

Retired NYPD sergeant fighting for disability pension dies of 9/11-related cancer

By THOMAS TRACY

NEW YORK DAILY NEWS | <https://www.nydailynews.com/new-york/ny-retired->

APR 18, 2020 AT 3:57 PM -



Retired NYPD Sgt. Sean Cameron (Handout)

DAILY NEWS

Retired NYPD Sgt. Sean Cameron, who was fighting the city to get disability pension for his 9/11-related cancer, lost his battle with the disease earlier this month, his family told the Daily News.

Cameron passed away from Stage 4 liver and colon cancer on Apr. 8 at a hospice center in South Carolina. He was 52.

"In the end he was in agony, but he kept asking us to help continue his fight about the pension," Cameron's wife Claudia told The News. "He wanted to know that after he was gone, the NYPD and the city did the right thing. What they're doing now ... it's just wrong."

The Police Pension Fund denied Cameron's request for a 9/11 disability pension in February, saying they couldn't confirm that the retired cop spent the requisite 40 hours at Ground Zero.

"They're telling me they can only find 20 hours ... that I'm 20 hours shy," Cameron told The News in March. "They're saying, 'We know you have a cancer from Ground Zero, but you just weren't there long enough to qualify for a pension.' "

The NYPD transit cop had just finished his shift when two hijacked planes crashed into the Twin Towers on Sept. 11, 2001.

Fearing that his father, who worked in one of the buildings, was caught in the collapse, the 52-year-old cop raced to Ground Zero to help where he could.

As he waded through the fleeing crowds, he ended up at a Burger King assisting about a dozen people looking for shelter, according to his lawsuit.

The NYPD never logged his time at Ground Zero, because "records were haphazardly kept in my district [and others] during this period," the cop wrote in his affidavit.

Cameron's father luckily escaped before the towers fell.

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Cameron was diagnosed with liver cancer shortly after he retired in 2017. The cancer was inextricably linked to his time at Ground Zero, his doctors claimed.

When he retired, Cameron received a basic NYPD pension of about \$48,000 a year, which is about half a sergeant's basic salary. A disability pension would be 75% of his salary tax-free — a \$20,000 yearly financial boost.

Cameron's suit is still pending at New York Supreme Court, officials said.

"This is a heart wrenching loss, and I wish the law would have allowed for a different ruling by the pension board," a spokesman for the city Law Department said.

Cameron's attorney, Timothy McEnaney, said the city's denial was "irrational" and vowed to keep fighting. If they win, the money will go to the cop's wife and their two teenage children.

"That the City would treat a man of this caliber this callously is unforgiveable and inexcusable and, unfortunately, probably foreshadows how the City will treat our current first responders, the ones now injured and dying in the line of duty because of exposure to COVID-19," McEnaney said.

Thomas Tracy
New York Daily News

CONTACT

Born and bred in Brooklyn, crime reporter Thomas Tracy has been covering the NYPD for more than a decade. He joined the Daily News in January 2013.

April 18, 2020 – The Daily News: NYPD sergeant fighting for 9/11 ... - New York Daily News

Retired NYPD sergeant with 9/11 cancer fighting city for disability pension

By THOMAS TRACY

NEW YORK DAILY NEWS |

MAR 17, 2020 AT 5:48 PM



DAILY NEWS

Retired NYPD Sgt. Sean Cameron (Handout)

Retired NYPD Sgt. Sean Cameron is in the fight of his life, against not only the 9/11-related cancer that has ravaged his body, but with the city, which has denied him a disability pension.

The Police Pension Fund last month denied the retired cop's request for a 9/11 disability pension, saying they can't confirm Cameron spent the requisite 40 hours at the World Trade Center site needed to get the pension.

"They're telling me they can only find 20 hours ... that I'm 20 hours shy," Cameron told the Daily News from his home in South Carolina. "They're saying, 'We know you have a cancer from Ground Zero, but you just weren't there long enough to qualify for a pension.' "

Cameron told The News he raced to Ground Zero after the terror attacks and his Stage 4 liver cancer has been inextricably linked to the toxins he breathed in that day.

Now he's suing the city to get the disability pension he says he deserves.

The NYPD transit cop had just finished his shift when terrorists rammed jumbo jets into the twin towers on Sept. 11, 2001.

Fearing that his father, who worked in one of the buildings, was caught in the collapse, the 52-year-old raced to Ground Zero and helped out where he could.

As he waded through the crowds fleeing massive plumes of toxic dust, he ended up at a Burger King assisting about a dozen people looking for shelter inside, according to his lawsuit.

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Retired NYPD Sgt. Sean Cameron (Handout)

“As the only member of the NYPD in that Burger King, many approached me for reassurance and other information as to what was taking place and as to whether we were under attack,” he wrote in his affidavit. “I did my best to keep everyone there calm and repeatedly encouraged them not to leave until it was safe to do so.”

