

CRITICAL INJURY BENEFIT

- Our Government is fully committed to the health and well-being of Canadian Armed Forces members, Veterans and their families; this includes mental health.
- Our Government places the highest priority on ensuring members, Veterans and their families have the support and services they need, when and where they need it.
- The Critical Injury Benefit provides a tax-free lump-sum of \$87,992.30 (2024 rate) to members and Veterans to recognize the immediate impact of the most severe and traumatic physical and mental health service-related injuries or diseases, regardless of whether they resulted in a permanent disability.
- Following a recent review, the Critical Injury Benefit policy has been updated to clarify the language that describes benefit eligibility, paying particular attention to descriptions of psychological injuries and Military Sexual Trauma.

When Pressed:

Q1 – Is the Critical Injury Benefit available for mental health conditions?

Yes, members and Veterans with mental health conditions have been eligible to receive the Critical Injury Benefit since the benefit was created on July 1, 2015. The eligibility criteria in subsection 44.1(1) of the *Veterans Well-being Act* is general and includes both mental health and physical acute disease and traumatic injuries.

Q2 – Is the Critical Injury Benefit available in cases of military sexual trauma?

Yes, the Critical Injury Benefit is available to members and Veterans who have suffered a traumatic injury or acute disease as a result of military sexual trauma so long as they meet the benefit's eligibility criteria.

Q3 – What is the criteria to be awarded CIB?

To be eligible for the Critical Injury Benefit (as set out in section 44.1 of the *Veterans Well-being Act*), a member or Veteran must have sustained one or more severe and traumatic injuries, or developed an acute disease, and the injury or disease must have:

- been service-related.
- been the result of a sudden and single incident that occurred after March 31, 2006; and
- immediately caused a severe impairment and severe interference in their quality of life.

Q4 – What is a traumatic injury or an acute disease?

These definitions can be found in the updated Critical Injury Benefit policy.

A traumatic injury means:

- a) the physical damage that happens when a human body is hit by unbearable levels of physical energy. This includes injuries such as bone fractures and soft tissue lacerations, damage to internal organs, thermal burns, head injuries, etc.; or
- b) a mental health or psychological injury as a response to a psychologically traumatic event. This could include cognitive challenges or issues with one's emotions or behaviour (e.g., Psychosis, acute dissociative state, acute suicidality, or homicidal intent).

An acute disease means the early stage of a disorder which affects human structure or function that is primarily caused by something other than traumatic injury, such as an infection or toxic exposure.

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Q5 – What is required for a traumatic injury or an acute disease to immediately cause a severe impairment and severe interference in quality of life?

The *Veterans Well-being Regulations* sets out what qualifies as immediately causing a severe impairment and severe interference in quality of life. Some of the items in the list are very specific and some require analysis and interpretation based upon the facts of each case. A member or Veteran must have immediately:

- i) Sustained an amputation at or above the wrist or ankle
- ii) Sustained legal blindness in both eyes — meaning that their best corrected visual acuity is less than or equal to 6/60 or they have less than 20 degrees of visual field remaining — for a minimum of 84 consecutive days;
- iii) Sustained quadriplegia, paraplegia, hemiplegia or complete paralysis of a limb for a minimum of 84 consecutive days;
- iv) Sustained total loss of urinary or bowel function for a minimum of 84 consecutive days;
- v) Required the assistance of at least one person to perform at least three activities of daily living for a minimum of 112 consecutive days;
- vi) Have been admitted to an intensive care unit for a minimum of five consecutive days;
- vii) Have been admitted to a hospital for acute or rehabilitative inpatient care for a minimum of 84 consecutive days; or
- viii) Have been admitted to a hospital for acute or rehabilitative inpatient care for less than 84 consecutive days during which the member or the veteran received complex treatments.

Q6 – What is required for something to be found to be a sudden and single incident?

The *Veterans Well-being Regulations* defines a sudden and single incident at section 48.4 as a one-time event — including motor vehicle accidents, falls, explosions, gunshot wounds, electrocution, and exposure to chemical agents — in which the member is abruptly exposed to external factors

Q7 – Is sexual assault considered a sudden and single incident for the purpose of the Critical Injury Benefit?

