



## **FDNY 9-11 MEMBER PASSES AWAY IN MENTAL HEALTH FACILITY – DENIED CARE BY FDNY**

**April 17, 2018**

New questions emerged Monday about the FDNY's denial of 9/11-related disability benefits to a retired firefighter who labored at Ground Zero and then suffered severe psychiatric illness before dying in a mental hospital.



Joe Battista spent months at the World Trade Center site after the 9/11 attacks and developed serious health issues, and severe depression and post-traumatic stress disorder that led to repeated hospitalizations.

But the FDNY repeatedly denied him World Trade Center disability benefits.

He choked to death on food at a Florida mental hospital on April 5. He was 63.

FDNY denied aid for PTSD-stricken Ground Zero firefighter

An FDNY official suggested in Monday's exclusive Daily News report that the department repeatedly denied the benefits because his condition had not been properly linked to 9/11.

Under the James Zadroga 9/11 Health and Compensation Act of 2010, the federal WTC Health Program medically certifies ailments that it finds are Ground Zero-related.

An August 2017 health program document obtained by The News shows that Battista's mental health issues were certified as 9/11-related in 2013.

He was also certified for 9/11- related lung ailments in 2011, and acid reflux disease in 2017.

Other doctors repeatedly connected his depression and PTSD to 9/11, court papers show.



*Battista worked at Ground Zero (pictured) for 3 1/2 months, as well as the Fresh Kills landfill on Staten Island. (WARGA, CRAIG, T.)*

“Everything that they (the FDNY) have been saying contradicts what we know,” Battista’s cousin Joe Ciacco told The News.

In addition to working at Ground Zero for 3 1/2 months, Battista also sifted for human remains from the site at the Fresh Kills landfill on Staten Island.

Battista, a union delegate for Engine 90, also responded to the 1990 Happy Land social club fire where 87 people were killed.

In 2013, he began petitioning the FDNY for the disability benefits, which would make his pension tax free.



The FDNY rejected his requests at least four times, claiming his illness was early onset dementia.

Battista's cousin Joe Ciacco said it appeared the FDNY often demanded yet more proof — dragging out the case.

"We feel terrible about it," Ciacco said. "That's all they were doing, just torturing him. They kept tabling it over and over.

"They kept asking us to get further documentation and testing. They just keep giving us hurdles."



*Battista responded to the Happy Land social club fire that killed 87 people in the Bronx in 1990.*



The FDNY also refused to give Battista a WTC honors funeral because choking on food isn't an approved WTC cause of death

Battista had two funerals — one in Sarasota, Fla., put on by the local fire department and the other in the Bronx.

The FDNY did not respond to an email Monday on the WTC Health Program document.

FDNY sources said Monday that Battista applied for disability benefits of three-quarters of his annual pay seven times before he retired, but was denied.

He had claimed his lungs were compromised because of 9/11 but the department found his lungs in good shape.

Lawyer Jeffrey Goldberg filed a lawsuit seeking Battista's 9/11 benefits in March. A hearing was scheduled for May.

The family's lawyers plan to continue with the lawsuit, despite his death.

Battista did receive benefits for lung and throat ailments in August from the federal Victims Compensation Fund, which helps people who suffered physical injuries.