

Gouvernement du Canada MEMORANDUM NOTE DE SERVICE										
TO À FROM DE SUBJECT OBJET	Surg Gen DLAW/PE PAYMENT OF BENEFITS - CFSA [REDACTED] RELEASED: [REDACTED]									
<table border="1"> <tr><td>SECURITY CLASSIFICATION - DE SÉCURITÉ</td></tr> <tr><td>CONFIDENTIAL</td></tr> <tr><td>OUR FILE - N/RÉFÉRENCE</td></tr> <tr><td>[REDACTED] (DLAW/PE)</td></tr> <tr><td>1462-1</td></tr> <tr><td>YOUR FILE - V/RÉFÉRENCE</td></tr> <tr><td> </td></tr> <tr><td>DATE</td></tr> <tr><td>24 June 1982</td></tr> </table>		SECURITY CLASSIFICATION - DE SÉCURITÉ	CONFIDENTIAL	OUR FILE - N/RÉFÉRENCE	[REDACTED] (DLAW/PE)	1462-1	YOUR FILE - V/RÉFÉRENCE		DATE	24 June 1982
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<p>Ref: A. Canadian Forces Superannuation Act Recommendation for Benefit, 7 May 82 (copy attached)</p> <p>1. [REDACTED] was released from the Canadian Forces on [REDACTED] in accordance with the provisions of the item 5(d) of the table to Article 15.01 of QR&O. The events leading up to his release are well summarized in the Recommendation for Benefit at Ref A.</p> <p>2. The case was considered at a recent meeting of the Service Pension Board and the Board members were unanimous in their concern that [REDACTED]'s benefits under the CFSA would not be commensurate with his good record in the CF. As matters stand the Board may be forced to confirm that the benefits payable to [REDACTED] under the CFSA would be in accordance with para 10(6)(b) of the Act which amounts to a return of contributions or a deferred annuity (at the ex-member's option). The deferred annuity which is payable at age sixty would not be an attractive option to a person of thirty-eight.</p> <p>3. The material before the Board indicates that your staff was of the opinion that [REDACTED] was a person to whom subsection 1(b) of CFAO 19-20 applies. It has always been the Board's policy, that members being released because of "sexual abnormality" will be awarded benefits under subsection 10(6) of the CFSA. On the other hand, and as a result of the advice of your office, in the case where a release results from homosexual behaviour, as defined in subsection 1(a) of CFAO 19-20, the benefits awarded by the Board are under subsection 10(3) of the CFSA, where the member is released to promote economy or efficiency. The benefit under subsection 10(3) of the CFSA are always better than those awarded under subsection 10(6). If subsection 10(3) were to apply to [REDACTED], he would be entitled, at his option, to a return of contribution, a deferred annuity or a reduced annuity. The latter benefit is of course, in the long run, a better benefit than the other two.</p> <p>4. The Board members feel that there is an anomaly in the situation since the ex-member's condition has never interfered with his career of almost nineteen years, in a sensitive trade, in fact his "behaviour" came to light quite accidentally and not within the military community. On the other hand, if he was an admitted homosexual he would be considered to be "sick" and removed from the military community with the best possible benefit under the CFSA.</p> <p style="text-align: right;">.../2</p>										
<p>GSB STANDARD FORM 22a 7540 21 865 6699 FORMULE NORMALISÉE 22a DE L'ONGC</p>										

du Canada

MEMORANDUM

NOTE DE SERVICE

TO
À Surg Gen

FROM
DE DLAW/PE

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- 2 -

5. It would be appreciated if you would have your staff reconsider this case with a view to providing a better opinion on the medical condition of [redacted] and to explore the possibility of a medical release.

R.F. MacDonald
 R.F. MacDonald
 LCol
 DLAW/PE
 6-6766