

Responses to questions from Lori Buchart, It's Not Just 700

- 1. There is a general lack of communication. It would be helpful if EPIQ could send out Communication updates to those who have claimed. For example, if EPIQ is running behind processing the initial 5K, communicate this.**

We understand that it is difficult for class members to wait and be unsure as to what stage their claim is at.

If an Applicant received confirmation that their application was received by the Administrator and the Administrator does not request any additional information, the Applicant can safely assume their file is being processed. We have, however, asked the Administrator to note in upcoming communications to class members that they are receiving the email because their claim is currently in processing, which we hope will provide some comfort to class members.

If the Applicant is still anxious about the status of their claim they can call or email the Administrator to confirm their claim was received and is still being processed. Class members can also call our firm and we can try to help with this.

- 2. Much anxiety is created from Applicants not understanding how the Claims Process is being administered. For example, it is not clear that Category A, B, and C, are not adjudicated together, if one applies for all three categories. Furthermore, anxiety is heightened, when one has been waiting for a year or more to hear about their claim, and someone who applied six months later, than said individual, already has their initial 5K in hand.**

Category A claims are processed by the Administrator and are being paid out on a rolling basis as they are decided.

Category B and C claims are sent by the Administrator to the Lead Assessor to be decided on a rolling basis.

Applications that include claims under both Categories B & C are being decided together. This will often mean that they will take longer than those that only applied under Category B, given the need to wait for a VAC decision. We understand that other factors can also slow down the process, including delays or difficulty in the verification process. Again, class members are welcome to contact us if they are concerned about delays in their particular case and we will do our best to help them.

Category B & C payments will not be made until after the claims period ends on November 25, 2021.

- 3. For some reason, there seems to be confusion around the initial 5K payment. Individuals seem uncertain as to whether they are receiving it or not or how they are receiving it. Perhaps a communication update could include how the 5K is processed, and how the remainder will be processed once the claims period is over.**

All Applicants will receive a decision letter by mail and/or email (depending on the method of communication selected by the Applicant on the claims form).

If the Category A claim is granted, the Applicant will be issued \$5000 via cheque or direct deposit (depending on the method of payment selected by the Applicant on the claims form). The method of payment is explained in the decision letter.

If an individual has received a decision letter approving a Category A claim and is still not certain if they have received payment, they should contact the Administrator to verify the method of payment.

- 4. Simplify the language and processes regarding Category C. There is much confusion and frustration in this regard. If one has been awarded a disability award through VAC, and where the communication does not specify it as an MST Disability/Injury or it is not an MST Claim, can it be simplified as to what the applicant must do and what they must submit?**

If the Applicant has been awarded compensation through VAC for a physical or psychological condition caused by MST (eg PTSD), they are not eligible for Category C benefits for this same condition. This is true whether or not VAC references MST in its decision or materials.

The Applicant should contact VAC if they are unsure whether their existing VAC benefits include compensation for psychological and/or physical injuries related to MST. When contacting VAC, the Applicant should always identify themselves as a class action member. There is a dedicated unit at VAC that is equipped to answer questions from class action members.

If an Applicant is still unsure how their existing VAC benefits affect a Category C claim, we would highly encourage them to contact our firm or one of the other lawyers listed on the website.

Also – see answer to question #6 for common “Category C” Scenarios.

- 5. Steps should be taken to minimize the need for documents to be submitted by the Applicant for Category C and instead should be provided by VAC for the sole purpose that an Applicant does not always have the information that VAC or the CF have. Simplifying this will certainly lessen the frustration and anxiety for those applying for Category C. Furthermore, clarity about the application process is required for those who have approved VAC Claims for non-MST related PTSD.**

Applicants who have approved VAC Claims for non-MST related PTSD will not likely qualify for Category C compensation. In most cases, psychological injuries associated with MST are automatically included within the approved benefits for non-MST PTSD (whether MST is specified or not).

