

# Update: Resolution of Disability Pension Reductions due to Merlo Davidson Settlement Compensation - February 6, 2024

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## Update: Resolution of Disability Pension Reductions due to Merlo Davidson Settlement Compensation

I am pleased to provide this update about the actions taken by VAC to resolve the complaint we received from the Chair of the RCMP Veteran Women's Council on behalf of some claimants to the Merlo Davidson Class Action Settlement.

In December 2022, I wrote to the Minister of Veterans Affairs to share our findings of unfairness in the way Veterans Affairs Canada (VAC) was reducing the disability pensions of RCMP women members and former members who had received compensation under the Merlo Davidson settlement agreement. I made two recommendations to resolve the unfairness:

1. That VAC immediately cease disability pension reductions for Merlo Davidson Levels 1 and 2 claimants and issue corrective payments to the women from whom pension amounts have been clawed back; and
2. That VAC publish its methodology for determining whether and in what amount Merlo Davidson compensation comprises compensation for a pensioned disability under the Pension Act, and barring same, immediately cease disability pension reductions for Merlo Davidson claimants at Levels 3 to 6 and issue corrective payments to the women from whom pension amounts have been clawed back.

In response, VAC advised that they have contacted all clients receiving a disability pension who had self-identified as having received Merlo Davidson compensation and offered each of them the opportunity to submit additional information about their settlement compensation. For those where VAC found some or all of the settlement compensation was not in respect of the same condition for which the claimant is now in receipt of a disability pension, VAC re-calculated the reduction amount, issued a corrective payment and corrected the disability pension amount going forward.

I am satisfied that VAC has made appropriate adjustments and has addressed the intent of my recommendations for all known claimants who self-identified as having received Merlo Davidson compensation.

I would strongly encourage RCMP members and former members to apply for VAC disability benefits to which they are entitled.

As always, if anyone feels that they have been treated unfairly by VAC, please reach out to my office.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'Nishika', written in a cursive style.

**Colonel (Ret'd) Nishika Jardine**  
**Veterans Ombud**

**Date modified:**

2024-02-07