



## FREE WILLS

As firefighters, your job is to protect the citizens of New York. Yet so many of you pointedly avoid doing one of the most important things you can to protect your own families; you avoid making a will.

While these children above don't realize it yet, their parents have protected their futures by taking advantage of our offer to do free Wills.

We have now done over 4,000 free Wills and Health Care Proxies for active and retired New York City firefighters and their spouses. If you aren't one of them, what are you waiting for?!

Stop putting this off and call us today!

## FIRST RESPONDERS WHO SUCCUMB TO 9/11 ILLNESSES TO RECEIVE PRESIDENTIAL MEDAL OF VALOR

The debt of gratitude that we owe our first responders is beyond description. On 9/11, 343 NYC firefighters lost their lives in the deadliest day in firefighting history. As we approach the end of the year, over 185 NYC firefighters and over 200 police officers have lost their lives to 9/11-illnesses.

In recognition of their bravery, and their sacrifice, first responders who have died from 9/11-related illnesses are now eligible to receive the Presidential Medal of Valor.

We thank U.S. Rep. Joseph Crowley for championing this legislation, which underscores that we have not forgotten these heroes, and that we will never take for granted their sacrifice.



Safe And Happy Holidays From All Of Us At Barasch & McGarry To All Of You And Yours

This is the SEVENTY-FOURTH 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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# FIREFIGHTERS' NEWSLETTER



## BARASCH MCGARRY'S - FREE - FIREFIGHTER/ EMS GROUP CHART APP

Version 2.0

Features Borough & Citywide Scanners & Fireground Radio Traffic  
ALLOWS YOU TO BACKUP & SYNC YOUR CALENDARS

For decades, our law firm has been sending out group chart calendars, newsletters, and other helpful information to firefighters by mail, as well swag that we think you'll actually use (like hats, coffee mugs, chocks, glove straps and utility knives to name a few). So it was only natural that we would step into the 21<sup>st</sup> Century and design a free calendar app for you. Above all, we wanted to make sure that just like our swag, it was full of features that you'll actually use. We teamed up with an FDNY firefighter to create ours. We think there's nothing else like it. We listened to your reviews and comments, and are now happy to present an improved, 2<sup>nd</sup> generation version for Android and I-phone users.

The 2.0 app is loaded with the following features:

- A group chart calendar that backs up and syncs to your home computer (most group chart apps do not have this capability)
- SCANNERS that broadcast Borough, Citywide and Fireground radio traffic (it allows you retirees to keep up to date and know what's going on back home)



**MANY FIREFIGHTERS HIRED AFTER 9/11**  
(but before May, 2002)

**ARE ENTITLED TO HEALTH BENEFITS UNDER THE 9/11 ZADROGA HEALTH AND COMPENSATION ACT (INCLUDING MONEY AWARDS FROM THE VICTIM COMPENSATION FUND)**

At a recent Barasch McGarry post-pension seminar luncheon, a Manhattan firefighter brought up the fact that members in his firehouse who came on the job *after* 9/11, were suffering similar illnesses to the members who were already on the job on 9/11. Since their firehouse is within the WTC exposure zone south of Canal Street, it occurred to us that some of these members could be covered under the WTC Survivor Program depending upon when they were

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- Tracks your OT, sick time, vacation, comp time and gives you the ability to pick your mutual partners number.
- It has an alarm box search tool, 10-codes, company maps, contacts and links to news of interest to both FDNY & EMS members.

If you already have a group chart app on your phone that you're wedded to, we invite you to download ours for the scanners and news alone.

It's easy. Download our free app from your phone's app/play store by searching for "FDNY Fire & EMS". Or, simply use the QR code below. If there are changes or additional features you would like to see on the app, feel free to give us a call or send us an

email to  
[michael@firelaw.com](mailto:michael@firelaw.com)

and let us know.

We welcome your feedback. We promise to keep improving it. And, it's FREE, and it always will be!



## THE IMPORTANCE OF HOODS AND GEAR BAGS

### Increase in Cancers Underscores Necessity of Cleaning Your Gear

The most permeable piece of personal protective equipment is your hood. Hoods are designed to protect our head and neck from heat but are not designed to stop skin absorption through the forehead, angle of the jaw, the neck and throat.

Every firefighter knows that a lot of soot gets through their hoods, sits on sweaty, hot, highly permeable areas of skin, and then is rubbed into the skin as the firefighter is working.

Some cancer studies are also noting that firefighters are developing far more aggressive types of cancers, such as brain and neck cancers, at a much younger age than the general population, which provides further indications that these cancers could very well be a result of firefighting.

Before a new FDNY member gets to his assigned firehouse, he is given two hoods and a gear bag to help keep him safe and prevent cross contamination. The hood was first worn by FDNY firefighters job wide in January 1996. In a firefighter culture that is sometimes slow to accept change, it took several years before it gained wide acceptance. A 2001 injury prevention study by FDNY doctors Prezant, Kelly, Malley and Guerth confirmed significant decreases in neck burns (by 54%), ear

burns (by 60%), and head burns (by 46%) by wearing the hoods. Additionally, moisture, such a sweat or water, increased the protective nature of the hoods from burns.

