

POLICE UNIONS CALL ON NYPD TO LOOSEN RULES FOR RETIREE 9/11 AILMENTS

Police Unions Call on NYPD to Loosen Rules for Retired Cops with 9/11-Related Ailments to Get Disability Pensions

by Graham Rayman - NY Daily News - 9/09/18

Strict NYPD rules force retired cops with 9/11-related ailments to battle through red tape to prove they were present at Ground Zero in order to get disability pensions — even though the records they need may be lost, local politicians and union leaders charge.

“We can’t have officers going through a documented injury now having to fight against the department,” said Brooklyn Borough President Eric Adams, who will call Monday for the rules to be changed.

“They did not hesitate to respond to 9/11 — so we should not be hesitant when it’s time to give them service now.”

Under the rules, retired cops seeking disability have to first pass a rigorous medical board screening to prove they have a 9/11-related illness.

Next, they have to provide two forms of proof they were present at Ground Zero including an official department document, usually the roll calls done at the beginning and end of each tour.

However, so many years later, those records can be impossible to come by. The department itself has admitted they sometimes get lost.

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“I remember what those first four days were like and it was helter skelter,” said Adams, a retired NYPD captain. “I remember the chaos of roll call. People were just calling hail marys and audibles. There was no set plan. Asking someone where their memo book is 17 years later is really attempting to make them jump through hoops.”

Without the two forms of proof of presence, the NYPD pension board often rejects the claim. When that happens, the retired cop has to start the whole process again.

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Lt. Francisco Velez, afflicted with metastatic tonsillar carcinoma, applied for disability pension after he retired, claiming it was 9/11 related. The medical board agreed, as did the federally-funded Voluntary Compensation Fund, but not the NYPD (New York Daily News)

His roll call records were lost, so he obtained an affidavit from his commander, with whom he spent many hours at Ground Zero as proof. But the NYPD pension board denied him and he had to start over.

After three rounds of this, Velez finally filed a lawsuit in federal court out of frustration.

"The city is saying we're missing records," Velez told The News. "It's unfair that the burden should be on us. We're not the keepers of the records. That's not our problem. That's the city's problem."

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His lawyer Jeffrey Goldberg called the board position “absurd.”

“The police pension fund did not accept a ranking officer’s verification,” Goldberg said.

“He only wants the recognition that his cancer is related to the World Trade Center.”

NYPD officials defended the rules.

“Verification of WTC participation is made based on the totality of the reliable evidence amassed and is not solely dependent on a particular department record,” an NYPD spokesman told The News.

“Approximately 1,006 members have had their participation verified and approximately nine members were denied due to a lack of verification of the required participation. The NYPD seeks nothing but fairness for its members and pension fund decisions are subject to judicial review if a member is dissatisfied with the result.”

Roy Richter, president of the NYPD Captains Endowment Association, backs a loosening of the rules.

“The verification is always a big problem and the police department has made it much more difficult to verify people,” Richter said. “It’s really troubling.”

Richter said the NYPD turned over roll calls and command logs to the city Law Department years ago in advance of expected litigation. At some point along the way, the records were lost.

If it were not for a single surviving record of a single radio transmission that he made on Sept. 12, 2001, Richter could not have proven he was at the site, he says.

“Without that, I’d be in a tough situation,” said Richter, who wanted to establish his presence at Ground Zero as a precaution though he has not developed a 9/11-related illness.

“At the time, people weren’t thinking that they would get sick so they didn’t keep copies of those records.”

The fix, Adams says, is to require just a single form of proof: an official NYPD record, an affidavit from a co-worker, or one other kind of proof.

“I want to make this an either/or, not an and,” he said.

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The Sergeants Benevolent Association also supports the change.

“Loosening the process is fair to the many people who made incredible life-debilitating sacrifices for the city,” said Ed Mullins, head of the Sergeants Benevolent Association.