

“Our Freedom’s Worth is Only As Much As We Are All Willing To Pay”

Mark Collie Country singer.

This effort is dedicated to the memory of Brian Dyck, First Gulf War Veteran and Ottawa City Police Service Officer, whose own effort to speak out about injustice in his last days left me the motivation to carry the torch and continue the fight. A true hero. God Speed Brian.

**Eric Rebiere (Former Cst. RCMP 37515)
Charter Member Canadian Veterans Advocacy**

**SUMMERY OF COMPLAINT BY THE CANADIAN
VETERANS ADVOCACY TO THE OFFICE OF THE
VETERANS OMBUDSMAN**

**BY ERIC REBIERE (FORMER CST. RCMP 37515)
CHARTER MEMBER CANADIAN VETERANS ADVOCACY**

This is a message to all injured Veterans from the Canadian Military and the RCMP who have not gone to the Federal Courts for a Judicial Review but feel they have been unfairly denied a legitimate injury claim. These 81 granted Judicial Reviews from 1997 to 2011 are just the tip of the iceberg .

This is your opportunity to make a comparison to see if your denied claim was unfairly dealt with. You must be the judge of that conclusion.

Three issues that I have identified you need to be mindful of.

One involves the VRAB not using Section 38(1) of the VRAB Act which states

Medical opinion

38. (1) The Board may obtain independent medical advice for the purposes of any proceeding under this Act and may require an applicant or appellant to undergo any medical examination that the Board may direct..

If they did not use this section and disregarded medical evidence without providing qualified medical reasons and particularly not using Section 38(1) early in the appeal process there is an issue especially if they dismissed qualified medical evidence without reasons. Stating the Board feels that a medical report from a qualified doctor lacks credibility does not constitute a reason.

It is in the VRAB legislation that the VRAB have the power to do this and why not use this section early in the game preventing unnecessary future appeals if it can satisfy a medically related issue submitted by the injured Veteran again preventing unnecessary future appeals.

The second and third issues involves Section 7 of the VRAB Regulations which state;

DECISIONS

7. Every decision of the Board shall

(a) state the issue on review, reconsideration or appeal, or the question of interpretation;

(b) state the reasons for the decision;

(c) state the names of the members who took part in the decision;

(d) include the signature of at least one of the members who took part in the decision;

If the VRAB denies your injury claim and disregards qualified medical evidence from qualified medical doctors without stating qualified medical reasons why this medical evidence was refused is contrary to Section 7(b) of the VRAB Regulations and is an issue. A number of Federal Court decisions

with respect to Judicial Reviews state that the VRAB must state their reasons for dismissing evidence.

If their were Board members on a Review or an appeal panel that did not list their name on a decision they were involved with this is contrary to Section 7(c) where all board members involved must state their names on the decision.

The third issue is to check to make sure a board member that sat on your VRAB Review panel has not sat on your VRAB Appeal panel because this is contrary to Section 27(2) of the VRAB Act which states;

**Prohibition
Appeal panel**

27. (1) An appeal shall be heard, determined and dealt with by an appeal panel consisting of not fewer than three members designated by the Chairperson.

(2) A member of a review panel may not sit on an appeal panel that has been established to hear an appeal of a decision made by that review panel.

You must look at all your VRAB decisions starting with who sat on the review panel and cross reference the names of the VRAB Board members that have been on your appeal panels. If this is the case and a Board member sat on both who should not have, you have an issue.

There is one case mentioned in this complaint to the Veterans Ombudsman's Office where this allegedly took place i.e. not only did a VRAB panel member not put their name on the decision but sat on both review and appeal panels of the same injured veteran. This is alleged and is of course subject to confirmation by the Office of the Veterans Ombudsman's office.

In regards to the other issues mentioned go over them, then go over your denied VRAB decisions starting at day one and see if any of them apply to you.

To go over the decisions mentioned go to the Federal Court web site at

http://cas-ncr-nter03.cas-satj.gc.ca/portal/page/portal/fc_cf_en/Index

If the link does not work just google Federal Courts.

