



Public Safety Officers' Benefits (PSOB) Program Claims Process for Line-of Duty Deaths

<p>1. Immediately after the fatality</p>	<p>The department must...</p> <ol style="list-style-type: none"> 1. Notify the family. 2. Secure the scene. 3. Begin an investigation of the incident. 4. Make arrangements for an autopsy. 5. Identify a department member to serve as a liaison between the department and the PSOB office.
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<p>2. Immediately after being named the department's liaison...</p>	<p>The liaison must...</p> <ol style="list-style-type: none"> 1. Call PSOB at 1-888-744-6513 or ICHIEFS at 703-273-0911 if there is no answer. 2. Provide accurate, up-to-date information including these items: <ul style="list-style-type: none"> • Fire department name and address. • Liaison's name. • Phone numbers for the department and liaison. • A fax number or mailing address so PSOB can send the Death Benefits Questionnaire. • Deceased firefighter's name. • Date of the incident and death. • A brief description of the incident. <p>Relay the information very carefully and relay only what you know. Do not speculate on the cause of death if you do not know it.</p>
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If you need to notify PSOB on an evening or a weekend, leave a message. Be sure to include all the above information.



<p>3. PSOB responds.</p>	<p>PSOB will fax or mail its Death Benefits Questionnaire to the department liaison as soon as possible after receiving the call.</p>
<p>4. The department liaison completes the Death Benefits Questionnaire.</p>	<p>The liaison must complete and return the Questionnaire to PSOB immediately. This information is vital. In describing the incident, the liaison needs to provide as much detail as possible but not speculate if the cause of death is not known.</p>
<p>5. PSOB then sends a claims package to the department liaison.</p>	<p>This package includes three items:</p> <ol style="list-style-type: none"> 1. A guidance letter explaining claim documentation requirements. 2. A form, <i>Report of Public Safety Officer's Death</i>, that the department must complete and the head of agency must sign. 3. A form, <i>Claim for Death Benefit</i>, that the surviving spouse, children or parents must complete and sign.
<p>6. The department liaison needs to...</p>	<ol style="list-style-type: none"> 1. Complete the form, <i>Report of Public Safety Officer's Death</i>. 2. Make sure the family gets the other form, <i>Claim for Death Benefit</i>. 3. Offer assistance to the family in completing the form. Explain to the family that PSOB will return all the required original documents only if requested (birth certificate, marriage licenses, divorce decrees, etc.). 4. Assure that the family provides a certified death notice, not a copy. 5. Submit both completed forms and all supporting documents to PSOB as soon as possible.
<p>7. The PSOB specialist receives the claim package and...</p>	<ol style="list-style-type: none"> 1. Reviews the package and prepares a recommendation. 2. Contacts the department liaison if further information is needed. 3. Submits unresolved medical questions to the Armed Forces Institute of Pathology. 4. Submits written recommendations to the Department of Justice's Office of General



	Counsel for review.
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8. If the General Counsel requests more information...	The PSOB Specialist will: <ol style="list-style-type: none">1. Contact with department for more information.2. Meet with General Counsel staff to review any new information provided and reach a decision.
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9. If the General Counsel approves the claim...	The PSOB Specialist will: <ol style="list-style-type: none">1. Send a letter to the next-of-kin notifying them of the approval of the claim.2. Send a check to the eligible next-of-kin.
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10. If the General Counsel denies the claim...	The PSOB Specialist will: <ol style="list-style-type: none">1. Send a letter to the next-of-kin notifying them of the denial of the claim.2. Provide more information on the appeals process.
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If you have any questions at any time, please call PSOB at (888) 744-6513



Bureau of Justice Assistance Fact Sheet

Public Safety Officers' Benefits Program

History

The Public Safety Officers' Benefits (PSOB) Act (42 U.S.C. 3796, et seq.) was enacted in 1976 to assist in the recruitment and retention of law enforcement officers and firefighters. Specifically, Congress was concerned that the hazards inherent in law enforcement and fire suppression and the low level of state and local death benefits might discourage qualified individuals from seeking careers in these fields, thus hampering the ability of communities to provide for public safety. The PSOB Act was designed to offer peace of mind to men and women seeking careers in public safety and to make a strong statement about the value American society places on the contributions of those who serve their communities in potentially dangerous circumstances.