Although not specifically listed in the *Veterans Well-being Regulations*, if a sexual assault meets the definition of a sudden and single incident, “a one-time event in which the member is abruptly exposed to external factors” then it could be considered for the Critical Injury Benefit. The examples listed in the *Regulations* is not meant to be an exhaustive list.

Q8 - Why would VAC not approve someone for the Critical Injury Benefit that was applying as a result of a sexual assault or Military Sexual Trauma?

When reviewing an application for the Critical Injury Benefit, it is not only the nature of the service-related sudden and single incident that determines who qualifies. To receive the benefit, there must have been an immediate and severe impairment and interference in their quality of life that occurred as a result of the incident.

It is possible that two people could experience a similar incident but that it impacts them differently so that one individual might receive the Critical Injury Benefit whereas the other may not. The benefit is not awarded for the incident alone but rather for the immediate and severe impacts the incident has on an individual.

The Critical Injury Benefit is designed to address a very specific need and is one of a range of benefits and services provided by VAC to support ill and injured Veterans.

BACKGROUND

The Critical Injury Benefit (CIB) came into force on July 1, 2015. It is a tax-free lump sum amount of \$87,992.30 (2024 rates)) payable to members or Veterans that have sustained a severe and traumatic injury or developed an acute disease that is:

- Service-related,
- The result of a sudden single incident (after March 31, 2006), and
- Immediately caused a severe impairment and severe interference in their quality of life.

The program was designed to compensate only the most seriously injured members and Veterans for the immediate consequences of their severe and traumatic injuries – both physical and mental. It is very restrictive and designed to not duplicate the purpose of the Pain and Suffering Compensation which is to compensate for permanent disabilities (chronic conditions, e.g. hearing loss and PTSD).

There has been stakeholder criticism against the CIB as some believe that it is not available to members and Veterans with mental health injuries as the Regulatory criteria for a traumatic injury or an acute disease includes specific physical injuries such as amputations but no specific mental health injuries.

On October 27, 2022, the Entitlement Review Panel of the Veterans Review and Appeal Board reversed a Departmental decision and granted CIB entitlement to an applicant for their psychological injury. This decision highlighted the need for additional clarity with respect to how Parliament intended the CIB provisions to be applied (when the benefit was approved and funded) in situations where a mental health injury or illness is the primary cause of a severe impairment (chronic illness vs acute illness).

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	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
Recipients	9	11	18	14	13	13
Expenditures (in \$ millions)	\$0.7	\$0.8	\$1.4	\$1.08	\$1.03	\$1.1

Additional information

The following Order Paper Question appeared on the Notice Paper September 21, 2023. VAC's response was tabled on November 6, 2023.

Q-1739 — September 20, 2023 — Mrs. Wagantall (Yorkton—Melville) — With regard to Veterans Affairs Canada (VAC) and the Critical Injury Benefit (CIB): (a) how many times and to how many individuals has the CIB been granted; (b) what is the breakdown of (a) by type of injury; (c) how many times has the CIB been granted solely for post-traumatic stress disorder or other mental health conditions; (d) are file numbers attached to each instance where the CIB has been granted for mental health conditions, and, if not, why not; (e) on what date did veterans with mental health conditions become eligible to apply for the CIB; (f) what is the web address for the CIB application that is available for the public to download; (g) where is the CIB application available on the My VAC Account portal for veterans; (h) does VAC plan to update the CIB application form for veterans applying solely for injuries to mental health, and, if so, when will such changes be implemented; and (i) are the Veterans Review and Appeal Board decisions related to the CIB available for the public to review, and, if so, how does the public access them?

Response:

(a) how many times and to how many individuals has the CIB been granted

As of March 31, 2024, the Critical Injury Benefit (CIB) has been granted to 243 individuals. This is since July 1, 2015.

