

In Memoriam – Dennis Cotter and Liana Rivera

Our firm honors our beloved colleague and friend Dennis Cotter, who passed away on January 18th, 2020 at age 49 from kidney cancer.

Dennis was a paralegal at our firm for many years. He was a dedicated advocate for the 9/11 Community, helping hundreds of our clients with their applications to the Victim Compensation Fund in 2002-2003. Dennis was also a member of the 9/11 survivor community. Our firm is just 2 blocks from Ground Zero, and we came back to work three weeks after 9/11, and have been here ever since.



Dennis Cotter

Dennis's death, along with that of Liana Rivera, another paralegal from my firm who passed away at age 49 from 9/11-related breast cancer, are the reason we take 9/11 so personally. Seven of us at Barasch McGarry have been diagnosed with 9/11-related cancers, and six others at our firm have lost a parent or spouse as a result of 9/11-related cancers. We have an emotional connection to the aftermath of 9/11 and how much heartbreak it has caused the downtown Community.

Dennis and Liana will live in our memories forever and we will continue to honor them by doing the work we do every day.



Liana Rivera

Download the Barasch & McGarry free app on your smart-phone and have access to your FDNY group charts, OT/sick/vacation/comp/mutual information, scanners, handi-talkie transmissions, FDNY news and so much more.



FREE WILLS AVAILABLE FOR ACTIVE AND RETIRED MEMBERS

There may be no such thing as a free lunch, but, for firefighters at least, there is such a thing as a free will.

For a variety of reasons, every person should have a will, even if you plan on living for another 150 years, and even if your assets are modest. Most American adults don't have one because it can seem time consuming and expensive. For firefighters, nothing can be further from the truth. Barasch & McGarry makes it easy to get a will. Just get in touch with us for a free will kit, and we'll prepare wills and health-care proxies for you and your spouse, for free. Lunch not included.



This is the EIGHTY-FIRST 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



BREAKING NEWS: CRITICAL NEW VICTIM COMPENSATION FUND DEADLINE

***New Deadline to File –
Responders and Families Who Missed the Deadline Can Now File a Claim***

The Victim Compensation Fund (VCF) has announced a critical new regulation that allows anyone suffering from a 9/11-related illness, including cancers and respiratory illnesses, to file a claim even if they previously missed the filing deadline. Claims that were previously denied for being untimely are now eligible until July 2021.

There are many people who never applied to the VCF at all, often because the attorneys they initially consulted told them that they were too late. There are many widows and family members who didn't apply within 2 years of their loved one's death, either because they didn't realize that there is a presumption linking the deaths to the WTC toxins, or they didn't know about the VCF and the benefits they were entitled to. We have spoken to hundreds of people who fit into this category.

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Mike Barasch speaking to 1,000 police officers at a Brothers Before Others benefit.

We urge everyone who has not submitted a claim (including the families whose loved ones passed away) to do so immediately. If you fail to do so before the deadline, you may be forever barred from pursuing the claim. If another attorney told you that you didn't have

DEMYSTIFYING THE PENSION BOARDS

Dealing with the accident-disability-pension process can feel overwhelming. But understanding the process will help to ease the anxieties that invariably come up during this stressful time. We'll lay out the process and outline some things every member should know.

Before a firefighter is awarded an accident-disability pension, three separate Boards will consider the case.

Phase 1 – The BHS Physician Board

The process begins with the BHS Physician Board, a panel of three FDNY Medical Officers who determine whether a member is fit

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THIS DOCUMENT CONTAINS IMPORTANT
INFORMATION ABOUT FIREFIGHTER RIGHTS

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a valid claim, get a second opinion. You now have a very good chance to get the justice you deserve.

Mount Sinai Hospital Reports 41% Increase in Leukemia In People Exposed to 9/11 Toxins

A sobering new study at Mt. Sinai Hospital concludes that people who were around the World Trade Center following the attacks have a 41 percent higher risk of developing leukemia compared to the general population.

Sadly, this was no surprise to us. Barasch & McGarry currently represents 269 responders and survivors with leukemia. The Mt. Sinai study underscores the enormity of the health crisis the 9/11 community

faces. Despite this, so many people still have no idea that their cancer, or their loved one's death, is linked to the WTC toxins.

We thought you would be interested in seeing two news reports from NY1 and WPIX 11 where Mike Barasch and the head of Mt. Sinai's Study, Moshe Shapiro, discuss the significance of this study. Shapiro's team studied 29,000 members of the World Trade Center Health Program. Visit our webpage at <https://www.post911attorneys.com/in-the-media/> to see these reports.