Choose “Decisions” and once they enter Veterans Review and Appeal Board into the box stating “**containing these words**”. Make sure the box Federal Court is checked. You will have 215 Federal court decision of which the 81 decisions I found were located.

Now press down on the Control key and then the F key and a search box will come up.

Cut and paste the surname listed in the case you are searching in the search box. The search function will go to the case name and pay attention to the year because some vets have been to the Federal Courts for Judicial Review more than once.

Click on the case name and the Judicial Review will come up. The first part states what the applicant is claiming then the following are the applicant and respondent arguments.

You can go over this but most importantly go to the end of the Federal Court decision and read the **analysis and conclusion of the Judge** which will end in the judgment stating the VRAB decision is set aside or quashed and will be sent back to the VRAB for Reconsideration. The judge will state and is the case in all these 81 Judicial Reviews that the VRAB are to convene a new board constituted with **new members** of the Board. This is a Judges order which the VRAB has to comply with and is one of the issues.

If you have identified issues from the decisions of the Federal Court Judges that apply to your Review Hearing and subsequent denied Appeal by the VRAB you can make an online complaint to the Office of the Veterans Ombudsman. If you feel you have been wronged by the VRAB which is a determination you must make, make the complaint.

Now that we have these 81 Judicial Review to work with **it is important in this next phase to reach out to all injured Vets who have been denied legitimate claims by the VRAB and submit a complaint to the Veterans Ombudsman.**

This is more ammunition for the Ombudsman’s office which will provide them the bigger picture of how the VRAB have dealt with thousands of denied claims and provide statistics of the inconsistencies of the how the VRAB adjudicate injured Veterans Claims. All you need to do is google the office of the Veterans Ombudsman and follow the instructions on how to submit a complaint..

Most importantly for those injured vets that are bilingual reach out to our French Canadian injured Vets and let them know about this. The Decisions on the Federal Court site are also in French. We can not forget our French Canadian injured Vets so if anyone out there can help with this. There are two cases involving spouses of deceased injured vets one who had to spend money on a Judicial Review two times. If you know surviving spouses of deceased injured vets who feel they have been wronged by the VRAB let them know as well.

I apologize to our French Canadian injured vets for not being able to have this transcribed in French. I have brought up the issue with Mike Blais the President of the Canadian Veterans Advocacy in regards to doing this.

Remember the motto;

ITS TIME TO PUSH BACK !

Eric Rebiere (Former Cst. RCMP 37515)

Charter Member Canadian Veterans Advocacy

ISSUE 1)

The Veterans Review and Appeal Board disregarded evidence and formed contrary Opinion not based on the evidence in the record.

[King v. Canada \(Veterans Review and Appeal Board\)](#) Date: November 7, 1997

[Ewing c. Canada \(Veterans Review and Appeal Board\)](#) Date: October 15, 1997

[Wood v. Canada \(Attorney General\)](#) Date: January 19, 2001

[Nelson v. Canada \(Attorney General\)](#) 2006 FC 225

Date: March 15, 2006

[MacDonald v. Canada \(Attorney General\)](#) 2007 FC 809 Date: August 1, 2007

[Dunn v. Canada \(Attorney General\)](#) 2007 FC 492 Date: May 4, 2007

[MacDonald v. Canada \(Attorney General\)](#) 2008 FC 796 Date: June 24, 2008

[McLean v. Canada \(Attorney General\)](#) 2009 FC 626 Date: June 10, 2009

[Ladouceur v. Canada \(Attorney General\)](#) 2010 FC 1148 Date: November 16, 2010

ISSUE 2)

THE VETERANS REVIEW AND APPEAL BOARD DID NOT ACCEPT EVIDENCE FROM QUALIFIED MEDICAL DOCTORS AND DID NOT PROVIDE REASON WHY THIS WAS DONE.

