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as short a period of time as seven years. Therefore, it is strongly recommended that FDNY members who were 9/11 "active" responders or "retiree" volunteers at Ground Zero, the Staten Island Landfill, or another location within the WTC contamination zone, maintain their own personal medical file. It should contain the documentation of all 9/11-related diagnoses, treatment and prescription history.

Death Certificate: This is another critically important document necessary to substantiate the cause of death for Victim Compensation Fund claims and FDNY

pension purposes. When a member with documented 9/11 exposure is dying of a 9/11-related illness, it is appropriate and important to have a discussion with the attending physician. For example, a person dying as a result of cancer may finally succumb to heart failure, respiratory failure, organ failure, etc. If the attending physician is not aware of the legal issues the family is facing, they may neglect to include "as a result of cancer" on the death certificate. It is very difficult to have a death certificate amended. Associated medical documentation would have to be used, introducing delay and

stress at an already stressful time.

No family will ever look forward to having this difficult conversation, yet it's a conversation that must take place. You can take affirmative steps to protect your family's legal and financial interests before a medical crisis strikes. One of my favorite quotes comes from my good friend, Danny Prince at the FDNY Fire Family Transport Foundation: "Prepare to prepare." Perhaps the only thing we can truly expect is the unexpected, but you should know that our law firm is always here to help. Until the next edition please stay safe and be well.

THE PANDEMIC HEROES COMPENSATION ACT

Soon after the Coronavirus reached our shores, it was apparent that New York City, once again, was the epicenter of the disaster. Hospitals were so packed with COVID-19 patients, that they resembled war zone refugee camps. Freezer trucks were parked outside of every hospital, and they were filled to capacity with those who died of the virus. Most of the city's residents and workers were sheltering in place, terrified. And New York's Bravest, once again, selflessly answered the call. Many became sick.

This time, firefighters were on the frontlines with doctors, nurses, hospital staff, EMTs, transportation workers, and grocery workers.

In May, congressional members and advocates for first responders introduced legislation to create a financial assistance program modeled after the September 11th Victim Compensation Fund ("VCF"). The new legislation, called the Pandemic

Heroes Compensation Act, would provide financial compensation to essential workers and their families. Many of the same lawmakers who fought for the VCF's extension are sponsors of the new Act, including Representative Carolyn B. Maloney, Representative Jerrold Nadler and Representative Peter King.

Like the 9/11 Victim Compensation Fund, the program would be run by the Justice Department and overseen by a special master.

As advocates for the 9/11 community, we strongly support this bill. We have seen firsthand the financial hardship that families suffer when a serious illness hits home. The VCF eases that strain, and provides suffering families with financial peace of mind. We hope that the Pandemic Heroes Act will soon do the same for the frontline workers and their families, who deserve our help in their time of need.



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FIREFIGHTERS' NEWSLETTER



CONGRATULATIONS ANDY ANSBRO!

UFA Members Elect New President

As you all know, Andy Ansbro, formerly at Engine 58, now at Marine Division, has been elected president of the UFA.

Andy's dedication to the FDNY is well-known, and it was once again demonstrated when he participated in our firm's recent mask donation program. He personally delivered thousands of masks to firehouses throughout Manhattan, and aims to ensure that no firefighter is without the proper protection during this pandemic. Altogether, we donated 50,000 masks to every firehouse and EMT station throughout the City.

Andy and other union officials will be sworn in on August 1st. Eric Bischoff won a threeway race for Staten Island trustee, Douglas Carroll won in Brooklyn, Dennis Tveter won in Queens, Bill Greco won in the Bronx, and Recording Secretary Vincent Speciale won another term.

UFA Vice President Robert Eustace, Treasurer Eddie Brown, Sergeant-At-Arms Michael Schreiber and Manhattan Trustee Christopher Viola were all unopposed for new terms. Congratulations to all!

BARASCH & MCGARRY CONTINUES TO GIVE BACK

We continue to show our appreciation to front-line workers who are sacrificing so much during this health crisis. In an effort to ensure that nurses aren't eating all their meals from vending machines, we started a "Health Care Workers Lunch Program." Since its inception, we have donated over 2500 meals to 75 medical facilities throughout the five boroughs, Long Island and Westchester.