The UFA and UFOA fought hard for gear bags to protect members and their families from cross contaminations from their firefighting gear and work-duty uniforms. Gone are the days when firefighters threw their gear into the back of their car or a trunk, to get to their next destination, and left their cars covered with carcinogens that could adversely affect their family's health. Properly used, these gear bags can reduce that risk. Safety and health advocates urge you to regularly clean the gear bags to decrease any residual risk.

Hoods and gear bags are important parts of protecting you from the many products of combustion

and carcinogens that are present in the firefighting profession. The FDNY RAC unit responds to multiple alarms with wipes and replacement hoods for the members. Members should take advantage of this service. Cleaning your turnout gear and making certain the apparatus does not become a conduit are also important concerns firefighters should be aware of. Firefighting is a team effort, and so should reminders of the importance of proper decontamination and taking care of your health.



Mike Barasch was invited to speak at the Firefighter Cancer Support Network in Los Angeles. He addressed representatives of dozens of fire companies around the country whose members came to NYC to help our own responders after the attacks. Most firefighters outside of NY have no idea that they too are entitled to the presumptive benefits of the WTC Health Program and the 9/11 Victim Compensation Fund. They do now.

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hired. It turns out that even though they weren't working as firefighters on 9/11, many of them are entitled to compensation for their 9/11-related illnesses.

Any firefighter who came on the job after 9/11, but who worked at one of the 10 Engine or Ladder companies south of Canal Street\*\*, between 9/11/01 - 5/30/02, may be eligible for compensation from the 9/11 Victim Compensation Fund. If they have been certified with a physical illness, including gastrointestinal or respiratory illnesses or any of the 68 cancers linked to the WTC toxins, they are entitled to awards just like every other office worker or downtown resident. There are hundreds of NYC firefighters who were hired after 9/11; many were assigned to companies with the WTC exposure zone. They would be considered "survivors".

I discussed this with FDNY Chief Medical Officer Dr. David Prezant, and he suggested that a question be added to the FDNY Annual Exams to inform those firefighters who worked south of Canal Street. (Other firefighters who worked north of Canal Street, but south of Houston Street as well as in parts of western Brooklyn, are eligible for the free health care from the World Trade Center Health Program, but not eligible for compensation).

At Barasch McGarry we want to ensure that firefighters know their rights, and the benefits that are available to them. Anyone with questions or concerns should feel free to call us without any obligation.

\*\*

E9/L6/Sat1 (75 Canal Street)  
L8 (14 N. Moore Street)  
E7/TL1/Batt1 (100 Duane Street)  
E6 (49 Beekman Street)  
E10/L10 (124 Liberty Street)  
E4/TL15/DSU4 (42 South Street)

## THE DEATH GAMBLE REVISITED – DIFFERENT THAN PENSION OPTIONS

By Richard Alles, Deputy Chief FDNY, Ret.

Although the term "Death Gamble" has been mentioned in firehouse kitchens all over the City, many members are confused as to what this term actually means. The "Death Gamble" is a benefit available to active firefighters with over 20 years of service, and to members who have retired with over 20 years but who have not yet been finalized. It is paid out if an active member with over 20 years of service dies, or if a retiree who is under a partial pension dies before his pension is finalized. It is paid to a designated beneficiary as a lump sum, or it can be paid as an annuity if the beneficiary chooses the annuity. The election must be made by the beneficiary within 60 days of the date of death. The amount of the annuity is determined by the age of the recipient. It's called a "gamble" because no one knows how long the beneficiary is going to live. If the beneficiary is young and lives for a long time, then obviously, it would have been the correct decision to choose an annuity. If the beneficiary is much older, or dies shortly after the firefighter, then it would have been smarter to have elected the lump sum payment.

It's important to note that the "Death Gamble" is not a "Pension Option." In a previous edition of our newsletter I had explained the various pension options available to a member upon retirement. Simply stated, a pension option is an arrangement whereby a retiring firefighter selects a reduced retirement allowance in exchange for the payment of a benefit to their beneficiary or estate upon their death. A pension option can be chosen by a retiring firefighter either at retirement or at finalization. Once chosen it cannot be changed. There are several pension options available and the two most popular options for married retirees are Option 2 "joint and 100% survivor," and Option 3 "joint and 50% survivor." The retiree receives a reduced monthly lifetime allowance. Upon the death of the retiree, the option allows the named beneficiary (normally his/her spouse) to receive either 100% or 50% of the member's reduced pension allowance for life. Only one beneficiary is named, and the designated beneficiary may not be changed once the member is finalized.

These issues are discussed at the monthly FDNY pension seminars (normally the first Tuesday of each month) and held in the auditorium of 9 Metro Tech. While our two superb fire unions should always be your first source for information, our law firm is always happy to speak with any member who may want a free second opinion to help you figure out which option is best for you and your family. The age of your children and balance of your mortgage are just two important factors which determine which option might be right for you and your family.

Please feel free to call us if you want me to clarify these issues. It's always my pleasure to do so.