The resultant PSOB Program, which is administered by the Bureau of Justice Assistance (BJA), presents a unique opportunity for the U.S. Department of Justice; federal, state, and local public safety agencies; and national public safety organizations to become involved in promoting the protection of public safety officers before tragedies occur. Each year, the PSOB Program receives substantial information about line-of-duty deaths that is used to enhance public safety officer training. The PSOB Program also encourages public safety agencies to adopt model policies that can help guide an agency through the tragic event of a line-of-duty death.

PSOB Program Benefits

The PSOB Program provides a one-time financial benefit to the eligible survivors of public safety officers whose deaths are the direct and proximate result of a traumatic injury sustained in the line of duty. The benefit was increased from \$50,000 to \$100,000 for deaths occurring on or after June 1, 1988. Since October 15, 1988, the benefit has been adjusted each year on October 1 to reflect the percentage of change in the Consumer Price Index. For fiscal year 2000, the benefit is \$151,635.

The PSOB Program provides the same benefit to public safety officers who have been permanently and totally disabled by a catastrophic personal injury sustained in the line of duty if that injury permanently prevents the officer from performing *any* gainful work. Medical retirement for a line of duty disability does not, in and of itself, establish eligibility for PSOB benefits.



Since 1977, on average, the PSOB Program has received 275 benefit claims each year for line-of-duty deaths of public safety officers. POSB Program staff respond rapidly and with sensitivity to requests for assistance from claimants and public safety agencies. They also provide moral support and, when necessary, referrals to organization such as Concerns of Police Survivors (COPS) and the National Fallen Firefighters Foundation (NFFF), which can provide long-term support for surviving family members and coworkers of deceased public safety officers.



PSOB Service Standards Commitment

The mission of the PSOB staff is to assist public safety officers, their agencies, and their families before, during, and after a tragedy occurs. Three core values guide our daily operations and measure our performance. They are:

- We will respond rapidly and accurately to PSOB death and disability benefits claims.
- We will be humane in our support of public safety officers, their agencies, and their families.
- We will seek and pursue opportunities to expand our assistance to the public safety field.

To improve our response time, we continuously assess our allocation of staff and organizational processes. We will respond to the public safety field within 2 weeks once an eligible death benefits case is complete, within 4 weeks once an ineligible death benefits case is complete, and within 6 weeks once a disability case is complete. To ensure accuracy, we will use medicolegal experts and independent legal analyses from outside the PSOB Program.

To provide our services in the most sensitive and professional manner, PSOB staff receive training on key issues associated with grief, critical incident stress, and posttraumatic stress disorder. We also solicit and use information provided to us on the tone and impact of our verbal and written communication with the public safety field.

One example of the PSOB Program giving more to the field is a series of regional training sessions conducted to help law enforcement agencies prepare for the loss of an officer. It is essential that all public safety agencies be prepared to effectively assist the family, fellow officers, and the community to move forward in the aftermath of a tragedy.

Our commitment to support the public safety community has never been stronger, and it will continue to grow.



PSOB Program Effective Dates

The effective dates for PSOB Program benefits are as follows:

Death Benefits

- State and local law enforcement officers and firefighters are covered for line-of-duty deaths occurring on or after September 29, 1976.
- Federal law enforcement officers and firefighters are covered for line-of-duty deaths occurring on or after October 12, 1984.
- Members of federal, state, and local public rescue squads and ambulance crews are covered for line-of-duty deaths occurring on or after October 15, 1986.

Disability Benefits

Federal, state, and local law enforcement officers, firefighters, and member of public rescue squads and ambulance crews are covered for catastrophic personal injuries sustained on or after November 29, 1990. The public safety officer must be separated from his or her employing agency for medical reasons, and must be receiving the maximum allowable disability compensation from his or her jurisdiction, in order to initiate a claim for PSOB disability benefits. Eligible officers may include persons who are comatose, in a persistent vegetative state, or quadriplegic.

Public Safety Officers Eligible for PSOB Program Benefits

Under the PSOB Program, a *public safety officer* is a person serving a *public agency* in an official capacity, with or without compensation, as a law enforcement officer, firefighter, or member of a public rescue squad or ambulance crew. *Law enforcement officers* include, but are not limited to, police, corrections, probation, parole, and judicial officers. *Volunteer firefighters* and *members of volunteer rescue squads and ambulance crews* are covered under the program if they are officially recognized or designated members of legally organized volunteer fire departments, rescue squads, or ambulance crews.