(b) what is the breakdown of (a) by type of injury

Reason	Decisions
Sustained an amputation at or above the wrist or ankle	31
Sustained legal blindness in both eyes — meaning that their best corrected visual acuity is less than or equal to 6/60 or they have less than 20 degrees of visual field remaining — for a minimum of 84 consecutive days	0
Sustained quadriplegia, paraplegia, hemiplegia or complete paralysis of a limb for a minimum of 84 consecutive days	8
Sustained total loss of urinary or bowel function for a minimum of 84 consecutive days	1
Required the assistance of at least one person to perform at least three activities of daily living for a minimum of 112 consecutive days	21
Have been admitted to an intensive care unit for a minimum of five consecutive days	67
Have been admitted to a hospital for acute or rehabilitative inpatient care for a minimum of 84 consecutive days	6
Have been admitted to a hospital for acute or rehabilitative inpatient care for less than 84 consecutive days during which the member or the veteran received complex treatments	116
Mental Health	2
*The rows do not add to the total (243 individuals), as a decision may have more than one	

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type of injury.

(c) how many times has the CIB been granted solely for post-traumatic stress disorder or other mental health conditions

Two times. The exact condition is not specified in the data.

(d) are file numbers attached to each instance where the CIB has been granted for mental health conditions, and, if not, why not

A Veteran's file number is attached to their Critical Injury Benefit decision, therefore the Veteran's file number is attached to a CIB decision for mental health conditions.

(e) on what date did veterans with mental health conditions become eligible to apply for the CIB

Members and Veterans with mental health conditions have been eligible to apply for the Critical Injury Benefit since the benefit was created on July 1, 2015. The eligibility criteria for the benefit is not restricted to physical conditions only, as per sub-section 44.1(1) of the Veterans Well-being Act which uses general language to capture both physical and mental health injuries or diseases. Subsection 44.1(1) states that, "The Critical Injury Benefit is payable to a member or Veteran who establishes that they sustained one or more severe and traumatic injuries, or developed an acute disease, and that the injury or disease, a) was a service-related injury or disease; b) was the result of a sudden and single incident that occurred after March 31, 2006; and c) immediately caused a severe impairment and severe interference in their quality of life."

In addition, traumatic injury is defined as follows in the Critical Injury Benefit policy: (<https://www.veterans.gc.ca/eng/about-vac/legislation-policies/policies/document/2231>) and includes a specific reference to mental health conditions. "Traumatic injury means: a) the physical damage that occurs when a human body is subjected to intolerable levels of physical energy (e.g. bone fractures and soft tissue lacerations, damage to internal organs, thermal burns, head injury); or b) disordered emotions or behavior that occurs when a human being is subjected to intolerable levels of stress (e.g. psychosis)".

(f) what is the web address for the CIB application that is available for the public to download

[Application for Critical Injury Benefit \(VAC 1033e\) - Forms - Veterans Affairs Canada](#)

<https://www.veterans.gc.ca/eng/forms/document/vac1033>

(g) where is the CIB application available on the My VAC Account portal for veterans;

The Critical Injury Benefit application can be found on the My VAC Account portal by Veterans by selecting:

"Applications and Forms" -> "Find a Form" -> Searching for "Application for Critical Injury Benefit (VAC1033)".

Furthermore, the Critical Injury Benefit form can be found listed on the 'What can I apply for?' page. To access the form, navigate to the 'Explore by service type' category and choose the

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'Canadian Armed Forces (CAF)' dropdown. It can also be located in the 'After an illness or injury' section under the 'Explore by benefit type' header on the same page.

h) does VAC plan to update the CIB application form for veterans applying solely for injuries to mental health, and, if so, when will such changes be implemented?

There are no changes currently planned for the application form. The CIB application form is not condition-specific. The application form requires the date of the incident and the following details related to the incident:

- location where it happened,
- link to service,
- immediate treatment received
- the resulting service-related severe and traumatic injury or acute disease.

This last section “the resulting service-related severe and traumatic injury or acute disease” is where information regarding a condition, including a mental health condition, could be identified.

i) are the Veterans Review and Appeal Board decisions related to the CIB available for the public to review, and, if so, how does the public access them?

The Veterans Review and Appeal Board publishes the majority of review and appeal decisions on the [Canadian Legal Information Institute website](#). This includes decisions related to all programs that come to the Veterans Review and Appeal Board, including disability pensions and allowances, pain and suffering compensation, additional pain and suffering compensation and the critical injury benefit.