

FIREFIGHTERS' NEWSLETTER



PENSION RECLASSIFICATION ARTICLE - PART 2

By Richard Alles, Deputy Chief FDNY, Ret.

In our last issue, I gave a brief history of the presumptive laws covering lungs, heart, and cancer. I also discussed the WTC Presumptive Law which was established in 2005. Our office received a flood of calls in response to that article, and many of you had specific questions about the WTC bill. I thought it would be helpful to write an article addressing some of the questions members had.

Of course, the person best able to answer all your pension questions is always your union pension trustee. We are always willing to give you a 2nd opinion, should you want one.

As you all know, the lung, heart, and cancer bills protect members only while they are actively employed. The WTC Presumptive Law is very different. Members are entitled to apply for a disability pension under WTC Presumptive Law up to **twenty five years** from the date of their retirement. In order to be covered under the WTC Presumptive Law the member must have been actively employed by the uniformed agency on 9/11/01. It does not pertain to members who retired before 9/11/01 or to those hired after 9/11/01.

Question: If I retire and then develop a covered illness, will my pension be reclassified to a line-of-duty pension?

If you become disabled due to any covered respiratory illness, covered cancer, or PTSD, before the 25th anniversary of your retirement, you are entitled to reclassification of your pension under the WTC Presumptive Law. In order to be reclassified, you must file an



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Mike Barasch at recent FDNY Pension Seminar

MEET 2 OF YOUR LAWYERS

Barasch McGarry Salzman & Penson is proud to advocate for injured firefighters and the 9/11 community. The foundation of our reputation is our people. Our lawyers and staff are innovative thinkers who share a commitment to helping victims obtain the compensation they deserve. Needless to say, we're pretty proud of them.

Many of you met Lee London and Mariya Atanasova at the UFA and UFOA delegate's conventions. As senior attorneys for our 9/11 Zadroga clients, they work on behalf of thousands of people stricken with illnesses linked to the WTC toxic dust.

Lee London, the firm's Victim Compensation Fund managing attorney, has advocacy in his blood. He followed in the footsteps of his father, a distinguished litigator who is counsel to the Patrolmen's Benevolent Association.

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DO THE RIGHT THING FOR YOUR FAMILY

This newsletter just wouldn't be complete if we didn't remind you yet again of the importance of having a will. We won't rest until every active or retired firefighter takes advantage of our offer to draft a simple Will, FREE. The only thing it will cost you is maybe 20 minutes of your time.

**DO WHAT OVER 3,000 OF YOUR BROTHERS HAVE DONE,
AND GIVE US A CALL TODAY AT 1-800-FIRELAW.**



"I'm happy my parents took the time to secure my future."

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application for reclassification.

Question: In the event that I die from the WTC-related illness after reclassification, will my pension be converted to a line-of-duty death benefit for my wife? What if I die after the 25th Anniversary of my retirement?

If a member has been reclassified, his spouse will receive line-of-duty death benefits in the event that he dies as a result of the illness. The member would NOT have had to die within 25 years of retirement in order for the death benefits to be payable. The 25 years pertains only to the ability to reclassify the pension.

Question: If I elected the maximum pension benefit at retirement, is my wife ineligible to receive a line-of-duty death benefit, because my pension dies with me? Is that why you said to be careful when choosing a pension option?

If a member elected the maximum pension benefit when he originally retired, his spouse would still receive the line of duty death benefit. The reason I mentioned the pension option is because pension reclassification does not change your pension option choice while you are still alive and receiving your pension. If the member took an option and then later reclassified, that member is still subject to that option and will continue to receive a reduced pension amount to pay for the option, although by reclassifying, that pension would be tax-free.

Remember that your union pension trustee is the best source of information for you. The trustee sits on the Pension Board of Trustees which is the final approval body for all disability claims. If you are contemplating a reclassification application, you should let the trustee know before your application is submitted. The trustee's expertise with similar disability claims is invaluable. Please don't hesitate to call us with any questions. We're here to help however we can. On this final note I'd like to wish everyone a happy, healthy, and safe summer season!

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While attending Pace University School of Law, Lee honed his own litigation skills in the John Jay Legal Services Criminal Defense Clinic. He went on to join the prestigious summer internship program at the Bronx District Attorney's office. He joined our firm after graduating law school, and has been working on behalf of the 9/11 community ever since. Lee regularly sacrifices personal time for his clients. He can usually be found in his office long after most others have gone home. He has extensive knowledge of the intricacies of the Victim Compensation Fund.

Mariya Atanasova was born and raised in Bulgaria. She went to a High School in Germany, followed by the American University in Bulgaria where she majored in Political Science and International Relations. She came to New York right after college, on her own, to attend New York Law School, having been awarded a merit scholarship. Mariya is a gifted writer fluent in several languages. She possesses a sharp intellect and a keen attention to detail. She's a champion of the "little guy". In law school, Mariya worked in the complex securities field on behalf of small investors who felt they had been taken advantage of by their brokers. Mariya began working at our firm as a legal intern while she was a full-time law student.

We are very grateful that she agreed to stay on after graduation.



Mariya Atanasova & Lee London

This is the SIXTY-NINTH edition of the BARASCH McGARRY SALZMAN & PENSON NEWSLETTER...attorney advertising which presents topics of interest to firefighters. For questions, additional copies, or more information about topics raised in this newsletter, call or write:

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