A *public agency* is defined as the United States; any U.S. state; the District of Columbia; the Commonwealth of Puerto Rico; any U.S. territory or possession; any unit of local government; any combination of such states or units; and any department, agency, or instrumentality of the foregoing. To be eligible for benefits, a public safety officer's death or total and permanent disability must

result from injuries sustained in the line of duty. *Line of duty* is defined in the PSOB regulations (28 CFR 32) as any action that the public safety officer whose



primary function is crime control or reductions, enforcement of the criminal law, or suppression of fires is authorized or obligated by law, rule, regulation, or condition of employment or service to perform. Other public safety officers—whose primary function is not law enforcement or fire suppression—must be engaged in their *authorized* law enforcement, fire suppression, rescue squad, or ambulance duties when the fatal or disabling injury is sustained.

Survivors Eligible for Program Death Benefits

Once BJA approves a claim for death benefits, the benefit will be paid to eligible survivors in a lump sum, as follows:

- *If there are no surviving children of the deceased officer*, to the surviving spouse.
- *If there is a surviving child or children and a surviving spouse*, one-half to the child or to the children in equal shares and one-half to the surviving spouse.
- *If there is no surviving spouse*, to the child or in equal shares to the children.
- *If none of the above apply*, to the parent or in equal shares to the parents.

Under the PSOB Act, *child* is defined as any natural child who was born before or after the death of the public safety officer, or who is an adopted child or stepchild of the deceased public safety officer. At the time of death the *child* must be 18 years of age or younger; or 19-22 years of age and pursuing a full-time course of study or training, if the child has not already completed 4 years of education beyond high school; or 19 years or older and incapable of self-support due to a physical or mental disability.

For PSOB Program benefits to be paid, a public safety officer must be survived by an eligible survivor; public safety officers cannot predesignate their beneficiaries.

PSOB Program Limitations and Exclusions

No PSOB Program benefit can be paid:

- If the death or permanent and total disability was caused by the intentional misconduct of the public safety officer or if the officer intended to bring about his or her own death or permanent and total disability.
- If the public safety officer was voluntarily intoxicated at the time of death or permanent and total disability.
- If the public safety officer was performing his or her duties in a grossly negligent manner at the time of death or permanent and total disability.



- To a claimant whose actions were a substantial contributing factor to the death of the public safety officer.
- To non-civilian members of the military serving as law enforcement officers, firefighters, or rescue squad or ambulance crew members, or to any of their survivors.

PSOB benefits do not cover death or permanent and total disability resulting from stress; strain; occupational illness; or a chronic, progressive, or congenital disease (such as heart or pulmonary disease), unless there is a traumatic injury that is a substantial contributing factor in the death or permanent and total disability. Medical proof of the traumatic injury (such as a blood test for carbon monoxide poisoning) may be necessary for coverage in these cases.

Reduction of Benefits

The PSOB Program benefit is reduced by certain payments made under the District of Columbia Code and may itself reduce benefits under Section 8191 of the Federal Employees' Compensation Act. However, state and local benefits must not be reduced by benefits received under the PSOB Act, and the PSOB benefit is not reduced by any benefit received at the state or local level.

Interim Payment

If BJA determines an urgent claimant need before the final action of paying a death benefit, an interim benefit payment not exceeding \$3,000 may be made to the eligible survivor(s) if it is probable that the death is compensable.

Attachment and Tax Exemption

PSOB death and disability benefits are not subject to execution for attachment by creditors. The Internal Revenue Service (IRS) has ruled that the benefit is not subject to federal income tax (IRS Ruling No. 77-235, IRS 1977-28) or to federal estate tax (IRS Ruling No. 79-397).

Attorneys' Fees

The PSOB Act authorizes BJA to establish the maximum fee that may be charged for services rendered to the claimant by another party in connection with any PSOB claim filed with BJA. Contracts for a stipulated fee and contingent fee arrangements are prohibited by PSOB regulations (28 CFR 32.22 (b)). BJA assumes no responsibility for payment of claimant attorney fees (28 CFR 32.22(d)).



Filing a Claim

Eligible survivors or disability claimants may file claims directly with BJA or through the public safety agency, organization, or unit in which the public safety officer served. In most cases, the public safety agency provides BJA with sufficient information to determine whether the circumstances of the death or permanent and total disability support a benefit payment. The public safety agency prepares a Report of Public Safety Officer's Death or Permanent and Total Disability Claim Form to accompany the claim for death benefits completed by the eligible survivor(s) or, in the case of disability claims, the prerequisite disability certification package completed by the injured officer. BJA will determine whether and to whom a benefit should be paid.