We are looking into whether VAC can also provide the Assessors with medical documentation contained within the Applicant’s VAC file, although this remains unclear at this time. As such, Applicants should provide all medical documents they can access in support of their Category C

claim. Applicants can also file an Access to Information/Privacy Request from VAC, identifying the documents they are seeking to have sent to them.

If an Applicant is unable to secure their medical documentation before the November 24, 2021 deadline to file a claim under the class action, please have them call our firm as soon as possible and we will help them with their claim.

6. Provide clarity on the VAC connection and application process for Category C, by providing a flow chart vs. paragraphs of verbiage, that are at times overwhelming to those with PTSD and related conditions.

VAC is always the starting point for individuals with diagnosed physical and/or psychological injuries related to MST in the CAF. (Applicants with questions about Category C who experienced sexual misconduct at DND or SNPF should contact our firm directly.)

For Applicants making a claim related to sexual misconduct in the CAF, Category C was included in the class action settlement as a fail-safe, to ensure that individuals who DO NOT qualify for VAC benefits are still compensated for diagnosed physical and/or psychological injuries related to MST. In the vast majority of cases, compensation for diagnosed physical and/or psychological injuries related to MST will be awarded through VAC and not through Category C.

We have outlined some common “Category C” scenarios (below). However, there is no one size fits all. If an Applicant is unsure how their VAC benefits affect a Category C claim, we would highly encourage them to contact our firm or one of the other lawyers listed on the website.

Scenario #1

You are receiving VAC benefits for a physical or psychology condition related to service that includes compensation for a psychological and/or physical condition attributable to MST (even if MST is not specified in the VAC decision or materials) = No Category C claim.

For example, if an Applicant is already receiving VAC benefits for combat-related PTSD, a diagnosis of major depression related to MST would already be included within the benefits for PTSD, even if MST is not specified in the VAC decision or materials.

Contact VAC if you are unsure whether your existing VAC benefits include compensation for psychological and/or physical injuries related to MST. When contacting VAC, the Applicant should always identify themselves as a class action member. There is a dedicated unit at VAC that is equipped to answer questions from class action members.

Scenario #2

You are NOT receiving VAC benefits for a diagnosed physical and/or psychology condition related to service, and you made a claim for VAC benefits for that condition, and that claim was denied before April 3, 2017 = You must file a application for a VAC Departmental Review of the denial.

Scenario #3

You are NOT receiving VAC benefits for a physical or psychological condition related to service, you made a claim for VAC benefits for that condition, the claim was denied before April 3, 2017, and VAC has denied your request for benefits on Departmental Review after April 3, 2017 = Possible Category C claim. Contact one of the class action lawyers for assistance.

Scenario #4

You are NOT receiving VAC benefits for a physical or psychological condition related to service and you made a fresh claim for VAC benefits that was denied after April 3, 2017 = Possible Category C claim. Contact one of the class action lawyers for assistance.

- 7. It appears that lawyers and other staff addressing phone calls, either do not answer emails or phone messages in a timely manner or answer them at all.**

This issue has been raised with class counsel. Calls and emails, unless they are urgent, should be responded to within 2 business days.

- 8. There is confusion by many that they cannot apply for additional categories, once an original application has been processed. That is, if one applies for Category A, they cannot later apply for Category B, if 30 days have lapsed since the Category A Decision. This arises from one having only 30 days to ask for a re-consideration of any Category claim.**

Applications for Category A, B, and C can be made at the same time, using the same claims form.

Once an application is submitted, the Applicant can contact the administrator to add or remove any Category from their claim prior to receiving a decision letter.

If the Applicant receives a decision letter they have 30 days from the date they received the decision letter to automatically add or remove any Category from their claim. If an Applicant has missed this deadline they can ask the Lead Assessor for an extension to file. Applicants in this situation should contact class counsel for assistance as soon as possible.

The Lead Assessor cannot extend the time after she has issued her reconsideration decision.