[Mackay v. Canada \(Attorney General\)](#) Date: April 24, 1997

[Teubert v. Canada \(Attorney General\)](#) Date: September 18, 2000

[Schott v. Canada \(Attorney General\)](#) Date: January 25, 2001

[Rivard v. Canada \(Attorney General\)](#) 2001 FCT 704 Date: June 26, 2001

[Macdonald v. Canada \(Attorney General\)](#) 2001 FCT 678

[Bradley v. Canada \(Attorney General\)](#) 2001 FCT 793 Date: July 13, 2001

[Teubert v. Canada \(Attorney General\)](#) 2002 FCT 634 Date: June 4, 2002

[Saumure v. Canada \(Attorney General\)](#) 2002 FCT 998 Date: September 23, 2002

[Kozak v. Canada \(Attorney General\)](#) 2002 FCT 169 Date: February 14, 2002

[Léonelli v. Canada \(Attorney General\)](#) 2003 FC 1374 Date: November 21, 2003

[Martel v. Canada \(Attorney General\)](#) 2004 FC 1287 Date: September 21, 2004

[John Doe v. Canada \(Attorney General\)](#) 2004 FC 451 Date: March 26, 2004

[De Quoy v. Canada \(Attorney General\)](#) 2004 FC 654 Date: May 4, 2004

[Boucher v. Canada \(Attorney General\)](#) 2004 FC 616 Date: April 26, 2004

[Comeau v. Canada \(Attorney General\)](#) 2004 FC 1091 Date: August 9, 2004

[Powell v. Canada \(Attorney General\)](#) 2005 FC 433 Date: March 31, 2005

[Youden v. Canada \(Attorney General\)](#) 2005 FC 1696 Date: December 15, 2005

[Ladouceur v. Canada \(Attorney General\)](#) 2006 FC 1438 Date: November 28, 2006

[Gannon v. Canada \(Attorney General\)](#) 2006 FC 600 Date: May 15, 2006

[Cormier v. Canada \(Attorney General\)](#) 2006 FC 118 Date: February 2, 2006

[Bremner v. Canada \(Attorney General\)](#) 2006 FC 96 Date: January 30, 2006

[Acreman v. Canada \(Attorney General\)](#) 2010 FC 1331 Date: December 23, 2010

[McLean v. Canada \(Attorney General\)](#) 2011 FC 453 Date: April 13, 2011

[Thériault v. Canada \(Attorney General\)](#) 2006 FC 1070 Date: September 8, 2006

[Zielke v. Canada \(Attorney General\)](#) 2009 FC 1183 Date: November 18, 2009

[Patterson v. Canada \(Attorney General\)](#) 2009 FC 801 Date: August 5, 2009

[Boisvert v. Canada \(Attorney General\)](#) 2009 FC 735 Date: July 20, 2009

[Johnston v. Canada \(Attorney General\)](#) 2010 FC 348 Date: March 30, 2010

[Gilbert v. Canada \(Attorney General\)](#) 2010 FC 1300 Date: December 17, 2010

[McLean v. Canada \(Attorney General\)](#) 2011 FC 453 Date: April 13, 2011

ISSUE 3)

THE FEDERAL COURT DECISIONS REMIND THE VETERANS REVIEW AND APPEAL BOARD TO ALWAYS BEAR IN MIND THE DICTATES OF SECTION 3 AND SECTION 39 OF THE VRAB ACT.

[Mackay v. Canada \(Attorney General\)](#) Date: April 24, 1997

[Ewing c. Canada \(Veterans Review and AppealBoard\)](#) Date: October 15, 1997

[King v. Canada \(Veterans Review and Appeal Board\)](#) Date: November 7, 1997

[Trainor v. Canada \(Attorney General\)](#) Date: April 18, 2000

[Cundell v. Canada \(Attorney General\)](#) Date: January 13, 2000

[Bradley v. Canada \(Attorney General\)](#) Date: January 27, 1999

[Cundell v. Canada \(Attorney General\)](#) Date: January 13, 2000

[Stuber v. Canada \(Attorney General\)](#) 2003 FCT 768 Date: June 20, 2003

[Thériault v. Canada \(Attorney General\)](#) 2006 FC 1070 Date: September 8, 2006

