

FREE SIMPLE WILLS FOR YOU AND YOUR SPOUSE

Make it easier for your children



When a New York resident with a spouse and under-age children dies without a will, the law divides the decedent's assets between the spouse and children. It sounds fine, but in practice, it's often a mess because the children's assets must be preserved for them until they come of age. If the surviving spouse needs a portion of the assets to care for the children before they attain majority, the spouse must go to court for it.

A simple will can avoid all of this. For example, it can direct that the spouse inherit everything, giving the spouse full control of the assets.

Everyone should have a will. We have already done over 4000 free wills for our clients. If you don't have one, please call us today to prepare one for FREE.



DO IT
ALREADY!!!

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AVOID DUPLICATE FRIEND REQUESTS: If you receive a friend request from someone you thought you were already friends with, chances are high that their account has been hacked.

AVOID QUIZZES AND GAMES: While we would all like to know what vegetable we most resemble or what our wrestling name would be, these quizzes and games are often just information-siphoning schemes. These sites will use your personal information to build lists for spammers.

HAVE A SECURE PASSWORD: Now a days, trying to keep track of all your passwords is a full time job! However, having the same simple password for all your accounts is asking for trouble. Use different passwords for each social media account and change them periodically. Also, do not store your passwords in your web browser, because if your phone/laptop is stolen, saved passwords can be easily found, providing access to your social media accounts, shopping sites, emails, etc.

NOT EVERYONE IS YOUR FRIEND: We are tempted to be social media friends with people we work with, however this is not always a good idea. It may be smarter to keep work and your personal life separate when it comes to social media. However, if you are friends with your colleagues or superiors, be careful what you post so it does not come back to hurt you at work.

This is the **SEVENTY-SIXTH** 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



WE FIGHT FOR YOU EVERYWHERE

Traveling to D.C. and Across the Country to Advocate for Firefighters

Our law firm has represented FDNY firefighters injured on the job for over 25 years, and in front of the 9/11 Victim Compensation Fund ("VCF") since it began in 2002. We know firefighter law, and we know the VCF.

Actually, through the cases and claims we've handled, and through our lobbying efforts, we had a hand in shaping both firefighter law and the VCF. We are always here to answer your questions about either.

Three years ago, FDNY Ret. Deputy Chief Richie Alles joined our firm. His knowledge of all things FDNY is nearly encyclopaedic. And he is here, too, to answer your questions. Plus, Richie has been instrumental in reminding us of which rights you most need reminding of. Many active members still don't realize, for example, that if they are injured on the job, they can sue anyone whose negligence or violation of a code played a part in causing their injuries.

Also, many active and retired members, who responded to the World Trade Center, still don't realize



Mike Barasch and Jon Stewart

that the Federal government has linked 68 cancers to their WTC exposure. This includes, especially, retirees living outside the NYC area. Anyone with skin cancer, prostate cancer, thyroid cancer, lung cancer, kidney cancer, a blood cancer, or any of the other linked cancers, is entitled to free health care from the nationwide health program, as well as significant compensation.

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Understanding the Heart Bill

*By Richard Alles,
Deputy Chief FDNY, Ret.*

Recently, we have received an uptick in calls from members with questions about the heart bill. Therefore, I thought this would be a fitting time to give an overview of the law, which, in my view, is the most complicated of the presumptive laws in place to protect sick firefighters.

The heart bill was passed in 1973 for the benefit of NYC firefighters and police officers. It covers active members only. Unlike the lung bill and the cancer bill, the heart bill has not been incorporated into the WTC Disability Law, which covers virtually every member who was active on 9/11/01, into retirement for 25 years.

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THIS DOCUMENT CONTAINS IMPORTANT
INFORMATION ABOUT FIREFIGHTER RIGHTS

Our law firm has been at the front of efforts to get Congress to extend and fully fund the VCF. We have made 9 trips to D.C. in the past 6 months. There are now enough votes to pass legislation in both Houses of Congress. In fact, and this is crucial, more than two-thirds of both houses have committed their support. We expect the House of Representatives to pass the legislation in July. And, as this newsletter is going to press, Senate leader, Mitch McConnell, has promised to place the bill before the Senate for a vote on August 3rd, the day before the current legislative session ends.

Much of the credit for this historic movement belongs to Jon Stewart, the Feal Good Foundation, and Citizens for the Extension of the Zadroga Bill, whose passionate advocacy has been critical to our campaign. And, special thanks are owed to the many of you who took the time to call your local congressional representatives to ask for their support. It paid off. Congress is poised to do right by firefighters and others from all stripes of society whose lives were forever altered by the events of

9/11. And this time, Congress is poised to permanently and fully authorize the VCF.

