

FPPA

PSOB *Public Safety Officers' Benefit* Questions & Answers

Q *What are the benefits?*

A The PSOB Program provides *death benefits* in the form of a one-time financial payment 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 or certain eligible heart attacks or strokes. As of October 1, 2011, the benefit amount is \$323,035. 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.

The PSOB Program provides disability benefits for public safety officers who have been permanently and totally disabled by a catastrophic 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. As of October 1, 2011 the benefit is \$323,035.

Q *Who receives the benefit?*

A For a disability, the benefit is paid directly to the officer. If he/she is physically or mentally not able to manage his/her own finances, the benefit will be awarded to the officer's legal guardian for his/her benefit. On a death, the spouse receives the benefit. If children are involved, the spouse receives half the award and the children split the other half. If there is no spouse but eligible children, the benefit is divided equally among the children. If there is no spouse or children, the benefit shall be paid to the individual designated by the public safety officer on his/her most recently executed life

insurance policy, provided that the beneficiary survived the officer. If there is no beneficiary, the parents divide the award.

Q *Are common-law marriages recognized?*

A Yes, PSOB does recognize common-law marriages. However, common-law marriages must be recognized within the state in which the union existed. PSOB does not recognize same sex marriages.

Q *What is the definition used for children?*

A Eligible children” are defined as any natural, illegitimate, adopted, or posthumous child or stepchild of the PSO who, at the time of the officer’s death, was age 18 or under, or between age 19 and 22 (inclusive) and a full-time student at an eligible educational institution, or age 18 or older and incapable of self support due to mental or physical disabilities.

Q *What conditions are required in order to apply?*

A The public safety officer must have sustained a traumatic injury or death in the line of duty.

Q *What is the definition of a traumatic injury?*

A A traumatic injury means a wound or a physical condition of the body caused by external force, including injuries inflicted by bullets, explosives, sharp instruments, blunt objects or other physical blows, chemicals, electricity, climatic conditions, infectious diseases, radiation, viruses, or bacteria, but excluding occupational disease, stress and strain.

Q *What is considered in the line of duty?*

A Line of duty means any action which an officer whose primary function is crime control or reduction, enforcement of the criminal law, or suppression of fires is obligated or authorized to perform, including those social, ceremonial, or athletic functions to which the officer is assigned, or for which the officer is compensated, by the public agency he serves. Any action which an officially recognized or designated public employee, member of a rescue squad or ambulance crew is obligated or authorized by rule, regulation, condition of employment or service, or law to perform is also considered in the line of duty.

★ *For Law Enforcement Officers
(police officers, sheriffs, deputy sheriffs, etc.)*

✓ *On Duty*

All accidental and felonious deaths and disabilities while on duty are covered.

✓ *Off Duty*

All deaths and disabilities are covered if the officer had off duty authority, was within his/her jurisdiction and was performing a duty normally associated with his/her public safety occupation.

★ *For Firefighters/
Volunteer Firefighters/
Rescue Squad
Members*

✓ *On Duty*

All accidental and felonious on duty deaths and disabilities are covered.

✓ *Off Duty*

All deaths and disabilities are covered if the firefighter/rescue squad member was killed while performing a duty normally associated with his/her public safety occupation within the public safety officer’s jurisdiction or in the PSOB’s jurisdiction. Coverage may also be extended if a mutual aid agreement does not exist but if documentation is provided which demonstrates the frequency of past mutual aid responses between the PSOB’s jurisdiction and the jurisdiction where the death occurred, even though a formal mutual aid agreement was not in affect.

Q *How long do you have to file a claim?*

A Eligible survivors may file after the later of three years following the officer's death; or one year after a final determination of right to receive, or denial of, benefits. On a disability, an officer has three years after the injury date; or one year after a final determination of right to receive, or denial of, benefits.

Q *How severe does the disability have to be?*

A The disability benefit is paid to public safety officers who are permanently and totally disabled. To qualify, the injury must permanently prevent the officer from performing any gainful work. Unable to perform any gainful work goes beyond the scope of his or her employment as a public safety officer. Maximum workers compensation or disability pension award will allow the officer the opportunity to file for the benefit but that in no way guarantees the PSOB award.

Q *What kind of tests must be performed?*

A If death or disability occurs, a toxicology (blood) report is performed and submitted to the PSOB office. If a toxicology report is not done at the time of death or disability, the examining physician must submit a certified affidavit stating that a toxicology report was not performed on the public safety

officer. For disabilities, toxicology reports are requested if they were routinely performed at the time the traumatic injury was sustained, not at the time the claim was filed. In both death and disability cases, the toxicology report submitted should be the one performed at the time of injury. In death benefit cases where the officer is hospitalized for some time between the injury and death, PSOB requires the toxicology report done upon admission to the hospital immediately after the injury. The toxicology done at the time of death would be irrelevant.

Q *What are the test levels?*

A *Carbon monoxide*
A non-smoker's blood carbon monoxide must exceed 10%, a smoker's blood carbon monoxide level must exceed 15% at the time of collapse.

Intoxication

Alcohol

.20% blood alcohol level - automatic denial

.10% to .199% - denial if evidence shows that officer acted in an intoxicated manner.

Illegal Drugs

If drug level evidence indicates sufficient quantity to cause a disturbance of mental or physical capacity - denial of benefits.

Prescription Drugs

If medical evidence indicates abuse of prescription drugs

sufficient to cause a disturbance of mental or physical capacity, permanent disability or death - denial of benefits based on the public safety officers' gross negligence in the self administration of the prescription medication. There is a difference between prescription and illegal drugs. A toxicology report can identify the type and quantity of any substance, legal or illegal, found in the bloodstream.

Q *Are heart attacks and strokes covered?*

A In 2003, the *Hometown Heroes Survivors Benefit Act, S.459*, amended the Omnibus Crime Control and Safe Streets Act of 1968 (42 United States Code 3796) to expand the PSOB to include heart attacks and strokes in some situations. Specifically, if a public safety officer dies as a "direct and proximate" result of a heart attack or stroke within twenty-four hours of responding to an incident or training exercise involving non-routine strenuous physical activity it will be "presumed" that the death was sustained in the line of duty for PSOB purposes. For more detail on this new provision, please contact the PSOB office. (Contact information for the program is listed on the back of this brochure.)

It is important to remember that each case is judged on its own merit.

Q *Does the PSOB have educational assistance?*

A Yes, the PSOB Program includes the Public Safety Officers' Educational Assistance (PSOEA) Act. This act expands on the former Federal Law Enforcement Dependents Assistance Program to provide financial assistance for higher education for the spouses and children of federal, state, and local public safety officers who have been permanently disabled or killed in the line of duty. Educational assistance through the PSOEA Program is only

available to the spouse or children of a public safety officer after the PSOB death or disability claim process has been completed and benefits have been awarded. The educational assistance may be used to defray relevant expenses, including tuition and fees, room and board, books, supplies, and other education-related costs. As of October 1, 2009, the maximum award for a full-time student is \$925 per month of class attendance. All PSOEA awards must, by law, be reduced by the amount of or the governmental assistance that a student is eligible to receive.

This handout is being provided to make you aware of possible benefits available to FPPA members. While we believe this information to be accurate, we do not have direct involvement with this program and therefore are not "experts" on the Public Safety Officers Benefit. For further information or clarification, please contact the Bureau of Justice directly.

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