

Office of the Veterans Ombudsman

Serve with Honour, Depart with Dignity

**An administrative review of the
Funeral and Burial Program for Veterans Affairs Canada**

February 19, 2009

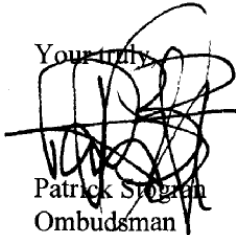
FOREWORD

This report entitled *Serve with Honour, Depart with Dignity - An Administrative Review of the Funeral and Burial Assistance Program for Veterans Affairs Canada* is submitted by the Office of the Veterans Ombudsman to the Department of Veterans Affairs Canada for consideration and action. Its essence lies in the fact that Veterans who have served and sacrificed for their country deserve to depart with dignity.

In the fall of 2008 staff of the Office of the Veterans Ombudsman met with the Veterans Affairs Canada executive team responsible for administering the Last Post Fund. As a result of this meeting a number of issues and concerns were identified as they related to the delivery and funding of the Funeral and Burial Assistance Program .

This report outlines the issues and concerns raised and makes findings and recommendations to improve the Funeral and Burial Assistance Program. I believe that such improvements are necessary and reasonable and I urge Veterans Affairs Canada to act quickly in their implementation. Such action will demonstrably reinforce the Department's commitment to support our Veterans to the end.

Your truly,

A handwritten signature in black ink, appearing to read 'Patrick Stogran', is written over the typed name below. The signature is somewhat stylized and overlaps the text.

Patrick Stogran
Ombudsman

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Executive Summary

This report details the findings of the administrative review of the Funeral and Burial Program conducted by the Office of the Veterans Ombudsman. The review was guided by the belief that Veterans who have served and sacrificed for their country deserve to depart with dignity.

Through discussions with Last Post Fund executives and with the knowledge that the Department of National Defence had updated its funeral and burial program, the Office of the Veterans Ombudsman became aware of a number of issues of concern regarding the administration of the program and the benefits provided. This report expresses our concerns, draws conclusions and makes recommendations to Veterans Affairs Canada to improve the Funeral and Burial Program.

The review identified the following seven primary issues of concern:

1. The level of funding for Veterans' funerals has not kept pace with the rising costs of funerals and should be increased to reflect industry standards.
2. The administration of funeral and burial expenses is unduly bureaucratic. The process should be simplified by adopting a discretionary lump sum approach.
3. The Funeral and Burial Program should be extended to all Veterans.
4. Eligibility policies related to the Funeral and Burial Program must be amended to take into account multiple pensioned conditions that possibly can contribute to the cause of death.
5. The estate exemption (surviving spouse) for the means test is not in line with present-day income and cost levels and should be increased to reflect reality.
6. Awareness of the Funeral and Burial Program is limited. The program should be afforded greater exposure and visibility.
7. The timeframe for making application to the Funeral and Burial Program is too restrictive. The timeframe should be extended to allow consideration for special circumstances affecting grieving families.

The Ombudsman believes that improvements to the Funeral and Burial Program are necessary and urges Veterans Affairs Canada to act quickly in implementing the recommendations contained in this report. By doing so, the Department will strengthen its commitment to support Veterans to the end.

Serve with Honour, Depart with Dignity

For their willingness to serve and for their sacrifice to their country, Veterans deserve to depart with dignity and their families should not be encumbered by bureaucracy.

I. Background

The Veterans Affairs Canada Funeral and Burial Program offers entitlements to funeral and burial benefits to eligible Veterans. The program is administered by the Last Post Fund. This non-profit organization and registered charity—founded in Montréal in 1909 and incorporated in 1921—administers the provision of funeral, burial, cremation, and grave marking benefits to eligible Veterans and disability pensioners. During the fiscal year 2007, the Fund processed approximately 16,000 applications for benefits under the Funeral and Burial Program.