For Further Information

For more information about the Public Safety Officers' Benefits Program or to share your observations and recommendations, please contact:

U.S. Department of Justice Response Center

1-800-421-6770 or 202-307-1480

Response Center staff are available Monday through Friday, 9 a.m.-5 p.m. eastern time.

Bureau of Justice Assistance

Public Safety Officers' Benefits Program

810 Seventh Street, NW

Washington, DC 20531

Toll Free: 1-888-SIGNAL13 (744-6513)

Fax: 202-307-3373

World Wide Web: www.ojp.usdoj.gov/BJA/

Bureau of Justice Assistance Clearinghouse

P.O. Box 6000

Rockville, MD 20849-6000

1-800-688-4252

Fax: 301-519-5212

E-mail: look@ncjrs.aspensys.com



Fire Service Guide Series: Line-of-Duty Death

Example procedure from State of New York

Introduction

The death of a fellow firefighter is often a difficult time for the entire department. Many details and arrangements need to be addressed in a fairly short period of time. One major item which is often overlooked is the completion of necessary state and federal claim forms assuring the deceased member's family receives the various benefits afforded to them. It is vital that the fire department take the responsibility for seeing that this is cared for.

Line-of-Duty Death Committee

To prepare for such an occurrence, a fire department should appoint one member or a select committee to provide assistance completing the necessary claim forms. They should be familiar with the applicable state and federal statutes so, in the event of a firefighter death, benefits can be properly and punctually obtained. There should be a working knowledge of the various insurance policies held by the department regarding coverage and exclusions, application procedures and other provisions. Procedures outlined by the department's insurance carrier should also be obtained.

Numerous department procedures must be established to address tasks needed to be dealt with after a line-of-duty death, including:

- Prompt and punctual filing of all claim forms and benefit claims;
- Procedures for fire department funeral allowing for religious considerations and family wishes; should provide assistance to families and funeral director, if desired, to provide for the smoothest operation. (Fire department chaplains have a major role in this task.);
- Procedures for notifying proper authorities and news media in the event of a line-of-duty death;
- Procedures for notifying next of kin; provide assistance for family as requested;
- Securing permission from family for autopsy and the release of the report for filing purposes when and where required; and
- Obtaining sources of information of all official records and reports necessary for filing claims.



Many fire department activities are not covered unless members are “authorized” or “ordered” by the chief to participate. In some cases, the absence of such authorization may jeopardize the receipt of applicable benefits. The department chief should assure prior authorization is in place so this will not occur. Accurate records concerning which members participated in various activities is also crucial.

Line-of-Duty Death Occurrence

Despite the emotional upset accompanying this event, the department must take immediate steps to collect facts, ensure the preservation of necessary records, notify the family and appropriate authorities and in general, protect the interests of the deceased member and member’s family.

Numerous items need to be addressed at the time of the incident and immediately thereafter. The incident may take on of the following forms:

- death at the scene;
- dead on arrival at hospital;
- alive on arrival, but later expires; or
- injuries or distress not detected at scene and member dies later, possibly at home or fire station.

In some cases, steps must be taken to ensure that cause and death is accurately reported. An autopsy should be requested, as well as a toxicological examination with a test for specific levels of carbon monoxide (CO) in the blood expressed in an exact percent.

Testing is absolutely crucial in the event of a member’s collapse at or following an incident without a physical injury present. In the event a toxicology test was not performed and cannot be performed due to lack of blood samples, etc., affidavits from the fire department or investigating medical examiner stating such facts and explaining why tests were not conducted are necessary.

The required tests can be satisfied by utilizing the postmortem protocol for fire victims. This series of tests will determine the various factors necessary for submission of the claims. Additional information concerning this protocol can be obtained from the Office of Fire Prevention and Control, (518) 474-6746.

Emphasize the importance of the percent level as opposed to generalities, such as CO present or “trace of CO,” etc. This is crucial especially in cardiac-related



cases. In these cases, it is necessary to prove a traumatic injury existed by the blood carbon monoxide level. Blood tests for carbon monoxide, as well as other materials, must give the exact level of product saturation, not merely the presence, such as “carbon monoxide less than 10 percent.” For example, a member is admitted with a broken leg but subsequently suffers a heart attack brought about by low level smoke inhalation which did not produce an obvious symptom at the scene. The broken leg certainly was not the cause of death, but, if a CO level of 15 percent or more (10 percent for non-smokers) is detected on admission, that will be considered a “physical injury” which resulted in death under the Public Safety Officer’s Benefit Law. **DO NOT** make any statement indicating that “stress,” “strain,” or “exertion” was a contributing factor in the incident as this will lead to denial of benefits.