Nothing feels better than helping others, as all of you know so well. To all of you on the frontlines, we thank you, and we encourage you to reach out if we can provide assistance.

This is the 83rd Edition of the Barasch McGarry Salzman & Penson Newsletter—attorney advertising which presents topics of interest to firefighters. For question, additional copies, or more information about topics raised in this newsletter, call or write:

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SPECIAL PROTECTIONS AFFORDED TO INJURED FIREFIGHTERS & THEIR FAMILIES

Here's What All Firefighters Need To Know

Our law firm has been fighting for the legal rights of FDNY firefighters for over 25 years, and has been instrumental in shaping the laws that protect firefighters. This has led to expanded protections for firefighters injured in the line of duty. The goal is to provide an umbrella of protection to firefighters, first by fostering compliance with the law in order to minimize the risk of injury in the first place, and second by providing a means of compensation to sick and injured firefighters.

There's no denying that firefighting is a dangerous job. But the risks to firefighters are heightened when individuals and organizations violate the safety rules we have in place. Some well-known devastating examples of what can go wrong include the Deutsche Bank fire, where the standpipe system was catastrophically breached rendering it inoperable, the Black Sunday fire, where illegal partitions were erected, trapping firefighters who had no safety ropes, and the Father's Day fire, where gasoline was left in a rear yard, and where a water heater lacked a safety stand.

These losses shock us to our core. We all understand that it is appropriate that those responsible be held accountable, and in each case, they were. While less recognized outside of the firefighting community, there are also scores of firefighters who have lost their careers, who live with daily pain, who can no longer do the things they once loved, because someone else failed to comply with the law. They too, deserve justice.

Because the laws that protect firefighters are broad by design, there is no simple explanation of the circumstances that can give rise to liability. You should know that if someone else's violation of a code, rule, or regulation plays a part in

injuring you, the law protects you. This includes accidents that occur in the firehouse, in FDNY apparatus, on the sidewalk, on the road, inside premises, on a fire escape, while on a call, and in between calls - any time and any place.

We want to make sure that you know your rights. If you are injured in the line of duty, here are some things to keep in mind.

1. Always fill out a detailed CD-72 when you are injured, even if you think the injury is a minor sprain or strain, and be extremely careful in fully describing your injuries, and the important factors that contributed to the accident;
2. You have 3 years from the date of your accident to bring a lawsuit against a private entity;
3. If you were injured due to a violation by the City of New York, a Notice of Claim must be filed within 90 days of the accident (however, under certain circumstances, a judge may grant a request to file a late Notice of Claim after the 90 days, as long as the request is made within 1 year and 90 days of your accident);
4. Notwithstanding the above, it is never a good idea to wait to the last minute to



Managing Partner Mike Barasch and Deputy Chief FDNY, Ret. Richard Alles at FDNY Engine 6

speak with an experienced firefighter attorney about your line-of-duty accident. A prompt investigation can make a world of difference;

5. You may have a valid claim even if you have previously injured the same body part in the past. Most firefighters have numerous CD-72s in their file. An exacerbation/aggravation claim can be made in these situations;
6. Bringing a claim for a line-of-duty injury will not affect your retirement or pension process.

We are enormously grateful for the work you do. As always, we are here for you. Please don't hesitate to reach out to us any time you have questions about your legal rights. All consultations are free. You protect us, we protect you.

PROTECTING YOUR LOVED ONES – THE ESSENTIAL CHECKLIST

by Richard Alles, Deputy Chief FDNY, Ret.

One of the most heartbreaking parts of my job is speaking with the families of FDNY members recently diagnosed with a terminal illness. I've had these painful conversations more times than I care to say. Difficult though they may be, I am actually grateful for the opportunity to work with the family. There are important legal matters that the member must attend to, and there is often a small window of opportunity to make sure

things are in order. Too often, I have received a call from the family when it is too late – after the member has passed away, or is no longer able to address legal matters.

The guidance that I provide to members and their families during periods of crisis is good advice for all of us. There are basic things that every one of us should do to protect our loved ones.