The requirement to conduct an administrative review of the Funeral and Burial Program became apparent when staff of the Office of the Veterans Ombudsman received briefings on the program from Last Post Fund executives. The review was prompted by testimonials describing the administrative difficulties that some grieving families encountered when burying their loved ones.

Over the past several years, the sustained efforts of executives of the Last Post Fund, the Royal Canadian Legion, Veterans' advocacy groups, the Canadian Forces/Veterans Affairs Canada Advisory Council (this organization is no longer active) and the Funeral Service Association of Canada have helped identify and bring to the attention of successive ministers of Veterans Affairs Canada the following deficiencies in the program.

1. The level of funding for Veterans' funerals has not kept pace with the rising costs of funerals and should be increased to reflect industry standards.
2. The administration of funeral and burial expenses is unduly bureaucratic. The process should be simplified by adopting a discretionary lump sum approach.
3. The Funeral and Burial Program should be extended to all Veterans.

Additional concerns were identified during the course of the review:

4. Eligibility policies related to the Funeral and Burial Program must be amended to take into account multiple pensioned conditions that possibly can contribute to the cause of death.

5. The estate exemption (surviving spouse) for the means test is not in line with present-day income and cost levels and should be increased to reflect reality.
6. Awareness of the Funeral and Burial Program is limited. The program should be afforded greater exposure and visibility.
7. The timeframe for making application to the Funeral and Burial Program is too restrictive. The timeframe should be extended to allow consideration for special circumstances affecting grieving families.

II. Aim

The intent of this report is to highlight deficiencies and unfairness issues related to funeral and burial benefits available to Canadian Veterans and their families. Where concerns have already been identified by Last Post Fund personnel, the intention is to seek action from the Department in bringing about the recommended improvements.

The Office of the Veterans Ombudsman submits this report to Veterans Affairs Canada for consideration and action.

III. Scope and Methodology

For the purpose of the review, the investigation team of the Office of the Veterans Ombudsman examined relevant Acts, pertinent departmental policies, regulations, procedures, statistics and media releases.

The team reviewed documents pertaining to the Last Post Fund as well as related client files from the Ombudsman Office's complaint management system.

Comparative research was conducted to determine what the situation is in the United States, the United Kingdom, Australia and New Zealand with regard to their respective funeral and burial programs.

Interviews/consultations were conducted with Veterans Affairs Canada personnel, present and past executives of the Last Post Fund, the Director of Casualty Support Management and the Director General of the Benefits and Compensation Directorate of the Department of National Defence, a former Chaplain General of the Canadian Forces, and a spokesperson with the Funeral Service Association of Canada.

The scope of the review was initially limited to issues brought to the attention of the Office by concerned organizations. However, during the course of the review, other significant issues were identified and have been included in this report along with relevant recommendations.

In this report, the expression “all Veterans” includes members of the Royal Canadian Mounted Police (RCMP). However, it should be noted that members of the RCMP receive funeral and burial benefits under their own program and that our review was limited to those benefits provided and administered by Veterans Affairs Canada.

IV. Findings and Recommendations

Issue 1

Is the current funding ceiling for Veterans’ funeral and burial expenses adequate?

Facts

The average cost of a funeral in 2008 in Canada is \$5,892, while the present benefit provided by Veterans Affairs Canada is set at \$3,600. The Funeral Service Association of Canada has felt for a long time that the benefit for Veterans’ funerals is low and not in keeping with present-day costs.¹ The amount of the benefit was last adjusted in 2001, when the base amount was raised from \$2,993 to \$3,600. Despite this increase, the funding failed to keep pace with costs, since the average cost of a traditional funeral complete with a wood casket was already \$4,289 in 1998. In fact, a national survey by the Funeral Service Association of Canada found that Association members charge Veterans an average of \$2,073 less than what they charge other members of the general public for the same goods and services. Based on calculations by the Funeral Service Association of Canada, the average cost of a funeral over an 18 year period from 1990 to 2008, increased by 37 percent, while our review of the Veterans Affairs Canada program indicates that the benefit level for Veterans increased by only 20 percent.

