** during this period while excluding entitlement-related cases and appeals. However, for absolute accuracy, each decision must be manually reviewed.

Identifying Cases Where Assessments Were Increased

To determine how many of the **727 assessment decisions** resulted in an increased assessment by VRAB, we added the keywords **"increase"** while excluding cases containing **"no increase"**:

"Veterans Review and Appeal Board"
NOT "Tribunal des anciens combattants (révision et appel)"
Assessment OR Reassessment OR "Assessment Review" OR "Early Resolution Hearing"
NOT "Assessment Appeal"
NOT "Entitlement Review"
NOT "Entitlement Appeal"
Increase NOT "no increase"

This search yielded **627 decisions** where VRAB increased VAC's assessment.

Validating the Results

To ensure the accuracy of this result, we separately searched for cases where **no increase** was granted, using the following criteria:

"Veterans Review and Appeal Board"
NOT "Tribunal des anciens combattants (révision et appel)"
Assessment OR Reassessment OR "Assessment Review" OR "Early Resolution Hearing"
NOT "Assessment Appeal"
NOT "Entitlement Review"
NOT "Entitlement Appeal"
"no increase"

This returned **100 records,** which is what was expected (727 total decisions - 627 increased decisions = 100 no-increase decisions).

Next Steps: Manual Verification

Given the limitations of keyword searching in decision texts, a manual review of each of **727 decisions** is required to confirm that they exclusively involve VAC assessment decisions and ensure our dataset's complete accuracy. The results of this manual review are shown in Annexes B and C.

Search Results	Increased	Not Increased	Referred	Entitlement
Assessments Increased	570	12	14	31
Assessments Not Increased	67	32	1	0
Total	**637**	**44**	**15**	**31**

Table 1; Summary of Results of the Manual Review of the 727 Assessment Decisions

The results are shown above in Table 1 and indicate that 31 were not actually Assessments but rather Entitlements which are not included in this study. This leaves a total of 696 Assessments that were reviewed by VRAB. Of these VRAB increased the assessment of 637(91.5%), did not increase the assessment for 44(6.3%), and referred 15(2.2%) back to VAC.