[Dugré v. Canada \(Attorney General\)](#) 2008 FC 682 Date: May 28, 2008

[Murray v. Canada \(Attorney General\)](#) 2009 FC 884 Date: September 9, 2009

[Gillis v. Canada \(Attorney General\)](#) 2009 FC 504 Date: May 20, 2009

[Acreman v. Canada \(Attorney General\)](#) 2010 FC 1331 Date: December 23, 2010

[Brychka v. Canada \(Attorney General\)](#) Date: February 2, 1998

[Wood v. Canada \(Attorney General\)](#) Date: January 19, 2001

[Yates v. Canada \(Attorney General\)](#) 2002 FCT 111 Date: January 29, 2002

[Matusiak v. Canada \(Attorney General\)](#) 2005 FC 198 Date: February 9, 2005

[MacDonald v. Canada \(Attorney General\)](#) 2008 FC 796 Date: June 24, 2008

[Dugré v. Canada \(Attorney General\)](#) 2008 FC 682 Date: May 28, 2008

[Lebrasseur v. Canada \(Attorney General\)](#) 2010 FC 98 Date: January 28, 2010

ISSUE 4)

THE VETERANS REVIEW AND APPEAL BOARD FAILED TO DEAL EXPRESSLY IN THE RECORD EVIDENCE FOUND BY THE BOARD TO BE NOT CREDIBLE FROM WHICH A FAVOURABLE INFERENCE COULD BE MADE TO THE APPLICANT.

[Brychka v. Canada \(Attorney General\)](#) Date: February 2, 1998

[Wood v. Canada \(Attorney General\)](#) Date: January 19, 2001

[Yates v. Canada \(Attorney General\)](#) 2002 FCT 111 Date: January 29, 2002

[Matusiak v. Canada \(Attorney General\)](#) 2005 FC 198 Date: February 9, 2005

[MacDonald v. Canada \(Attorney General\)](#) 2008 FC 796 Date: June 24, 2008

[Dugré v. Canada \(Attorney General\)](#) 2008 FC 682 Date: May 28, 2008

[Lebrasseur v. Canada \(Attorney General\)](#) 2010 FC 98 Date: January 28, 2010

ISSUE 5

THE VETERANS REVIEW AND APPEAL BOARD ARE NOT RESPECTING THE DIRECTION OF BEING CONSISTANT IN WHAT THE VRAB ACT WAS INTENDED.

“consistency is clearly desirable as it enhances equality before the law and reduces arbitrariness.” Howard I. Wetston Judge 1999

[Matchee v. Canada \(Attorney General\)](#) Date: January 5, 1999

ISSUE 6)

THE VETERANS REVIEW AND APPEAL BOARD ARE NOT ACCEPTING FAVOURABLE EVIDENCE IN THE RECORD AND NEW EVIDENCE THAT IS ALSO FAVOURABLE TO THE APPLICANT.

[Macdonald v. Canada \(Attorney General\)](#) Date: March 11, 1999

[Metcalf v. Canada](#) Date: January 6, 1999

[Teubert v. Canada \(Attorney General\)](#) Date: September 18, 2000

[Doe v. Canada \(Attorney General\)](#) 2002 FCT 106 Date: January 28, 2002

[Boucher v. Canada \(Attorney General\)](#) 2004 FC 616 Date: April 26, 2004

[Matusiak v. Canada \(Attorney General\)](#) 2006 FC 646 Date: May 29, 2006

[Thériault v. Canada \(Attorney General\)](#) 2006 FC 1070 Date: September 8, 2006

[Reed v. Canada \(Attorney General\)](#) 2007 FC 1237 Date: November 23, 2007

[Murphy v. Canada \(Attorney General\)](#) 2007 FC 905 Date: September 12, 2007

[Lenzen v. Canada \(Attorney General\)](#) 2008 FC 520 Date: April 22, 2008

[McLean v. Canada \(Attorney General\)](#) 2009 FC 626 Date: June 10, 2009

[Cossette v. Canada \(Attorney General\)](#) 2011 FC 416 Date: April 14, 2011

[Chaytor v. Canada \(Attorney General\)](#) 2011 FC 501 Date: April 29, 2011

ISSUE 7)

APPLICANT HAD TO UNNECESSARILY APPLY FOR A SECOND JUDICIAL REVIEW AS A RESULT IN SOME CASE EXAMPLES OF THE VRAB BOARD NOT FOLLOWING THE DIRECTION OF THE JUDGE IN THE FIRST JUDICIAL REVIEW.