The following table (Figure 1) provides a comparison of approximate funeral costs in 2008 Canadian dollars in like-minded countries. From our analysis of the costs, one can see that the amounts are comparable.

¹The cost figures were provided by Suzanne Scott from the Funeral Service Association of Canada. They were part of a submission by the Association to the Department’s Audit and Evaluation Committee. The Committee is preparing a report that is expected to be ready in the spring of 2009.

Figure 1 – Approximate funeral costs in like-minded countries

Country	2008 Canadian Dollars	Remarks
Canada	\$5,892.00	
Australia ²	\$6,944.00	
New Zealand ³	\$3,274.00 - \$8,734.00	
United Kingdom ⁴	\$4,127.00	
United States ⁵	\$6,195.00 - \$7,323.00	2006 amount

In September 2006, Treasury Board approved a submission by the Department of National Defence to increase the level of funding to \$12,700 for funeral and burial expenses for Canadian Forces members. The rate is adjusted annually to reflect the consumer price index and revised every five years to reflect changing industry cost. The Department of National Defence's submission called for an increase in the rate and recommended that the administration of the funeral and burial program be centralized. The Centre for Casualty Support Management of the Department of National Defence now approves and pays for all incurred expenses up to that funding ceiling.

The following table (Figure 2) presents approximate funeral benefits entitlements provided to Forces members and Veterans in like-minded countries. As can be seen from the table, Australia is a leader when it comes to the provision of funeral and burial benefits to their Forces members and Veterans.

² The Australian Funeral Directors Association indicated that the average cost of a funeral in Australia varies substantially from state to state. For example, the cost of a funeral in the city of Melbourne in the state of Victoria in 2007 was approximately \$6,944.

³ The Funeral Directors Association of New Zealand indicated that funeral costs can range from approximately \$3,274 to \$8,734. The industry is not regulated by government and price is driven by the high cost of plots depending on location. Cemeteries in the country are owned by local authorities and about ten years ago moved from seeing the provision of cemeteries and crematoria as a social service to full user fees, the reason for the high cost of a plot.

⁴ The National Association of Funeral Directors in the United Kingdom indicated that funeral costs vary depending on the area. For example, funerals in London are more expensive than in some of the countryside areas. The going rate is roughly \$4,127.

⁵ According to the National Funeral Directors Association in the United States, the national cost of an adult's funeral in 2006 was \$6,195. With vault included, something that is typically required by a cemetery, the figure rises to \$7,323. The cost does not take into account cemetery, monument or marker costs, or expenses such as flowers and obituaries. The cost of funerals in the United States can vary by region, the location of the funeral home and the size of the business.

Figure 2 – Approximate funeral benefits for Forces members and Veterans in like-minded countries

Country	Entitlement	Remarks
Canada	\$12,700.00	Members of Canadian Forces
Canada	\$3,600.00 - \$4,100.00	Veterans
Australia ⁶	Full amount of funeral	Members of Australian Forces
Australia ⁷	\$1,616.00 - \$7,514.00	Veterans
New Zealand ⁸	Amount not obtained	
United Kingdom	\$2,000.00	Veterans
United States ⁹	\$1,500.00 - \$2,000.00	Members of the United States Forces
United States ¹⁰	\$450.00 - \$600.00	Veterans

The Royal Canadian Legion proposed specific resolutions in an attempt to remedy this situation. In 2004, the Legion resolved that "...the maximum rates payable for funeral and burial expenses be brought into line with customary fees for these services."¹¹ Again, in a 2006 resolution, the Royal Canadian Legion explains its position regarding funeral and burial benefits:

⁶ The Australian Defence Force bears the cost of a military funeral for members who die in-service.

⁷ In the case of Australian Veterans, there are two types of payments: a one-time payment under the *Veterans' Entitlements Act 1986* and a one-time payment under the *Military Rehabilitation and Compensation Act 2004* to assist with the costs of the funeral for eligible veterans.

⁸ The Office of Veterans Affairs in New Zealand does provide a funeral grant to Veterans and will pay for a plaque. Most cemeteries have plots for Forces members.