It is recommended that any equipment involved in a firefighter incident (protection gear, SCBA, etc.) be impounded and secured. Additional information, such as communication, tapes and records, should also be maintained. While this information is not a part of the PSOB guidelines, it may assist in the benefit claim submission.

Statements

Restraint is the key word. This is not intended to suppress information, but rather to suppress incorrect and unnecessary opinions. Facts, as they are known, should be given to persons and/or agencies as needed to perform their functions. Opinions and speculation based on indirect evidence should be identified as such rather than stated as fact. If facts are not known, this should be clearly stated. If circumstantial evidence is present, give that information, not your conclusion as to what the circumstantial evidence means.

Agencies to Notify

The following organizations should be notified in the event of a line-of-duty death. These groups can provide assistance and guidance throughout this process.

1. Fire Investigative Unit. Notify Immediately. **NOTE:** If the member is moved from the area of injury, be sure to indicate the area and secure the scene for police and/or fire investigation.
2. Governing body of fire department and Chief Executive of Municipality.
3. County fire coordinator’s office. The coordinator can provide assistance in a number of areas.



4. Office of fire prevention and control as well as the local and state fire marshals. These offices can provide assistance in completing forms and explaining procedures.
5. Public Safety Officers' Benefit Program, Washington, DC (by phone during business day). Ask for "Program Planning Specialist" at (202) 724-7620 or by mail to: US Department of Justice, Law Enforcement Assistance Administration, Public Safety Officers' Benefits Program, Washington, DC 20531.
6. Insurance Companies. If you have supplementary insurance, notify these companies.
7. Police department having jurisdiction over serious crimes. Notify immediately.
8. Notify your attorney or obtain one.
9. For career personnel;
 - Notify the IAFF Secretary/Treasurer. Telephone (202) 872-8484. To request help, call immediately.
 - Notify the US Department of Justice. Telephone (202) 724-7620 to obtain forms.
 - Notify and alert your IAFF District Vice President, State District Vice President and the State Office.
 - Retirement System.
10. For career and volunteer personnel: Telephone the Worker's Compensation Board's local office. They will take information, assign a case number and advise which form to file.
11. The United States Fire Administration and the National Fire Academy have also requested telephone notification in the event of a firefighter line-of-duty death so the flags over the National Fallen Firefighter's Memorial may be lowered in respect. Notification may be made by contacting the Office of Fire Prevention and Control, 162 Washington Avenue, Albany, NY 12231; (518) 474-6746.



Available Benefits

Listed below are some of the death benefit programs available to fire service personnel and a description of their provisions. NOTE: The provisions contained within this section may change periodically. It is important for fire service personnel to be aware of any changes which may occur.

CAREER AND VOLUNTEER PERSONNEL

Federal Public Safety Officers Death Benefit:

This program provides for \$100,000 basic death benefit to the dependants of a career or volunteer firefighter who dies in the line of duty. This benefit amount also incorporates a cost of living escalator which is tied to the consumer price index. On October 1st of each year, the basic benefit will increase the increase in the consumer price index. After the PSOB has been contacted initially (see "Agencies to Notify"), it will send forms and instructions for completing them. The instructions are simple and direct but must be followed or benefits may be delayed. Please read all instructions and notes, in particular, those on the submission of supportive documents.

1. Official documents submitted in support of the Claim for Death Benefits and/or the Report of Public Safety Officers' Death must be certified by the documents' official custodian. The custodian must affirm the document in question is a true and exact copy of the official record. Additionally, if the certifying official's original signature is not accompanied by the raised seal of his agency, a notary public seal and signature are necessary for certification.
2. Statements by individuals submitted in support of a claim must be in the form of an affidavit signed by the person making the statement and witnessed by a notary public.
3. Copies of documents or affidavits are acceptable providing they contain an original seal and signature of both the certifying official and the notary public. Copies of a certified document (e.g., seals and signature are copied) are not acceptable.
4. The department should assist the family in preparing its claim to ensure that all materials are included and properly certified. It is recommended that both the family's and the department's claim materials be submitted as one package to the following address: Public Safety Officers' Benefit Program, Office of the Comptroller, Law Enforcement Assistance Administration, 633 Indiana Avenue NW, Washington, DC 20531. It



needs to be emphasized that every document requested must be provided to support a claim and that each of these documents must be an original or certified copy (e.g., raised seal and certifying officer's original signature). If a required document is not certified the officer's benefits will be significantly delayed.