[King v. Canada \(Attorney General\)](#) Date: February 11, 2000

[John Doe v. Canada \(Attorney General\)](#) 2004 FC 451 Date: March 26, 2004

[Matusiak v. Canada \(Attorney General\)](#) 2006 FC 646 Date: May 29, 2006

[MacDonald v. Canada \(Attorney General\)](#) 2007 FC 809 Date: August 1, 2007

[Zielke v. Canada \(Attorney General\)](#) 2009 FC 1183 Date: November 18, 2009

ISSUE 8)

THE VETERANS REVIEW AND APPEAL BOARD HAVE BEEN NOTED BY THE FEDERAL COURT JUDGES i.e. IN THEIR DECISIONS THAT THE BOARD IS DEMANDING THE MOST STRINGENT BURDON OF PROOF CONTRARY TO SECTION 39 OF THE VRAB ACT.

[Smith v. Canada \(Attorney General\)](#) 2001 FCT 857 Date: August 7, 2001

[Cundell v. Canada \(Attorney General\)](#) Date: January 13, 2000

[Trainor v. Canada \(Attorney General\)](#) 2002 FCT 117 Date: January 30, 2002

[Saumure v. Canada \(Attorney General\)](#) 2002 FCT 998 Date: September 23, 2002

ISSUE 9)

THE VETERANS REVIEW AND APPEAL BOARD HAVE BEEN TAKING A SUPERFICIAL APPROACH TO THE ASSESSMENT OF EVIDENCE AND PROVIDE A LACK OF REASONS AS TO WHY THE BOARD DISCOUNTS EVIDENCE.

[Desloges v. Canada \(Attorney General\)](#) 2001 FCT 506 Date: May 18, 2001

[Whitehead v. Canada \(Attorney General\)](#) 2003 FCT 75 Date: January 24, 2003

[Ladouceur v. Canada \(Attorney General\)](#) 2006 FC 1438 Date: November 28, 2006

[Grant v. Canada \(Veterans Review and Appeal Board\)](#) 2006 FC 1456
Date: November 30, 2006

[Gannon v. Canada \(Attorney General\)](#) 2006 FC 600 Date: May 15, 2006

[Bremner v. Canada \(Attorney General\)](#) 2006 FC 96 Date: January 30, 2006

ISSUE 10

THE VETERANS REVIEW AND APPEAL BOARD DO NOT HAVE ANY MEDICAL EXPETISE AND ARE NOT EXERCISING THE USE OF SECTION 38 OF THE VRAB ACT IN REGARDS TO CONSULTING QUALIFIED MEDICAL DOCTORS ON MEDICAL ISSUES.

[Macdonald v. Canada \(Attorney General of Canada\)](#) 2003 FC 1263 Date: October 30, 2003

[Léonelli v. Canada \(Attorney General\)](#) 2003 FC 1374 Date: November 21, 2003

[Therriault v. Canada \(Attorney General\)](#) 2004 FC 978 Date: July 12, 2004

[Boucher v. Canada \(Attorney General\)](#) 2004 FC 616 Date: April 26, 2004

[Ladouceur v. Canada \(Attorney General\)](#) 2006 FC 1438 Date: November 28, 2006

[Thériault v. Canada \(Attorney General\)](#) 2006 FC 1070 Date: September 8, 2006

[MacDonald v. Canada \(Attorney General\)](#) 2007 FC 809 Date: August 1, 2007

[Lenzen v. Canada \(Attorney General\)](#) 2008 FC 520 Date: April 22, 2008

[Zielke v. Canada \(Attorney General\)](#) 2009 FC 1183 Date: November 18, 2009

[Ladouceur v. Canada \(Attorney General\)](#) 2010 FC 1148 Date: November 16, 2010

[Gilbert v. Canada \(Attorney General\)](#) 2010 FC 1300 Date: December 17, 2010

[Armstrong v. Canada \(Attorney General\)](#) 2010 FC 91 Date: January 27, 2010

ISSUE 11)

THE VETERANS REVIEW AND APPEAL BOARD DENYING APPLICANTS THE OPPORTUNITY TO PERSONALLY PRESENT ARGUMENTS BEFORE THE BOARD I.E SECTION 3 VRAB REGULATIONS.

