

Widow of NYPD detective killed by cancer fighting for 9/11 benefits

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NYPD Det. Thomas Weiner, a transit cop who fought hard against graffiti, worked 60 hours on toxic Ground Zero site to help find survivors. (Maisel, Todd)

Ten years after cancer-stricken NYPD Det. Thomas Weiner received a promotion on his deathbed from Police Commissioner Raymond Kelly, his family is still fighting for recognition that he died from working at Ground Zero.

The NYPD pension board Wednesday punted on an application to grant Weiner's widow a line-of-duty pension back to a panel of doctors that previously ruled his pancreatic cancer existed before Sept. 11, 2001.

"My brother lived for the job and he gave his life for the job," said Delores Weiner, a retired NYPD detective.

His widow Linda filed for the more lucrative pension after the state's highest court ruled that 9/11 first-responders are presumed to have contracted cancer from working rescue and cleanup duties as long as they meet certain criteria for hours worked, which Weiner does.

Weiner was an 18-year veteran of the force when his retirement became official before he died on May 3, 2003. So his wife collects a pension of only 30% of his base salary. A line-of-duty death designation is 75% of his pay, tax-free.

On 9/11, Weiner, a member of the storied crime-fighting team "Tom and Jerry" with partner Jerry Dassaro, raced from his home in Orange County to the horrific scene of the World Trade Center attack.

He served more than 60 hours exposed to toxins and debris in the Pile.

In April 2003, Weiner was diagnosed with advanced pancreatic cancer and died less than a month later at the age of 43. The police medical board concluded that Weiner must have had the cancer before 9/11 because studies show it takes six years to metastasize.

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NYPD Det. Thomas Weiner was promoted on his deathbed while he was suffering from terminal pancreatic cancer.

But lawyer Jeffrey Goldberg, who represents Weiner's widow, said there's "not a shred of medical evidence" showing that the detective had cancer before the World Trade Center attack.

Weiner had undergone bariatric surgery in 2002 and follow-up endoscopies and blood tests with no evidence of cancer, Goldberg noted.

If the medical board disapproves the request again, Weiner's family's only recourse would be to sue. Other families of 9/11 first responders have successfully sued for a line-of-duty pension.

There wasn't a dry eye among the cops and family in Weiner's room at Mount Sinai Hospital when Kelly arrived with the plaque and promoted him.

"I had to die to get promoted," Weiner later quipped, recalled Dassaro.

"It would give our family closure," Delores Weiner said. "I'm very honored that Commissioner Kelly came and (promoted him). My brother died a horrible, horrible death and he really was a hero."

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