Local Insurance Policies

Many Municipalities, fire departments, firefighter unions or benevolent associations may carry additional insurance policies over and above any local, state or federal benefits. These policies will vary greatly in their benefit packages as well as their claim procedures. It is important for all affected organizations to be aware of their individual policies, the benefits available through these policies and the proper procedure for filing a claim.

General Municipal Law, Section 20 (A)

Section 205 (A) of the General Municipal Law provides for a \$1,000 injury settlement or a \$5,000 death settlement to the survivors of an injured or a deceased firefighter. This applies if the firefighter was injured or killed as a direct or indirect result of neglect, omission, willful or culpable negligence of any person or persons who fail to comply with any local, state or federal statutes, ordinances, rules, orders or requirements. This benefit provision is in addition to any other available benefits and is paid by the person or persons who failed to comply with the statute.

Student Financial Aid

In addition to the death benefits outlined, the New York State Higher Education Services Corporation has a program of student financial aid for children of deceased firefighters. In order to be eligible, the parent must have been a firefighter (career or volunteer) of New York State or its municipalities and died as a result of injuries sustained in the line of duty. Additional qualifications placed upon the recipient include:

- enrolled full-time in an approved post-secondary educational program in New York State;
- be a New York State resident at the start of the term for which payment is sought;
- meet one of the US citizenship requirements;
- matriculate in an approved educational program; and
- be in good academic standing.

The amount of the award is \$450 per year for up to four years of undergraduate study or five years of undergraduate study in an approved five-year baccalaureate program. Two forms need to be filed for this program: a "Student Payment Application" and a "Child of Police Officer--Firefighter Award" supplement. Copies can be obtained from: the New York State Higher Education Services Corporation, Albany, New York 12255.



Volunteer Personnel

This program is administered by the New York State Worker's Compensation Board while the benefits are paid by the local political subdivision or its insurance carrier.

Death benefits, in most cases, consist of a funeral benefit, a lump sum death benefit and weekly death benefits. The Worker's Compensation Board provides a pamphlet explaining the benefits in detail.

As previously mentioned, the first step is to contact the Worker's Compensation Board district office for your area. They can provide guidance and assistance. District offices and the counties they serve are listed on the VF forms.

VFBL Forms

There are four forms utilized for payment of benefits:

VF-1: Serves as a notice to the liable political subdivision of a volunteer firefighter's injury or death. This form must be filed within 90 days after the date of death or injury. Particular attention should be paid to the instructions at the top of the form, stating with whom it is to be filed.

VF-2: Serves as political subdivision's report of injury of a volunteer firefighter to New York State Worker's Compensation Board. This report shall be filed within 10 days. Remember that a copy should be sent to the insurance carrier or county plan of self-insurance for the political subdivision.

VF-3 Serves as volunteer firefighter's claim for benefits. This form shall be filed as soon as possible after the injury is incurred but no later than two years from date of injury. A copy should be submitted to the liable political subdivision. A medical report should also accompany this form.

VF-62: Claim for volunteer firefighter's benefits in death case. This form must also be submitted in the event of a death case. Important items that need to be included with this form or brought to the first hearing include:

- copy of medical report from doctor who treated the deceased;
- proof of relationship between deceased and the claimant, such as birth certificates, marriage certificates, adoption papers, etc.;
- death certificate; and
- itemized funeral bill.

This form must be filed with the Worker's Compensation Board and the liable political subdivision within two years after death.

One important item to remember is that persons eligible to claim death benefits must meet one of the following criteria:

- widow/widower;
- children under the age of 18 at time of death;



- children of any age who are totally blind or physically disabled and whose disability is total and permanent;
- grandchildren, brothers or sisters of the deceased who were under the age of 18 at the time of death and were wholly or partially dependent on deceased for support;
- wholly or partially dependent parents or grandparents; and
- dependent children or grandchildren under 25 years of age who are full-time students.

