

**CITY OF AUBURN HILLS
FIRE DEPARTMENT
PERSONNEL GUIDELINE**

SUBJECT: Public Safety Officer's Benefits Program	NUMBER: 129
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PURPOSE

To inform and identify the specific guidelines that an officer needs to accomplish in the event of a line-of-duty death, in order to assure the maximum benefit for the survivors, from the Federal Safety Officer's Benefit program.

INTRODUCTION

The Public Safety Officer's Benefit (PSOB) Act provides a \$262,100.00 (as of 10/2002) benefit to the eligible survivors of a Public Safety Officer whose death is the direct and proximate result of a traumatic injury sustained in the line of duty. The injury must permanently prevent the firefighter from performing any gainful work.

ELIGIBILITY

Once the U.S. Department of Justice approves a claim for death benefits, the benefit will be paid in a lump sum as follows:

1. If there is no surviving child of the deceased officer, to the surviving spouse;
2. If there is a surviving child or children and a surviving spouse, one-half to the child or children in equal shares and one-half to the surviving spouse;
3. If there is no surviving spouse, to the child or children of the officer in equal shares;
4. If none of the above, to the parent or parents of the officer in equal shares.

A public safety officer must be survived by an eligible survivor for a benefit to be paid.

Public safety officers cannot name their own beneficiaries under the Act.

Under the Act, "child" means any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased public safety officer who, at the time of the public safety officer's death is:

1. 18 years of age or younger
2. 19 through 22 years of age, who has not completed four years of education beyond high school, and who is pursuing a full time course of study or training.
3. 19 years of age or over and incapable of self support because of a physical or mental disability.

LIMITATIONS & EXCLUSIONS

No benefit can be paid:

1. If the death or permanent and total disability was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about his or her own death or permanent and total disability.
1. If the public safety officer was voluntarily intoxicated at the time of death or permanent and total disability.
2. If the public safety officer was performing his or her duties in a grossly negligent manner at the time of death or permanent and total disability.
3. To a claimant whose actions were a substantial contributing factor to the death of the public safety officer.
4. To military law enforcement officers, firefighters, rescue squads, ambulance crews, or to any of their survivors.

Deaths or permanent and total disabilities resulting from stress and strain, occupational illness, or chronic, progressive or congenital disease such as heart or pulmonary disease, are not covered by the Act, unless there is a traumatic injury which is a substantial factor in the death or permanent and total disability. Medical proof of the traumatic injury, such as a blood test for carbon monoxide, may be essential for coverage in such cases.

GUIDELINE

In order for a firefighter's surviving dependents to receive the Federal Public Safety Officer's Benefit, certain tests must be made before death, or at the time of death.

It is necessary to obtain a blood sample and test for blood alcohol level (not merely the presence of alcohol in the blood).

In cases involving a non-traumatic injury, such as a heart attack, it is also necessary to measure the level of carbon monoxide saturation in the blood, (not merely to test for the presence of carbon monoxide in the blood).

It is also advisable to impound and secure any equipment involved in a firefighter fatality incident (such as protective gear; SCBA; fire apparatus), communications and other records (tapes, dispatch report; incident reports; casualty report). Failure to do so may make it difficult to determine the cause and/or contributing factors of the incident and may also result in liability suits against the fire officers; fire department and municipality.

The U.S. Fire Administration (USFA) and the National Fire Academy (NFA), would appreciate telephone notification in the event of a firefighter "line-of-duty" death so that they may lower the flags over the Fallen Firefighter's Memorial in respect. Please call 301-447-1272 (USFA) or 301-447-1123 (NFA) between 8:30 am - 5:00 pm Monday through Friday or 301-447-1000 (Security Office) after working hours.

The Public Safety Officer's Benefit Program Office should also be notified at 202-724-7620, between 8:30 am and 5:00 pm, Monday through Friday.

Once the Public Safety Officer's Benefit Program office has been notified, they will send out the appropriate forms (see attached samples)