Please Help Us Spread the Word

We all believed the E.P.A. when it assured us that the WTC air was "safe to breathe." As a result, thousands of

people – especially retirees and those who have moved out of the NYC Metropolitan area – have no idea that they are entitled to free nationwide health care and compensation for their illnesses and financial losses. We all have an obligation to make sure that our former co-workers, friends and family know about the newly extended deadline and the benefits available to them. Please help us spread the word, especially to family members and your buddies who have moved and likely won't hear about this "window" to submit a claim. If you have any questions about your rights, please give us a call. Rest assured that we are always here for you and the 9/11 community.

THE ELEVATOR SAFETY ACT

You've just sat down at the firehouse kitchen table. The alarm sounds. Is it a 10-75? A 10-60? A 10-41? Nope. It is yet another 10-29 elevator emergency. It's deja vu all over again. "Didn't we just respond to this same stuck elevator last week?" The chances are high that building with chronic elevator issues is being maintained by an elevator mechanic who lacks the proper training and expertise. With the recent passage of The Elevator Safety Act, elevator mechanics will at last be required to be licensed before they can put their hands on an elevator.

In an effort to reduce unsafe elevator hazards, New York will now follow in the footsteps of 36 other states that require elevator mechanics to be licensed. The new law requires all individuals engaged in the design, construction, inspection, maintenance and repair of elevators to be licensed by New York State. The law also creates the New York State Elevator Safety and Standards Advisory Board to help establish recommendations for elevator inspections, examinations to satisfy licensing requirements, and enforcement to ensure compliance and promote public safety. The DOB must also start maintaining a list of licensed mechanics, contractors and inspectors.

While the City's approximately 63,000 passenger elevators are supposed to be tested and inspected by licensed professionals, before this new law, there was no requirement that the workers performing every-day critical maintenance be licensed. This has meant an increased burden on the FDNY, and increased dangers to the public.

Under the new law, in order to obtain an elevator-contractor license, elevator-mechanic license, or elevator-inspector license, one must take a written test on national, state, and local codes (with at least four years of experience) or complete a union apprenticeship or other approved training program. Additionally, the renewal of all licenses shall be conditioned upon the completion of continuing education.

We hope this common-sense law results in fewer elevator emergencies, and increased safety for the public and first responders.



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for full-duty firefighting. In more complicated situations, the case is evaluated by the Full Board, composed of additional Medical Officers at BHS. An order for a BHS Physician Board appearance is initiated by an FDNY Medical Officer. A member may be recommended for an evaluation by this board for any of the following reasons:

- 1) The member has an illness or injury that the examining Medical Officer considers disabling;
- 2) The member has had extensive surgery;
- 3) The member is returning from a prolonged leave of at least one year;
- 4) The member has been on light duty or medical leave for more than 60 days; or,
- 5) The member has submitted a disability application.

The BHS Physician Board evaluation usually takes place about a month or two after it is ordered by the medical officer. After the evaluation, the minutes of the examination are transcribed, and a final report is

completed in about a month. It is very important that the Board has all of the medical records that it needs to render an appropriate decision. This includes hospital records, operative reports, outside physician's records, and reports of diagnostic testing. It is incumbent on the member to submit any missing documentation. If the Board determines that the injury or illness is temporary, it will schedule a reevaluation for sometime in the future.

If the Board determines that the member is permanently disabled, it will recommend that the member be placed on LSS, or Limited Service Squad. At that point, the member may submit a disability retirement application at the retirement desk. If the member does not submit the application, the Bureau of Personnel will submit a Fire Commissioners' Letter for the member.

Phase 2 – The Medical Board

The Medical Board is the second board that will evaluate the member. It is composed of three non-FDNY physicians. The Medical Board will evaluate the case to determine

whether the member was disabled, and whether the disability was caused by a line of duty accident. If it chooses to, it may send the member for an examination by an independent consultant. The Board may recommend an accident disability pension, an ordinary pension, or it may find that there is no disability.

Once the Board makes a determination, even a determination that is adverse to the member, the file is sent to the Board of Trustees.

Phase 3 – The Board of Trustees

The Board of Trustees meets monthly, and is composed of 6 individuals representing the membership (UFA, UFOA and MEBA), and 6 individuals representing labor (the Mayor's Office, the City Comptroller's office, and the Fire Commissioner's office). The Board of Trustees can come to a different conclusion than the one reached by the Medical Board. In other words, even if a member is denied an accident disability pension by the Medical Board, the Board of Trustees may still award the pension. The Board of Trustees may also refer the member back to the Medical Board for additional clarification, or for a reevaluation. Once the Board of Trustees finalizes the Accident Disability determination, the disabled member may apply for a reasonable accommodation through the Equal Employment Opportunity Office, if desired.

Whenever you are facing the prospect of retirement, you should speak with your union early in the process. They can guide you through the process, and make sure it goes as smoothly as possible. You are also welcome to speak to FDNY Ret. Deputy Chief Richie Alles who works at our firm. He is always happy to speak to members.