Lastly, each claimant must file a separate claim. Only one claim need be filed by a spouse and/or children under 18 years of age or under 25 years of age enrolled as a full-time student

Career Personnel

GENERAL MUNICIPAL LAW

Section 208 (b) of the General Municipal Law provides for a death benefit which is paid by the municipality and consists of a lump sum payment equivalent to the annual salary during the year preceding his/her death or the year preceding his/her injuries, whichever is greater, and \$1,000 for each child of the deceased under 18 on the date of death. The death benefit is payable to the widow/widower or her/his children under 18.

Section 208 (c) of the General Municipal Law further allows, in some cases, that the benefit be paid to the firefighter's father or mother. Consultation with this particular section of the law is recommended.

The claim form should be submitted to the chief fiscal officer of the municipality or a form supplied and prescribed by him. There is a 30 day time limit on submission of this form, however, certain extenuating circumstances allow for the form submission after this period of time. This is also addressed in the law.

NEW YORK STATE RETIREMENT LAW

Notify the Retirement System by sending a copy of the death certificate, along with the name and retirement number of the individual.

Accidental death guarantees the widow/widower full pay under the Retirement System. Two sections of the Retirement Law cover line-of-duty death:

1. Accidental death covers 50 percent of the individual's final year salary. If there is compensation coverage it will pay the maximum of \$215 per week. This amount will be subtracted from the 50 percent coverage under this section.
2. The supplemental section of the Retirement Law covering the line of duty accidental deaths also pays 50 percent of the final year salary. This section is affected by any social security benefits for which the benefactor



is qualified. If the widow/widower is 60 years of age, she/he would qualify for a widow's/widower's pension. This amount would be subtracted from the 50 percent of the retirement supplemental coverage. If there is no compensation benefits and the widow/widower is under 60 years of age, the Retirement System will pay full salary of the final year of the individual from the date of death back 12 months.

SUMMARY

At the time of a line-of-duty death, all members of the department feel a great loss. But no matter how difficult, the department must be aware of its responsibility to the deceased and his/her family to assure the family's security for the years to come.

The following is a listing of agencies and contacts where the necessary claim forms may be obtained. Additional information concerning local insurance policies should be obtained through the insurance company or carrier.

CAREER AND VOLUNTEER PERSONNEL

Public Safety Officers' Benefit Program

U.S. Department of Justice
Law Enforcement Assistance Administration
Public Safety Officers' Benefit Program
623 Indiana Avenue, NW
Washington, DC 20531
(202) 724-7620 (ask for Program Planning Specialist)

Financial Aid – Children of Deceased Firefighters

New York State Higher Education Services Corporation
Albany, New York 12255

Volunteer Firefighters' Benefit Law and Workers' Compensation Law

Workers' Compensation Board District Offices:

Albany
100 Broadway – Menands
Albany, New York 12241
(518) 474-2667

Syracuse
State Office Building
Syracuse, New York 13202
(315) 428-4464



Binghamton
State Office Building Annex
Binghamton, New York 13901
(607) 773-7867

New York City
Two World Trade Center
New York, New York 10047
(212) 488-2020

Buffalo
State Office Building
125 Main Street
Buffalo, New York 14203
(716) 847-3158

Hempstead
175 Fulton Avenue
Hempstead, New York 11550
(516) 486-4300

Rochester
155 Main Street West
Rochester, New York 14614

Career Personnel

New York State Police and Firefighters' Retirement System
Governor Alfred E. Smith State Office Building
Albany, New York 12244
(518) 474-7736



Financial Benefits Checklist

Consider each of the following benefits. Do families of your department members have access to them? If so, do you know how to access the benefits? Some of these are individual benefits. Does your department have personnel records that reflect these? If you are unsure about a certain benefit, jot down notes for yourself here, then follow up by getting further information when you return home.

Source of Benefit	<u>Is this available to your firefighters?</u>			Notes/Action Needed
	Yes	No	Need More Info	

Federal

Public Safety Officers' Benefits Program				
Scholarships for surviving children/spouse				
Social Security Death or Disability				
Victims Assistance Program				
Veterans' Benefits				

State Government

Burial Allowance				
Death Benefit				
State Insurance				
Education Benefits for Children				
State Tax Benefits				
Victim's Assistance Program				



Workmen's Compensation Plan				
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Local Government

Department Insurance				
Education Benefits for Children				
Education Benefits for Spouses				
Employee Assistance Program				
Pension Plan				
Final Paycheck				

Non-Profit

Education Benefits for Children				
Education Benefits for Spouses				
Booster Club, 100 Club, Heroes, Blue Coats, etc.				