



NOTICE TO CLAIMANTS

Protocol for Determining PSOB Claims Involving 9/11 Exposure

Effective April 6, 2016, the Bureau of Justice Assistance (BJA) has implemented a protocol for determining Public Safety Officers' Benefits (PSOB) claims submitted for firefighters, law enforcement officers, and other first responders whose deaths and disabilities have been linked to exposure from their September 11, 2001 response efforts.

Background: Currently approximately 175 death and disability cases arising from illnesses related to exposure to the 9/11 site have been filed with the PSOB office. These claims have been pending while medical experts have worked to establish a link between the exposure of public safety officers to the chemicals and toxins at the 9/11 sites and the injuries, in many cases different forms of cancer, which caused the officers' deaths. Through the dedicated work of the medical experts at the World Trade Center Health Program (WTCHP), following the enactment of the James Zadroga 9/11 Health and Compensation Act of 2010, WTCHP has developed a methodology to determine whether exposure to hazards and toxins resulting from the attacks was substantially likely to have been a significant factor in aggravating, contributing to, or causing many serious medical conditions suffered by the nation's public safety officers who responded to the sites to assist in rescue, recovery, and clean-up efforts. This methodology is used by the September 11th Victim Compensation Fund (VCF).

Working in close collaboration with the WTCHP and the VCF, BJA has developed a process which enables it to rely on the WTCHP's methodology to determine PSOB 9/11 exposure claims based on the WTCHP medical certifications and VCF determinations. The ability to access and rely on the public agency findings of WTCHP and the VCF will allow BJA to process a significant number of the PSOB claims filed thus far for deaths and disabilities related to 9/11 exposure.

Until the WTCHP methodology was established, no medical and legal framework was available to link the 9/11 exposure with the wide range of serious medical conditions now accepted by the WTCHP as causally linked to the attacks. BJA is also coordinating 9/11 payments with the VCF because, by law, any PSOB death or disability payment is required to be reduced by the amount of a VCF award.

Protocol for Determining 9/11 Claims with WTCHP / VCF Certifications / Determinations

1. BJA will request from the WTCHP medical certifications and eligibility determination letters from the VCF related to pending PSOB claims. BJA will ask Claimants to provide medical release forms to obtain medical information from WTCHP when necessary. BJA will also request from VCF the amounts of its awards, if any, to apply the required offset.

2. After BJA reviews all PSOB claims having a WTCHP certification or VCF eligibility determination letter, BJA will provide written notice to survivors and injured officers regarding the outcome of their claim and any PSOB benefit amount they may receive.

Claims without WTCHP / VCF Certifications / Determinations

Under its current regulations, BJA cannot independently apply the WTCHP methodology to 9/11 claims without WTCHP certifications or VCF determinations. For these PSOB 9/11 claims, BJA is developing a process to allow the claims to be determined using the methodology established by the WTCHP.

For additional information regarding this process or the PSOB Program, contact the PSOB Office at 1-888-744-6513.

Approved:

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