⁹ For a service-related death, the United States Department of Veterans Affairs pays up to \$1,500 for burial expenses for Members of the United States. Forces who died prior to September 10, 2001 and \$2,000 from then on. If the Veteran is buried in a Veterans Affairs national cemetery, some or all of the cost of transportation to the cemetery may be reimbursed.

¹⁰ For non service-related deaths, the United States Department of Veterans Affairs pays up to \$300 for burial and funeral expenses and provides an allowance for plot interment (\$150 if Veteran died prior to December 1, 2001 and \$300 from then on.) Transportation costs may be reimbursed if the Veteran passed away in a Veterans Affairs hospital or Veterans Affairs-contracted nursing home.

¹¹ The Royal Canadian Legion, Resolution 23 (2004) [On the Question Last Post Fund, Estate Exemption and Fee

The Legion is particularly concerned that this issue be addressed and resolved as soon as possible. When considering the length of time required in combining the Veterans Burial Regulations and the Last Post Fund Regulations, it is evident that action is required now to address potential gaps. Furthermore, we are aware of a growing discrepancy between funeral benefits provided to Canadian Forces members with those provided to Veterans. There should not be two scales of funeral benefits.¹²

Finally in 2008, the Royal Canadian Legion resolved that the "...Minister of Veterans Affairs take necessary action immediately to increase the Veterans Funeral and Burial Program funeral services allowable maximum to an equivalent level established for the RCMP and the [Canadian Forces]."¹³

Findings

Funding for Veterans' funerals has not kept pace with the rising cost of funerals in Canada. There is a need for Veterans Affairs Canada to bring about changes to the Funeral and Burial Program.

1. Although Canada appears to be reasonably generous in comparison to other countries, the Office of the Veterans Ombudsman finds — based on the information provided by the Funeral Service Association of Canada and the Department of National Defence's experience — that the present amount of funeral and burial benefits provided by Veterans Affairs Canada is inadequate.
2. Based on the aforementioned, we find that the current ceiling for Veterans' funeral and burial expenses is too low. Veterans Affairs Canada must increase the funding for the Funeral and Burial Program without delay in order to provide fair and efficient benefits to Veterans.

Recommendation 1

The Ombudsman recommends:

Raising the ceiling for Veterans' funeral and burial expenses to reflect industry standards and introducing an indexing formula to ensure that the rates keep up with cost-of-living increases.

Maximums] (VSS 19; QUE 1/C; QUE 2/C; NS/NU 2/C), 2004.

¹² The Royal Canadian Legion, Resolution 44 (2006) [On the Question Last Post Fund Extension to Canadian Forces Members and Veterans] (VSS 14; SASK 6/C), 2006.

¹³ The Royal Canadian Legion, Resolution Dominion Command 49 (2008) [On the Question Immediate Increase of Funeral and Burial Benefits for Veterans], 2008.

Issue 2

Is the administration of funeral and burial benefits unduly bureaucratic and complex?

Facts

In accordance with the *Veterans Burial Regulations, 2005* and Veterans Affairs Canada policies, the Last Post Fund administers the Funeral and Burial Program. The Fund uses an 'itemized approach' for the reimbursement of funeral and burial expenses. With this approach, families of eligible Veterans can be reimbursed for allowable amounts for various funeral services up to a ceiling of \$3,600. As an example, the cost of a casket or flowers may be covered but only up to a certain amount. This itemized approach takes away families' discretion to use the funds according to their wishes and means that families must cover expenses beyond and above the allowable amounts.

The funeral and burial benefits programs of the Department of National Defence and the RCMP use a discretionary lump sum approach that establishes the level of benefits but lets families use the funds as they see fit.

The former Executive Director of the Last Post Fund indicated that the discretionary approach currently used by the RCMP and the Department of National Defence/Canadian Forces is better than the current itemized approach used by Veterans Affairs Canada. He indicated that the Fund's Executive Branch held discussions in 2007 with the Deputy Minister and members of the Canada Remembers Division about the possibility of implementing the discretionary lump sum approach. In his view, Veterans Affairs Canada appeared to be supportive of this approach. This was confirmed during consultations with Veterans Affairs Canada personnel.