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Will: We all understand that a last will and testament is a document that enables us to decide who will inherit our property. It also enables us to name an executor of our estate and to plan for the needs of our minor children if we die prematurely. It is particularly important for members to recognize that some part of certain lawsuits and claims will be distributed pursuant to your will. For members, active and retired, who were exposed to 9/11 toxins and developed life-threatening illnesses, a part of the Victim Compensation Fund award your family may be entitled to will be distributed in accordance with your will. Finally, where there is a will, the court is less likely to impose restrictions on the representative of your estate, which means that your estate can generally be distributed to your loved ones more quickly. Every member, active and retired should have a will, and you should first speak with an attorney who understands the issues unique to firefighters.

Power of Attorney: A power of attorney enables you to appoint someone to act as your agent. The authority given to a power of attorney may be very broad or limited, and can include the power to settle claims, make gifts, handle financial and business affairs, transfer real estate, and hire professionals on your behalf. If you ever become incapacitated, your agent will have the ability to handle your affairs on your behalf. You can spare your family a lot of time and grief by having a power of attorney in place.

Beneficiary Forms: These must be current at all times! After 9/11, we were dismayed to discover that dozens of those who perished had neglected to update their forms and had left insurance proceeds to ex-wives and deceased parents. The named beneficiaries on file at any institution will supersede any other document that may contradict them, including a will. The beneficiary forms on file with the FDNY Pension Unit, and bank and financial investment accounts such as

457 Deferred Compensation Plan, 401Ks, IRAs, Annuities, and life insurance policies need to be kept up to date at all times. In the case of life insurance, serious problems can arise in instances where each beneficiary is not directly identified by name. If the beneficiary form lists a class of people as beneficiaries, you must leave no doubt about your intentions.

Medical Records: You should retain copies of your medical records. This is especially important for FDNY members with 9/11 exposure, because these records may be necessary to support a wrongful death claim with the 9/11 Victim Compensation Fund. These documents are also necessary for a spouse to file a 9/11-related pension reclassification claim with the FDNY Pension Unit or as supporting documentation for a 9/11-related administrative line-of-duty-death claim. You should know that many doctors' offices and hospitals purge their computer systems of medical records after

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WHERE THERE'S A WILL THERE'S A WAY

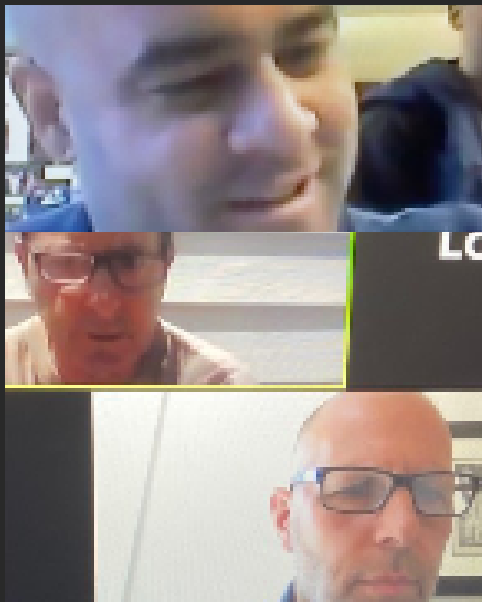
How We Provide Free Wills to Firefighters in the Age of COVID-19

It's been our mission to provide free Wills and Health Care Proxies to active and retired firefighters, and to our clients in the 9/11 community. We've done over four thousand to date. We do this, because having a Will is one of the most important things that you can do for your loved ones. When the pandemic hit, we realized that we had to figure out how to continue to provide this service, in a way that would not endanger the very people we're trying to protect.

We had some help from Governor Cuomo who signed executive orders permitting remote Will signings as well as remote notarizations. We used Zoom,

FaceTime, and Skype to meet with our clients the way we previously had in our office. We prioritized Wills for our sickest clients, and worked through connectivity glitches, face masks and the social distancing of witnesses. As a firm, we have learned that we can quickly adapt to meet the needs of our clients, and to serve the firefighting community.

If you need a free Will and Health Care Proxy, please get in touch with us. We look forward to the day when we see you and your loved-ones back in our office, in-person, for your free Wills and Health Care Proxies. In the meantime, we'll see you on Zoom.



Barasch & McGarry conducting remote will signings via Zoom