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# *Public Safety Officers' Benefits Programs*



## Why PSOB

- Assists in the recruitment and retention of qualified law enforcement officers and firefighters in America.
- Establishes the value communities place on the contributions of those willing to serve their communities in potentially dangerous circumstances.
- Offers peace of mind to men and women seeking careers in public safety.



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## The PSOB Act

Authorizes federal benefits for survivors of public safety officers whose deaths were the direct and proximate result of an injury sustained in line of duty.



## Who's Covered

Individuals serving a public agency in an official capacity with or without compensation as a law enforcement officer (corrections, probation, parole, judicial officer); firefighter; public rescue squad/ambulance crew member; disaster relief worker; police or fire chaplain.



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## Public Agency

The United States, any State of the U.S., the District of Columbia, Commonwealth of Puerto Rico, Virgin Islands of the U.S., Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the U.S., or any unit of local government, department, agency, or instrumentality of any of the foregoing...



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## Officer Eligibility

State and local law enforcement officers and firefighters for deaths resulting from injuries occurring **on or after September 29, 1976.**

Federal law enforcement officers and firefighters for deaths resulting from injuries occurring **on or after October 12, 1984.**



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# Officer Eligibility

Members of federal, state, and local public rescue squads and ambulance crews for deaths occurring **on or after October 15, 1986.**

FEMA personnel and state, local, and tribal emergency management and civil defense agency employees for deaths occurring **on or after October 30, 2000.**



# Law Enforcement

“Law enforcement officer” means an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the criminal laws (including juvenile delinquency), including, but not limited to, police, corrections, probation, parole, and judicial officers;



# Firefighter

**Firefighter** means an individual who—

- (1) Is trained in—
  - (i) Suppression of fire; or
  - (ii) Hazardous-materials emergency response; and
- (2) Has the legal authority and -responsibility to engage in the suppression of fire, as—
  - (i) An employee of the public agency he serves, which legally recognizes him to have such (or, at a minimum, does not deny (or has not denied) him to have such); or
  - (ii) An individual otherwise included within the definition provided in the Act, at 42 U.S.C. 3796b(4).



# Injury

...a traumatic physical wound (or physical condition of the body) caused by external force (bullets, explosives, sharp instruments, blunt objects, physical blows); chemicals; electricity; climatic conditions; infectious disease; radiation; viruses; or bacteria; but does not include any occupational disease or any condition of the body caused or occasioned by stress or strain.



## Line of Duty

An injury is sustained in the line of duty if...sustained in the course of performance of line of duty activity or action; or authorized commuting; or convincing evidence demonstrates that such injury resulted from the injured party's status as a public safety officer.



# Authorized Commuting

**Authorized commuting** means travel by a public safety officer—

- (1) In the course of actually responding to a fire, rescue, or police emergency; or
- (2) Between home and work (at a situs authorized or required by the public agency he serves)—
  - (i) Using a vehicle provided by such agency, pursuant to a requirement or authorization by such agency that he use the same for commuting; or
  - (ii) Using a vehicle not provided by such agency, pursuant to a requirement by such agency that he use the same for work.



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# Hometown Heroes Survivors' Benefits Act

*For deaths occurring on or after  
December 15, 2003*

If a public safety officer dies as a direct and proximate result of a heart attack or stroke, that officer shall be presumed to have died as the direct and proximate result of a personal injury sustained in the line of duty if...



# Hometown Heroes

...the officer, while on duty, engaged in a situation involving non-routine stressful or strenuous physical activity\* OR participated in a **training exercise**, and such participation involved non-routine stressful or strenuous physical activity\*;



# Hometown Heroes

...that officer died as a result of a heart attack or stroke suffered while engaging or participating in such activity as described above while still on duty, or not later than 24 hours after so engaging or participating in such an activity; and...



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# Hometown Heroes

...Such presumption is not overcome by competent medical evidence to the contrary.

\*Non-routine stressful or strenuous physical activities exclude actions of a clerical, administrative, or non-manual nature.



# Death Program Benefits

**1976:** Benefit set at **\$50,000**

**1988:** Increases to **\$100,000**

**2001:** USA Patriot Act increases to **\$250,000**

**2011:** Last year's benefit was **\$318,111.00**

**2012:** Current benefit at **\$323,035.75**

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*\*Benefit is based on the officer's date of death.*



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# Eligible Death Beneficiaries

*Mychal Judge Act, September 11, 2001*

## **Surviving Spouse, No Eligible Children**

100% to spouse

## **Surviving Spouse and Eligible Children**

50% to spouse

50% divided equally among children

## **No Surviving Spouse but Eligible Children**

100% divided equally among children



# Eligible Death Beneficiaries

## No Surviving Spouse or Eligible Children

Designated beneficiary; life insurance policy on file

## No Surviving Spouse, Eligible Children, or Life Insurance Beneficiaries

50% to each surviving parent, or 100% to the sole surviving parent

*If no beneficiary or living parents, claim is not paid.*



# Disability Program Benefits

Provided if the public safety officer has become permanently and totally disabled as the direct result of a catastrophic injury sustained in the line of duty.

*\*Benefit is based on the officer's date of injury.*



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## Officer Eligibility

Federal, state, local law enforcement officers, firefighters, members of public rescue squads and ambulance crews for injuries occurring **on or after November 29, 1990.**

FEMA personnel and state, local, and tribal emergency management and civil defense agency employees for injuries occurring **on or after October 30, 2000.**



# PSOB Education Program

- Applicants must be a spouse or child of a public safety officer.
- Applicants must have received the PSOB death benefit (or be eligible to receive the death benefit); or be the spouse or child of an officer receiving the PSOB disability benefit.



# PSOB Education Program

- Assistance available for a maximum of 45 months of full-time classes or equivalent.
- Children are eligible until age 27.
- No age restrictions for spouses.
- Minimum grade point average of 2.0 each semester.



# Death Claim Packet

- Death Report
- Death Claim Form
- Detailed Statement of Circumstances
- Accident Report
- Death, Other Certificates
- Autopsy/Medical Reports
- *Prerequisite Certification*



# Filing Dates

**Death Claims:** Three years after the public safety officer's death; or one year after the receipt or denial of any benefits described earlier...

**Disability Claims:** Three years after the injury date; or one year after the receipt or denial of any benefits described earlier...



# Death Claim Review

- Documents review by PSOB Office
- *Claim review by outside Medical Expert, as needed*
- Claim determination by PSOB Office
- Claim review by Office of General Counsel
- Written Notification to Survivors, Agency



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# Reviews and Appeals

- Independent Hearing Officer
- Director, Bureau of Justice Assistance
- Court of Appeals for the Federal Circuit

*Key: New Evidence*



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# Contact Us

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