The current Executive Director of the Last Post Fund, shares his predecessor's views, adding during an interview, that the itemized approach lacks flexibility and that Veterans Affairs Canada should adopt a more logical approach such as the discretionary lump sum approach used by the Department of National Defence. He further stated that the lump sum approach would make it easier for grieving families to make decisions.

An additional benefit of the discretionary lump sum approach is that files can be processed faster.

Findings

Based on our research, we find that there is a need for Veterans Affairs Canada to standardize its approach in line with the Department of National Defence and the RCMP. This would ensure that the provision of funeral and burial benefits is consistent across the board.

The discretionary lump sum approach would alleviate the complexity associated with the itemized approach by giving families more flexibility to use the funds at their discretion and eliminating the need for them to plan the funeral of their loved ones from an itemized “grocery” list, as if it was a “coupon-cutting exercise”.

Accordingly, the Office finds that the administration of funeral and burial benefits is unduly bureaucratic and complex.

Recommendation 2

The Ombudsman recommends that:

The administration of funeral and burial benefits be simplified by using a discretionary lump sum approach for reimbursable expenses rather than the present itemized approach.

Issue 3

Should the eligibility for benefits under the Funeral and Burial Program be extended to all Veterans?

Facts

Veterans must meet certain service-related criteria to qualify for the Funeral and Burial Program: Veterans of the First World War, the Second World War and the Korean War (must have served in the Republic of Korea or be in receipt of a disability benefit from Veterans Affairs Canada) qualify. Other Veterans qualify if the cause of death is directly attributable to service-related injuries, or if they are in receipt of Earning Loss benefits under the *Canadian Forces Members and Veterans Re-establishment and Compensation Act*, often referred to as the New Veterans Charter.

Individuals interviewed by our investigators stated that there had been numerous attempts, on the part of the Last Post Fund, the Royal Canadian Legion, the Canadian Forces/Veterans Affairs Canada Advisory Council (this organization is no longer active), and the Funeral Service Association of Canada to get Veterans Affairs Canada to amend the *Veterans Burial Regulations, 2005* and to extend the Funeral and Burial Program to all modern-day Veterans – not just those eligible under certain programs.

The *Last Post Fund Strategic Plan* for the period 2007-2012 speaks about the challenges that the organization will face over the next five years:

The Last Post Fund has made some preliminary progress towards providing funeral and

burial assistance to Modern Day Veterans by changing its Letters Patent. In the interim, the Last Post Fund is prepared to use its limited charitable donations funds until such time as public funding is available. However, Last Post Fund donations will not be able to provide assistance to all eligible Modern Day Veterans.

In letters¹⁴ from the Last Post Fund to Veterans Affairs Canada and in resolutions¹⁵ presented by the Royal Canadian Legion, both organizations recommended that changes be made to the eligibility criteria for the Funeral and Burial Program. The submissions expressed appreciation of the fact that the New Veterans Charter was modified to include some modern-day Veterans. The Last Post Fund also requested amendments to the *Veterans Burial Regulations, 2005* to ensure that all new Veterans will benefit from the program.

Findings

We find that the eligibility criteria for the Funeral and Burial Program exclude some modern-day Veterans. The criteria should be all encompassing to include reservists and civilians deployed with the Canadian Forces on overseas operations. This would ensure fairness for all members of the Veteran community.

Recommendation 3

The Ombudsman recommends that:

Veterans Affairs Canada extend the Funeral and Burial Program to all Veterans.

Issue 4

Should the follow-on effects of multiple pensioned conditions be considered when determining eligibility for funeral and burial benefits?

¹⁴ Correspondence was sent from the Last Post Fund to Veterans Affairs Canada between 2003 and 2008.

