

Firefighters' Survivors Benefit Review Board *

Procedures

I. Purpose

These procedures are adopted pursuant to 20 V.S.A § 3174 to provide the Firefighters' Survivors Benefit Review Board with a process to consider applications for firefighter survivor benefits authorized by 20 V.S.A. §§ 3171-3175.

II. Definitions

1. "Board" means the Firefighters' Survivors Benefit Review Board as defined at 20 V.S.A. § 3172, consisting of the state treasurer or designee, the attorney general or designee, the executive director of the Vermont Fire Service Training Council or designee, and one member of the public appointed by the governor for a term of two years.
2. "Child" means a natural or legally adopted child, regardless of age.
3. "Employer" means the state, municipal, county, or privately organized fire department in Vermont that employed the firefighter or for which the firefighter was an authorized volunteer at the time of death.
4. "Firefighter" means a member of a state, municipal, or county fire department in Vermont or a privately organized fire department in Vermont that is responsible for fire suppression, prevention or investigation, or fire-related rescue.
5. "Firefighters' Survivors Benefit" means a payment of all or a portion of \$50,000 from the Firefighters' Survivors Expendable Trust Fund.
6. "Firefighters' Survivor Benefit Expendable Trust Fund" means the expendable trust fund established in the state treasury for the purpose of the payment of firefighters' survivors benefits by Public Act No. 119 of the 2002 General Assembly effective July 1, 2002.
7. "Line of duty" means:
 - (a) answering or returning from a call of the department for a fire, or emergency or training drill; or
 - (b) similar service in another town or district to which the department has been called for firefighting or emergency purposes.
8. "Named survivors" means the surviving spouse, children, and parents on the application form.
9. "Occupation-related illness" means a disease that directly arises out of, and in the course of, service, including a heart injury or disease symptomatic within 72 hours from the date of last service in the line of duty, which shall be presumed to be incurred in the line of duty.
10. "Parent" means a natural or adoptive parent.
11. "Survivor" means a spouse, child or parent of a firefighter living on the date of the firefighter's death.

III. Board Rules

1. The Treasurer or his/her designee shall act as the Chair of the Board.
2. A quorum shall be three (3) members of the Board.

3. When the Board meets to vote on an application for a grant to survivors, the Chair may solicit and record the vote of absent members to award or deny the grant application.

IV. Eligibility for Application

1. A survivor or employer of a firefighter who dies in the line of duty or from an occupation-related illness may request the Board to award a firefighters' survivor benefit. This request must be submitted on a form provided by the State Treasurer's Office.
2. The Board may, by a vote of a majority of its members, initiate an investigation into the circumstances of a firefighter's death prior to receipt of an application from a survivor or employer.

V. Application for Survivor Benefit

1. An application shall be filed by an employer or survivor, or an investigation initiated by the Board, not later than one year after the date of the firefighter's death. The Board may extend the application deadline for good cause.
2. A completed application shall include, but not be limited to:
 - a. Application for Firefighters' Survivor Benefit;
 - b. Marriage, Civil Union, Birth, and Death certificates as required by the application to establish the identity of survivors;
 - c. Death Certificate of the firefighter;
 - d. Investigation and/or accident reports that pertain to the circumstances of the firefighter's death;
 - e. A report from the State Medical Examiner, if an autopsy was performed;
 - f. Medical records relevant to the cause of death and, if the application is based on an occupation-related illness, all medical records relevant to the illness from the date of onset to the date of death.
 - g. Statement from the employer of the firefighter, or from a representative of the entity for which the firefighter is an authorized volunteer, that certifies the employment of the firefighter and describes the circumstances of the firefighter's death.
3. The State Treasurer's Office will acknowledge receipt of an application within ten (10) business days of its receipt. If the application is not complete, the documents or information necessary to complete the application shall be noted in the acknowledgement and the applicant will be requested to provide additional information within sixty (60) days.
4. Upon receipt of a completed application, the State Treasurer's Office will forward the application and all supporting documentation to the Board and schedule a meeting of the Board for review of the application within thirty (30) days.

VI. Firefighters' Survivors Benefit Review Board Procedures

1. The Board shall review the application and ascertain whether it has sufficient information to determine whether a monetary benefit shall be made. The Board may request

additional information and schedule a meeting at which the applicant or other individuals with relevant information may present information to the Board.

2. Within sixty (60) days after the Board determines it has all information necessary to enable it to determine eligibility for a benefit, the Board will issue a written decision that determines whether 1) the firefighter died in the line of duty or of an occupation-related illness; 2) the firefighter had, at the time of death, a survivor or survivors eligible for a survivor benefit; and 3) the identity of the survivor(s) to whom the benefit shall be paid and the amount of the benefit to be paid. The Board's decision must be unanimous.
3. The Board shall distribute the benefit payment as follows:
 - a. 100% to the surviving spouse;
 - b. If there is no surviving spouse, in equal amounts to each of the surviving children;
 - c. If there are no surviving children, in equal amounts to each of the surviving parents, or 100% to the sole surviving parent.
5. Within ten (10) business days after the Board has issued a written decision, it shall notify all named survivors and provide a copy of its decision by certified mail, return receipt requested. The notice shall state that a survivor denied all or part of a benefit shall have sixty (60) days from the date of receipt of the notice to file an appeal with the superior court in the county in which the deceased was employed as a firefighter or was an authorized volunteer.

VII. Payment of Benefit by State Treasurer

1. A certified copy of the decision on a grant application shall be sent to all named survivors on the application.
2. In the event that the Board determines a benefit payment should be made to one or more survivors, the State Treasurer may pay the benefit from the Firefighters' Survivors Benefit Expendable Trust Fund pursuant to the Board's decision. The benefit payment shall be sent certified mail, return receipt requested.
3. In the event an appeal is filed, the State Treasurer may pay the benefit only after final resolution of the appeal pursuant to the terms of the court order.
4. In the event payment of the benefit determined by the Board or a final court order would create a negative balance in the fund, the State Treasurer may not disburse money without approval of the Joint Fiscal Committee of the General Assembly. The State Treasurer shall notify the Joint Fiscal Committee within ten (10) business days of the date of a final order of the Board or final court order if payment of the benefit authorized by the order would create a negative balance in the fund, and request the Joint Fiscal Committee's authorization to pay the benefit.

** NOTE: The 2005 Vermont General Assembly amended the language of 20 V.S.A. Chapter 20 to change "Firefighters" to "Emergency Personnel." "Emergency Personnel" now includes ambulance service, emergency medical, first responder service, and volunteer personnel, in addition to firefighters. These Procedures will be similarly reviewed when the Review Board has a need to call the next meeting. The statutory amendment took effect as of July 1, 2005.*