

NYC caves and authorizes WTC benefits for 9/11 survivor — after claiming his cancer was caused by drinking and not by his time at Ground Zero

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Joe Daly, an FDNY firefighter who served at Ground Zero, will now be provided with a full 9/11 disability pension, the Daily News has learned.

After months of claiming a retired FDNY firefighter's cancer was linked to excessive drinking, and not his time at Ground Zero, the city finally agreed to provide the sickened smokeater with a full 9/11 disability pension, the Daily News has learned.

The decision comes roughly one month after former firefighter Joe Daly's plight was outlined in an exclusive story in the Daily News — and after a court ordered the city to stop stalling.

The city confirmed on Wednesday that it will follow the court order and give Daly his full disability pension.

Daly's wife Dana was happy with the outcome, although she said the approval could have happened much sooner.

"The city did the right thing for one of its members (but) it took a long time," Dana Daly told The News on Thursday.

Daly retired from Engine 218 in Bushwick, Brooklyn in 2004. Five years later, he was diagnosed with several cancers that have since ravaged his bladder, liver and colon.

Before The News' story came out, the city had considered appealing a court order demanding it provide Daly with a full disability pension, even though doctors inextricably linked the sicknesses to his time breathing in the toxins at Ground Zero following the terror attacks. He had already received hundreds of thousands of dollars from the federal 9/11 Victim Compensation Fund to pay for doctor visits and medications.

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Yet the city Fire Pension Fund had determined that Daly's cancers didn't stem from Ground Zero, but from chronic drinking — even though Daly was never labeled an alcoholic.

In court papers shared with The News, the city said that Daly's liver cancer was “due to (accumulation of fluid in the abdomen) and abdominal distention, which were the result of alcoholic liver disease” and that the firefighter had suffered cirrhosis of the liver in the past.

Daly sued to get a full disability pension. The extra money would go a long way toward paying the mounting bills he's accumulated during his cancer fight, his family said.

On Sept. 3, Supreme Court Justice Katherine Levine ordered the city to give Daly a full, tax-free disability pension, claiming that the FDNY Medical Board's denial “lacked a rational basis and was arbitrary and capricious because (they) undiscerningly accepted the Medical Board's recommendation, which was based on cherry-picked evidence.”

But the city never moved forward, claiming they were “reviewing the court's ruling.”

“We defended the expert medical board's decision as legally correct,” a Law Department spokesman said at the time.

Daly's attorney Jeffrey Goldberg said he was “pleased that the long ordeal is finally over” and the retired firefighter can get some peace of mind.

“Unfortunately, Firefighter Daly suffers every day from WTC-related cancers, but is relieved that his sacrifice was acknowledged by FDNY and that his family's financial well-being is protected in the future,” Goldberg said.



(Robert Clark/AP)

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Remembering the September 11th terrorist attacks

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New York Daily News

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