The NYPD never logged his time at Ground Zero on 9/11, the cop said in his suit, because “records were haphazardly kept in my district [and others] during this period.”

DAILY NEWS

“A lot of records on that day were lost,” Cameron explained.

[\[More New York\] Cops investigate death of elderly Upper East Side woman »](#)

“I don’t think this is right at all,” he told The News as he prepares for hospice care. “I should have been approved, but it took them like, five minutes to deny me.”

Luckily, Cameron’s father escaped the towers before they fell.

Cameron was diagnosed with Stage 4 liver cancer shortly after he retired in 2017.



Workers search for victims in the remains of the World Trade Center. (Maisel, Todd)

He receives a basic NYPD pension of about \$48,000 a year, which is about half a sergeant’s basic salary.

A disability pension would be 75% of his salary tax-free — a \$20,000 a year financial boost his family will need, he said.

DAILY NEWS

His attorney Timothy McEnaney said the city delayed Cameron's hearing 17 times before rejecting his claim.

"The city has had every opportunity to do the decent thing here, by fairly considering all the evidence. Instead, they've decided force us to litigate the case of this very sick NYPD Officer," McEnaney said. "It's disturbing that the city would so callously ignore the clear intent of the World Trade Center Disability Law, the entire purpose of which is to help first responders who have so obviously become disabled by World Trade Center-related conditions."

But the city is sticking to its guns.

"We applaud this officer for his service and are sympathetic to his current health situation," city Law Department spokesman Nick Paolucci said. "The Pension Board is obligated to follow the law and grant benefits accordingly."

As the lawsuit makes its way through New York Supreme Court, all Cameron can do is wait.

"I have no quality of life at all," he said. "It's just pain all the time."

Thomas Tracy

New York Daily News

Born and bred in Brooklyn, crime reporter Thomas Tracy has been covering the NYPD for more than a decade. He joined the Daily News in January 2013.

Former Female Indian Officer, Sues NYPD For Discrimination

NEW YORK DAILY NEWS | COVER STORY

FEBRUARY 8, 2005

Lisa Hazamoon Cahill (33), a former NYPD police officer, is suing the NYPD in the United States District Court, Southern District of New York for employment discrimination.

Cahill, who was one of two officers of Indian descent in the Department, reported being forced to “wash and iron” the shirts of her supervisor Sergeant Salvatore Rufolo, while on duty at Police Headquarters.

Her Attorney[s] ... the *law firm of Jeffrey L. Goldberg*, says “forcing a cop to do laundry is sexist behavior that sets the NYPD back centuries.”

Cahill also charges that Sergeant Rufolo was abusive to a black cop in the security unit, that he asked him to “act like a monkey and make animal noises.” “I was standing there mortified. I am a person of color too, and it kind of reminded me of the movie *Deliverance*.”

She retired in 2003 when the discrimination made her work environment intolerable.

Cahill, an expert in X-ray screening for weapons and explosives, had registered complaints about the discrimination to Internal Affairs Chief Charles Campisi, who failed to investigate her allegations.

Cop: Sgt. Harasses Me, NYPD No Help

NEW YORK DAILY NEWS |

April 21, 2005

Police Officer Aneta Kwiatkowski has filed a federal lawsuit against the NYPD and Sgt. John Dorst for damages and for the Sergeant's reassignment.

She contends that Sgt. Dorst torments her by attempting to kiss her, reaching up her pants leg, demanding sex, and leaving her sexually crude phone messages, and the NYPD has done little to help the situation.

Officer Kwiatkowski and Sgt. Dorst work together at the 113th Precinct in Queens. More than a year ago Officer Kwiatkowski filed charges with the NYPD office of equal employment opportunity.

Her claims that Sgt. Dorst made "numerous sexually inappropriate statements" and "requests for sexual favors," as well as repeatedly touched her leg in an inappropriate manner, were found to be substantiated.

As a result, Sgt. Dorst has been hit with departmental charges and faces a trial, but has yet to be moved to another precinct...

Officer Aneta Kwiatkowski's attorney from the law firm of Jeffrey L. Goldberg P.C., said that Sgt. Dorst was getting special treatment because of his high ranking position in the Sergeants Benevolent Association and that the Department's actions were, "send[ing] a particularly bad message." Both the NYPD and the city Law Department declined to comment on the situation.

Fired Cop Sues Over Phobia Rap

NEW YORK DAILY NEWS |

NOVEMBER 3, 2005

Rachel Rodriguez rides an elevator up to her apartment in a high rise building every day and was once a flight attendant; however, she was dismissed from the Police Academy based on what she claims are false accusations that she suffers from claustrophobia.