[Gagné v. Canada \(Attorney General\)](#) 2002 FCT 711 Date: June 25, 2002

[Lenzen v. Canada \(Attorney General\)](#) 2008 FC 520 Date: April 22, 2008

ISSUE 12)

THE VETERANS REVIEW AND APPEAL BOARD FAILED TO MAKE THE CASUAL CONECTION BETWEEN INJURY/DEATH WITH SERVICE WHILE ON DUTY.

[Frye v. Canada \(Attorney General\)](#) 2004 FC 986 Date: July 14, 2004

[Teubert v. Canada \(Attorney General\)](#) Date: September 18, 2000

[Teubert v. Canada \(Attorney General\)](#) 2002 FCT 634 Date: June 4, 2002

[Saumure v. Canada \(Attorney General\)](#) 2002 FCT 998 Date: September 23, 2002

[Comeau v. Canada \(Attorney General\)](#) 2004 FC 1091 Date: August 9, 2004

[Powell v. Canada \(Attorney General\)](#) 2005 FC 433 Date: March 31, 2005

[Reed v. Canada \(Attorney General\)](#) 2007 FC 1237 Date: November 23, 2007

[Murphy v. Canada \(Attorney General\)](#) 2007 FC 905 Date: September 12, 2007

[Wannamaker v. Canada \(Attorney General\)](#) 2006 FC 400 Date: March 30, 2006

[Thériault v. Canada \(Attorney General\)](#) 2006 FC 1070 Date: September 8, 2006

[Lenzen v. Canada \(Attorney General\)](#) 2008 FC 520 Date: April 22, 2008

[Murray v. Canada \(Attorney General\)](#) 2009 FC 884 Date: September 9, 2009

[Armstrong v. Canada \(Attorney General\)](#) 2010 FC 91 Date: January 27, 2010

[Bradley v. Canada \(Attorney General\)](#) 2011 FC 309 Date: March 15, 2011

ISSUE 13)

THE VETERANS REVIEW AND APPEAL BOARD WILFULLY TRYING TO REDUCE INJURED VETERANS PENSION ENTITLEMENTS.

[Matusiak v. Canada \(Attorney General\)](#) 2006 FC 646 Date: May 29, 2006

[Ladouceur v. Canada \(Attorney General\)](#) 2006 FC 1438 Date: November 28, 2006

ISSUE 14)

THE VETERANS REVIEW AND APPEAL BOARD IS PRESUMED TO HAVE CONSIDERED ALL MATERIAL EVIDENCE BEFORE IT.

[Whitehead v. Canada \(Attorney General\)](#) 2003 FCT 75 Date: January 24, 2003

[Murphy v. Canada \(Attorney General\)](#) 2007 FC 905 Date: September 12, 2007

[MacDonald v. Canada \(Attorney General\)](#) 2008 FC 796 Date: June 24, 2008

ISSUE 15)

THE VETERANS REVIEW AND APPEAL BOARD PLAYING HARD BALL WITH THE SURVIVING SPOUSES OF DECEASED INJURED VETERANS.

[MacKenzie v. Canada \(Attorney General\)](#) 2007 FC 481 Date: May Date: May 3, 2007

[Arial v. Canada \(Attorney General\)](#) 2010 FC 184 Date: February 19, 2010

[Arial v. Canada \(Attorney General\)](#) 2011 FC 848 Date: July 8, 2011

ISSUE 16)

THE VETERANS REVIEW AND APPEAL BOARD NOT RESPECTING SECTION 27.(1) AND 27.(2) OF THE VRAB ACT UNDER THE HEADING OF “Appeal Panel” “Prohibition” respectively and the direction of the Federal Courts.

[Teubert v. Canada \(Attorney General\)](#) Date: September 18, 2000

[Teubert v. Canada \(Attorney General\)](#) 2002 FCT 634 Date: June 4, 2002