

**CLASS ACTION REGARDING SUPPLEMENTARY RETIREMENT BENEFIT PAYABLE BY VETERANS  
AFFAIRS CANADA TO FORMER MEMBERS OF THE CANADIAN ARMED FORCES**

***Bruyea v. Canada, T-1106-20***

The Federal Court has certified a class proceeding against the Government of Canada (“Canada”) in relation to certain benefits sponsored and administered by Veterans Affairs Canada (“VAC”) and allegedly payable to former members of the Canadian Armed Forces (“CAF”). If you are a former member of the CAF (a “Veteran”) and received the Supplementary Retirement Benefit in 2019, or if you are the survivor of a Veteran and received the Supplementary Retirement Benefit in 2019, then you may be a member of the Class. If the class proceeding succeeds at trial, or is settled, class members may be entitled to a payment.

**WHAT IS THE CLASS ACTION ABOUT?**

The Supplementary Retirement Benefit program (the “SRB Program”) was established by Canada to compensate for the lower pension earnings and retirement benefits payable to a Veteran who had been unable to engage in suitable gainful employment because of service-related injuries and disabilities. The plaintiff and the Class claim that the VAC was negligent in informing and advising Class Members of the financial benefits for which they were allegedly eligible, in particular the Earnings Loss Benefit and the Supplementary Retirement Benefit. The plaintiff and the Class claim that this failure by VAC to provide timely and accurate information about their entitlement to the Supplementary Retirement Benefit resulted in smaller payouts than the Class Members would have otherwise been entitled to or actually received.

**WHO ARE THE CLASS MEMBERS?**

The Federal Court has defined the Class as follows:

All former members of the CAF who were

1. approved to be in the VAC Rehabilitation Program sponsored and administered by [Canada];
2. declared to be Totally and Permanently Incapacitated and/or suffering Diminished Earnings Capacity as defined in programs sponsored and administered by the Defendant including those Veterans approved for CAF-LTD and designated Totally Disabled; and
3. approved for and in receipt of an Earnings Loss Benefit (ELB) sponsored and administered by [Canada], whether or not that payment [the ELB payable to them] would have been offset by other income or payments;

and, as a result, received the Supplementary Retirement Benefit, and the survivors of Veterans, where those survivors received the Supplementary Retirement Benefit under [Canada’s] legislative scheme and programs.

**WHEN IS THE CLASS PERIOD?**

The class period is from April 1, 2006 to October 1, 2016.

**WHAT DO I NEED TO DO TO TAKE PART?**

All Class Members have the right to participate in the class proceeding. You are automatically included in the proceeding and bound by the results unless you opt-out. If you do not opt-out, you will be eligible to receive a payment if there is a settlement or judgment in favour of the class. You do not need to do anything if you wish to participate. If you wish to opt-out, you must sign and deliver an Opt-Out Form available from any of the lawyers listed below or posted on the case website. If you wish to opt-out, you must send a signed Opt-Out Form to any of the lawyers listed below within 60 days, meaning by no later than November 27, 2023. If you opt-out, you will not be eligible to receive any payment from a settlement or judgment in favour of the class.

**WHO IS THE REPRESENTATIVE PLAINTIFF?**

The representative plaintiff in this class proceeding is Sean Bruyea. Mr. Bruyea served as a member of the Canadian Armed Forces from 1982 until 1996. For the purpose of this proceeding, Mr. Bruyea’s address is: c/o 2020 – 650 West Georgia Street, Vancouver, B.C., V6B 4N7.

**WHO ARE THE LAWYERS FOR THE CLASS?**

The lawyers for the class (“Class Counsel”) are:

Murphy Battista LLP (Vancouver)

You can obtain more information about the class proceeding at the website created by Class Counsel:

[www.srbclassaction.ca](http://www.srbclassaction.ca)

**DO I NEED TO PAY ANYTHING?**

You do not need to pay any legal fees. If the case is unsuccessful, there will be no legal fees. If the case succeeds, whether at trial or by settlement, counsel will seek to be paid 33.3% of the amount awarded to the Class in settlement or judgment, plus disbursements, interest on disbursements and applicable taxes. The Federal Court must approve Class Counsel’s fees and/or any settlement of the class proceeding.