

## **Begrudgingly taking care of Canadian soldiers' survivors is not enough**

By Bob Bergen

It is an axiom of military service that if soldiers risk their lives while serving their country, then the government is duty bound to take care of them and/or their families in the event of injury or death.

Sadly, as events of this week have illustrated – yet again – the Canadian military drags its feet as long as possible to avoid that responsibility if it can't shirk it entirely.

More than 14 years after her husband was killed in a training accident at CFB Suffield, Minister of National Defence Gordon O'Connor announced on Nov. 27 that Master Cpl. Rick Wheeler's Victoria, B.C., widow Christina would be compensated for the misery the Canadian Forces caused her and her two daughters.

Partially-deaf Master Cpl. Rick Wheeler was crushed on April 7, 1992, on the Alberta base by an armoured personnel carrier while playing the part of dead enemy lying on the road during an exercise ironically named *Surging Rage*.

Initially, the military made it impossible for his widow to find out even the basic facts of her husband's death.

How? While medicated after the shocking news of her husband's death, she signed documents waiving details to ensure she received about \$30,000 annually in survivor benefits.

Later, she was determined to learn more and turned to Canada's privacy and information laws.

When she did, she learned a summary investigation by members of his own unit blamed Cpl. Wheeler for his own death for failing to alert the carrier driver of his presence.

It never seemed to occur to anyone that the hearing-impaired soldier couldn't have heard the carrier coming.

It was only after Mrs. Wheeler approached this writer – who was a journalist at the time involved in the investigation of another soldier's death, Cpl. Neil MacKinnon – that the news about her plight became public.

Details of the bungled investigation forced an independent board of inquiry that cleared Wheeler of his own death, but aspects of that inquiry were botched, too.

After yet another lengthy investigation, the Canadian Forces Ombudsman Andre Marin concluded in 2005 that the compound injustices foisted on Wheeler's long-suffering family cried out for adequate and just compensation.

Requiring a legal claim from Mrs. Wheeler, Marin argued, would be manifestly unfair but she was required to make one anyway, which was rejected in April this year.

An angry Marin again came to Wheeler's aid, even though he was no longer ombudsman, making headlines across Canada with the argument that the families of soldiers risking their lives in Afghanistan would be hung out to dry if, God forbid, they were killed.

While the Forces have finally done right by the Wheelers monetarily, the similarities between the treatment of her family and that of Cpl. MacKinnon's are chilling.

His Sydney River, N.S., family was told Cpl. MacKinnon was killed on exercise at CFB Suffield in 1995 when a grenade he had prepared for throwing into a trench exploded – leaving them to believe incompetent MacKinnon died by his own hand.

What they weren't told was that safety violations resulted in Cpl. MacKinnon being accidentally shot in the head first as he approached the trench.

This writer was alerted anonymously to that previously-undisclosed fact by a medic on the scene.

Further investigations resulted in his commander, a major, being convicted by a military court martial on two negligence counts and he was demoted to captain.

Now don't think these dreadful things only happen to grunts.

Maj. Bruce Henwood lost both legs in an anti-tank mine explosion in Croatia in 1995.

He spent years in rehabilitation and was medically released from the Forces in April 1998 after 23 years of service.

For the next five years, he fought from Calgary for changes to the Force's insurance plan which denied compensation to most soldiers injured in the line of duty but allowed generals to claim up to \$250,000 for injury or death.

Henwood's highly-publicized fight eventually resulted in the government's 2003 passage of Bill C-44, an Act to compensate military members injuring during service.

The Department of National Defence was made responsible for administering its \$26.3-million new fund for which some 200 beneficiaries were eligible.

The difference between the Henwood, Wheeler and MacKinnon cases is that Henwood's fight led to legislation that will benefit soldiers now and in the future.

That's not the case when the military is left to its own devices in cases like Wheeler's and MacKinnon's.

Marin recommended non-combat deaths be subjected to compulsory independent boards of inquiry, but the military told Mrs. Wheeler it has now rejected that, which is disappointing at best and appalling at worst.

Begrudgingly taking care of families long after the fact is one thing, but if any long-term good could come out of the Wheeler's and MacKinnon's tragic deaths, mandatory boards of inquiry should have been it.

Only one thing is certain: The call for them will be much louder the next time.

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