¹⁵ In 2004, the Royal Canadian Legion resolved that, "...the Last Post Fund Funeral and Burial Program to be extended to all Canadian Forces Veterans who would otherwise be denied a dignified funeral and burial for lack of sufficient funds." In 2006 and 2008, the Royal Canadian Legion resolved that "the Last Post Fund funeral and burial benefits equal to those provided to [Canadian Forces] members killed on duty be made available to all those [Canadian Forces] veterans who have insufficient financial means without complex eligibility requirements which are contrary to the 'need principles' enshrined in the Canadian Forces Military and Veterans Re-Establishment and Compensation Act (CFMVRCA)." See The Royal Canadian Legion, Resolution 22 (2004) [On the Question Last Post Extension to Canadian Forces Veterans] (VSS 14; NB 5/C), 2004; The Royal Canadian Legion, Resolution Dominion Command 50 (2008) [On the Question [Veterans Affairs Canada] Funeral [and] Burial Benefits], 2008; and The Royal Canadian Legion, Resolution 44 (2006) [On the Question Last Post Fund Extension to Canadian Forces Members and Veterans] (VSS 14; SASK 6/C), 2006.

Facts

One of the criteria to obtain funeral and burial benefits is that the cause of death must be directly attributable to an existing pensioned disability. The policy on eligibility for financial assistance requires the existence of a direct link between the death and the service-related disability (i.e. the pensioned condition). If there is no link, the death is not deemed service related and the application for assistance may only be considered under the insufficiency of funds criteria in accordance with Sections 2 (a) and 4 of the *Veterans Burial Regulations, 2005*.

A recent example involved an 87-year-old Veteran pensioned for multiple service related injuries including double amputation. He died of a heart attack during an operation to remove a cancerous growth. The Veteran was not eligible for the program since the medical officer could not relate the death to service injuries. However, the Veteran's overall poor health, due to the cumulative effect of his pensioned conditions, was a significant contributing factor to his death. After numerous failed attempts by the family to obtain funeral and burial benefits for the Veteran's aggregate conditions, his burial expenses were eventually subsidized by the program under the insufficiency of funds criteria using the means test to assess the net worth of the Veteran's estate (see Issue 5.)

Findings

Aging Veterans often suffer from multiple health problems, some of which are service related. In the example above, there is little doubt that the multiple injuries were a contributing factor to the cause of death.

There is a policy at Veterans Affairs Canada that automatically renders Veterans eligible for some health care programs and services if they are compensated for disabilities at a certain percentage level. Extending this approach to the Funeral and Burial Program would facilitate access to the program and ensure consistency in recognizing the cumulative impact of the Veterans disabilities during their lifetime and at the time of death.

Recommendation 4

The Ombudsman recommends that:

Eligibility related to the Funeral and Burial Program be extended to include Veterans who suffer from multiple pensioned conditions, where the total aggregate suffering and weakening of their body may contribute to the cause of death.

Issue 5

Is the estate exemption (surviving spouse) for the means test in line with present-day income and cost levels?

Facts

There are two types of arrangements for funeral and burial assistance: the Last Post Fund can contract with a funeral director to provide funeral services or the family can make the arrangements themselves and get reimbursed for costs up to the maximum amounts provided for in the legislation. Either way, eligibility is determined under the matter-of-right (war Veterans) or financial need (means test) criteria. During interviews with Last Post Fund personnel, it was mentioned that many families view the estate or means test as an invasion of their privacy.

The financial criteria are detailed in the *Veterans Burial Regulations, 2005*, Section 4, *Determination of insufficiency of funds*.

The estate or means test is used to assess the net worth of a Veteran's estate at the time of death to determine if there are sufficient assets to cover the funeral and burial expenses. If the Veteran is not survived by a spouse or dependent children, all estate assets are examined to determine financial need. If the Veteran is survived by family members, some assets are excluded from the calculation of financial status: the family home and automobile, regular income cheques issued to the Veteran for the month of death, assets to a value of \$700 for each dependent child, and assets to a value of \$12,015 for the surviving spouse.