Below are some photos of Richie and Mike Barasch spreading the word at Firefighter retiree events. We have been invited to several retiree seminars in Florida, Myrtle Beach, Chicago, L.A., Staten Island and Long Island. And, of course, our favorite moment was when we presented Congresswoman Carolyn Maloney with the FDNY coat that she has worn



Mike Barasch, Bridget Gormley (daughter of deceased FF William Gormley of E310/L174), Rob Tilearcio (son of deceased FF Robert Tilearcio of E266) and ret. Deputy Chief Rich Alles present Congresswoman Carolyn Maloney with FDNY coat.

every day in Congress.

It is our honor to fight for the justice that you deserve.



Social Media Safety

Social media such as Instagram, Facebook and Twitter is now a part of modern life. It's how so many of us keep in touch with family and friends. But be aware, cyber-scammers, identity thieves and your employer are also on these platforms. Here are some helpful tips to protect yourself and your family:

- LOCK DOWN PRIVACY SETTINGS:** Check the settings in your social media accounts to make sure your phone number and email are hidden from the public.
- USE TEXT MESSAGING FOR SECURITY:** Provide your mobile number to each social media platform you are on, and require it to use text messaging to confirm your identity when you log in on a new device. This is called "two factor authentication" or "login verification".
- DON'T TELL THIEVES YOU ARE ON VACATION:** It is very tempting to post the picture of your beach vacation. In addition to making your friends and family jealous, you are also alerting those that follow you (and the public if you are not on a private setting) that your home is vacant and vulnerable. Wait till you get home to post vacation photos.
- LOCATION TAGGING:** By tagging your location in posted photos, you are broadcasting exactly where you are at that moment. Consider posting a picture with a tagged location after you have left that location.
- PRIVATE PRIVATE PRIVATE:** Unless your account is for business purposes, we suggest that you make your profile private. Thus, if someone wants to follow you, they have to request your permission, allowing you to decide if you want this person knowing and seeing your personal posts.

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Generally, a member seeking accident disability retirement has the burden of proving that the disabling injury is the natural result of an accident sustained in city service, and not the result of willful negligence on the part of the member. However, for those members stricken with disabling cardiac disease, the heart bill creates a presumption that the disability was incurred in the line of duty. In other words, once a member proves that the heart disease is disabling, the presumptions created by the heart bill are sufficient to establish that the disease is related to the performance of the member's duties.

The heart bill does not guarantee an accident disability retirement to every member with a disabling heart condition. Rather, it covers only those members whose heart conditions developed as a result of stress or other occupational strains on the heart. In order to rebut the presumption created by the heart bill, the Medical Board must rule out, by credible medical evidence, underlying stress-related coronary artery disease or hypertension as the cause of the heart ailment.



The Medical Board has successfully rebutted the presumption in the following circumstances:

1. Where there is medical evidence establishing that an applicant's heart disease is congenital, viral, or the result of any other disease such as rheumatic fever.
2. Where there is medical evidence establishing that stress or other occupational strains on the heart cannot cause the heart condition at issue.
3. Where the member has an idiopathic heart condition (one of unknown cause), unaccompanied by evidence of stress-related pathologies such as coronary artery disease or hypertension.
4. Where the Medical Board provides sufficient evidence that any stress related pathologies that do exist are not related to the disabling heart condition.

What is and is not disabling under the heart bill?

- A. Ischemia is disabling. This can be determined by stress testing. In the absence of angiography, two non-invasive abnormal tests showing ischemia in the same region are acceptable.
- B. Hypertensive Heart Disease is disabling in the following cases:
 1. Where there is wall thickness 14mm or greater in the presence of hypertension.
 2. Where there is wall thickness greater than 11mm but less than 14mm, together with evidence of ischemia (by stress test).
- C. Hypertrophic Cardiomyopathy is disabling in the following cases:
 1. Where there is wall thickness of 15mm or greater.
 2. Where there is eccentric hypertrophy in the presence of hypertension.
- D. Dilated Cardiomyopathy is not due to hypertension and is therefore not covered.
- E. Myocardial Infarction appropriately documented is disabling.
- F. Coronary Artery Stenosis is disabling in the following cases:
 1. Proximal 70% stenosis of one or more coronary arteries.
 2. Proximal 50% stenosis of one or more coronary arteries and ischemia in the same region.
- G. Ventricular Arrhythmias with Exercise or Stress such as ventricular tachycardia or ventricular fibrillation is disabling if associated with coronary heart disease or hypertensive heart disease.
- H. Supraventricular Arrhythmias controlled by medications is not disabling.
- I. Atrial Aflutter is a disability because of anticoagulation and if associated with coronary heart disease or hypertensive heart disease is disabling.

I am very much aware that of all of the presumptive bills, the heart bill is the most confusing. Medical questions dealing with the heart are best left to the wonderful doctors and nurses at BHS and, of course, your cardiologist. As I've stated in prior articles, your first point of contact regarding disability pension questions is always your union pension trustee. We are always willing to give you a second opinion, should you want one.