Debts and funeral and burial expenses, are considered when determining the value of the estate. If the estate and, if applicable, the financial resources of the surviving spouse are sufficient to cover the funeral and burial expenses, assistance will not be approved. If there are sufficient assets to cover a portion of the expenses, a grant in the amount of the difference, up to the maximum amounts stipulated by legislation, may be approved.

The funding for the Funeral and Burial Program was reduced from approximately \$22 million in 1993 to approximately \$12 million in 1994 as a result of a government wide program review¹⁶. Although we don't know if the Funeral and Burial Program was more or less severely affected by the cuts than other programs, it would appear that the reduction of the estate exemption for the surviving spouse from approximately \$25,000 to \$12,000 in 1995 is a result of the government wide program review.

In 2004, the Royal Canadian Legion stated that "... the Government of Canada has effectively restrained the ability of the Last Post Fund to meet its mandate by reducing the estate exemption from \$24,030 to \$12,015 in 1995 and by setting low maximum rates for funeral and burial

¹⁶ E-mail from Mr. A. Bialosh, former Executive Director of the Last Post Fund (November 19, 2008).

expenses below the customary fees.”¹⁷ Accordingly, the Legion resolved that “the Department of Veterans Affairs restore the estate exemption to the former level plus a current economic adjustment.”¹⁸

Findings

We find that as the funding for the program decreased, so did the estate exemption. Conversely, the customary rates for an average funeral in Canada have increased. The negative effect of the reduction of the estate exemption is that many families of deceased Veterans are being denied assistance for funeral and burial expenses from the Last Post Fund.

We find that, although considered somewhat invasive by some, the estate or means test is a necessary invasion of privacy.

We find that when the means test is used to determine if the Veteran’s family can afford a customary funeral, the estate exemption should reflect present-day income and cost levels.

Recommendation 5

The Ombudsman recommends that:

The estate exemption (surviving spouse) for the means test be increased to be more aligned with present-day income and cost levels.

Issue 6

Is the level of visibility and understanding of the Funeral and Burial Program and/or the Last Post Fund among Veterans and their families adequate?

Facts

A media review revealed that information pertaining to the Last Post Fund and the Funeral and Burial Program was not readily available within the Veteran Community. The Office was told by personnel from the Last Post Fund that Veterans Affairs Canada should do more to raise awareness of both the program and the Last Post Fund.

¹⁷ The Royal Canadian Legion, Resolution 23 (2004) [On the Question Last Post Fund, Estate Exemption and Fee Maximums] (VSS 19; QUE 1/C; QUE 2/C; NS/NU 2/C), 2004.

¹⁸ Ibid.

Based on an analysis of data from the Last Post Fund and Veterans Affairs Canada, the Fund concluded that approximately half the families of Second World War and Korean War Veterans were not applying to the Last Post Fund for funeral and burial assistance.

Findings

While we cannot say with certainty why eligible families did not apply to the Last Post Fund, it is safe to say that the majority of these families were not aware of the program. The availability and quality of information are important aspects to ensure that Veterans and their families are aware and understand the benefits available to them.

We find that Veterans Affairs Canada, in concert with the Last Post Fund, must develop a communications strategy to raise awareness of the program.

Recommendation 6

The Ombudsman recommends that:

Veterans Affairs Canada engage in a proactive multi-faceted communications campaign to raise awareness of the Funeral and Burial Program.

Issue 7

Is the time limitation for the initial application for funeral and burial assistance too restrictive?

Facts

The Office of the Veterans Ombudsman has received complaints from Veterans' families who were unable to receive benefits because they failed to submit their application within the one-year time limit. According to Section 8 (2) of the *Veterans Burial Regulations, 2005*, "No financial assistance is payable unless an application for it is made within one year after the date that the remains of the deceased person become available for interment."

A stakeholder of our Office, an elderly widow, lodged a complaint as she did not hear about the benefits of the Last Post Fund until after the one-year limitation date. She was denied financial aid to help her get a gravestone for her deceased husband who was a Veteran. After unsuccessful attempts to acquire assistance from the Last Post, monies were provided by a private benefactor found by a Veterans advocacy group.

Findings

Although we could not find any particular reason for the one-year limit, it appears consistent with time limits imposed for eligibility in other programs administered by Veterans Affairs Canada. However consideration must be given to the difficult circumstances and the complexity of estate settlement. These issues are bound to affect the decision-making process of eligible families. In addition, there are Veteran families who are not aware or do not understand the program.

Grieving families should not have to seek alternative means in order to bury Veterans who served this country. Although there are no easy solutions to this problem, we find that a flexible case-by-case approach is required.

Recommendation 7

The Ombudsman recommends that:

Veterans Affairs Canada be more flexible and allow for extraordinary circumstances to be considered when the established timeframe is exceeded.

V. Conclusion

Funerals are about the care, compassion, respect and spiritual beliefs of communities and provide an opportunity to mourn, share sorrow and celebrate the life of loved ones. Funeral and burial benefits should be available to *all* Veterans, easily accessible, adequate and aligned with present-day costs.

If the mission of Veterans Affairs Canada is to provide exemplary, client-centred services and benefits that respond to the needs of Veterans, other clients and their families, in recognition of their services to Canada; and to keep the memory of their achievements and sacrifices alive for all Canadians, then the Department must act quickly to bring about improvements to the Funeral and Burial Program. Time is of the essence, our war Veterans are disappearing at the rate of approximately 2,000 a month.

Improvements to this last and final benefit for Veterans, through consideration of our recommendations, will strengthen the Department's commitment to support Veterans to the end.

Summary of Recommendations

- 1. That the ceiling for Veterans' funeral and burial expenses be raised to reflect industry standards and that an indexing formula be introduced to ensure that the rates keep up with the economic increases.*
- 2. That the administration of funeral and burial benefits be simplified by using a discretionary lump sum approach for reimbursable expenses rather than the present itemized approach.*
- 3. That Veterans Affairs Canada extend the Funeral and Burial Program to all Veterans.*
- 4. That eligibility related to the Funeral and Burial Program be extended to include Veterans who suffer from multiple pensioned conditions where the total aggregate suffering and weakening of their body may contribute to the cause of death.*
- 5. That the estate exemption (surviving spouse) for the means test be increased and aligned with present-day income and cost levels.*
- 6. That Veterans Affairs Canada engage in a proactive multi-faceted communications campaign to raise awareness of the Funeral and Burial Program.*
- 7. That Veterans Affairs Canada be more flexible and allow for extraordinary circumstances to be considered when the established timeframe is exceeded.*

Bibliography

Consultations

The Australian Defence Force

The Australian Funeral Directors Association

The Department of National Defence Directorate Casualty Support Management

The Last Post Fund

The Funeral Service Association of Canada

The Funeral Directors Association of New Zealand

The National Association of Funeral Directors in the United Kingdom

The National Funeral Directors Association in the United States

The Office of Veterans Affairs in New Zealand

The Royal Canadian Mounted Police

The United States Department of Veterans Affairs

Veterans Affairs Canada

Interviews

Alex Bialosh, former Executive Director of the Last Post Fund, November 19, 2008.

Lieutenant-Colonel Gerry Blais, Directorate Casualty Support Management, October 21, 2008.

Lieutenant-General (retired) Lou Cuppens, National President of the Last Post Fund, October 20, 2008.

Dominique Jamet, Executive Director of the Last Post Fund, November 18, 2008.

Colonel (retired) Alain Monpas, former Canadian Forces Head Chaplain, currently in charge of the Canadian Forces Cemetery and Veterans' Pastoral Outreach Program and National Military Cemetery Programs Manager, October 30, 2008.

Suzanne Scott, Funeral Service Association of Canada, October 27, 2008.

Legislation

Military Rehabilitation and Compensation Act, 2004, Australia.
http://www.austlii.edu.au/au/legis/cth/consol_act/mraca2004397/

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