The claustrophobia accusations stem from a training workshop on November 19, 2003 at which she asked a security guard where to find the stairs, when she did not wish to ride the elevator with a classmate she had previously argued with.

Despite her eventually riding the elevator with her classmates, someone reported to Ms. Rodriguez's supervisor that she experienced a panic attack on the ride up.

Ms. Rodriguez claims nothing happened in the elevator and she is adamant that small places have never bothered her. Yet, an NYPD psychologist accused her of hiding her supposed mental condition.

Now Rachel Rodriguez is suing the NYPD for improperly dismissing her.

Her lawyer, Jeffery Goldberg says the lawsuit will seek protection under the Americans with Disabilities Act because the NYPD "perceives she suffers from a disability, even though she does not," and acted in a manner which violated her civil rights.

Five Cops Sue the NYPD over Mandatory Rehab

NEW YORK DAILY NEWS |

DECEMBER 28, 2005

It is illegal to force employees into counseling against their will but that is exactly what the NYPD is doing. Four active-duty cops and one retired cop, with their lawyer... Jeffrey Goldberg in Lake Success, L.I., have filed a federal lawsuit against the NYPD.

All five plaintiffs were ordered to enter a 28-day residential rehab program after involvement in off-duty disputes that were allegedly alcohol related and in which none were arrested. One plaintiff, Detective Robert McNamara was involved in a dispute with his wife in which Suffolk County police came to his home.

McNamara claims he had two to three beers after the incident and that NYPD captain who was called to the scene found him sober.

DAILY NEWS

After refusing to join Alcoholics Anonymous, due to problems with the group's religious references, Detective McNamara was then found guilty at an NYPD administrative trial and docked 30 days' pay.

McNamara said, "It's an embarrassment to my character, what they've done to me." The NYPD responded to the suit by saying that it is the Police Department's responsibility to assure that cops with alcohol problems obtain treatment before returning to full duty.

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

By JOHN MARZULLI

NEW YORK DAILY NEWS |

MAY 09, 2013 AT 2:30 AM



DAILY NEWS

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."

John Marzulli

New York Daily News

The Chief

Courts Overrule Medical Boards

2 Ex-Cops Win Right To Disability Pensions

By MARK TOOR | JANUARY 15, 2016

State courts have approved three-quarter disability pensions that were originally denied by their retirement system's Medical Board, for an NYPD officer who was injured in a scooter-training accident and a Sergeant who suffered a stroke while at work.



BAD DAY ON THE SCOOTER: Retired Police Officer Paramjit Gakhal in her uniform. Ms. Gakhal, who was seriously injured during scooter training when her vehicle went out of control and hit a barrier, was awarded three-quarters disability pay by a Court of Appeals panel.



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A Serious Mishap

Officer Paramjit Gakhal was appointed to the NYPD in July 2001 and was working in the 107th Precinct in Queens when she was assigned to scooter training in April 2008.

On the first day of training, she “unexpectedly lost control of the scooter, causing the scooter to go off the scooter course,” according to a line-of-duty injury report filed by Lieut. Luis Perez, commander of the Police Academy driver-training unit, who was present for the crash. “The scooter then hit a metal barrier and continued into a metal cargo container.

“Officer Gakhal fell from the scooter and lost consciousness for a brief period of time,” the report continued. “When Officer Gakhal was able to respond she complained of pain throughout her body and in the areas of her head and arms.”

She was taken to Kings County Medical Center, where she was diagnosed with a break in one of the vertebrae of her spine, a concussion and bruising to the left wrist and left hand, the report said. She later experienced pain in the left shoulder and left knee as well as neurological symptoms, according to Police Pension Fund records.

“Sgt. Shawn Khan, the command supervisor, stated on the [Line-of-Duty] Injury Report that P.O. Gakhal was on duty, that there was no negligence on her part and that her injuries were considered ‘performance in Line of Duty,’” according to a letter to a Patrolmen’s Benevolent Association attorney from Ms. Gakhal’s lawyer, Jeffrey L. Goldberg.



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Medical Board's Logic

The Pension Fund Medical Board found that she was disabled from performing the full duties of a police officer, but recommended retirement at half-pay, rather than the three-quarters disability she had sought.

“The Police Pension Fund takes the position that any accident in training is not a three-quarters injury,” Mr. Goldberg said in an interview.

A 3-1 decision by a Court of Appeals panel Jan. 5 found that “while injuries sustained during routine training exercises may not qualify for [three-quarters] benefits, here, the loss of control coupled with the scooter’s acceleration appears to have been sudden and out of the ordinary.”

Mr. Goldberg said the key to Ms. Gakhal’s victory in her Article 78 appeal to the Court of Appeals was Lieutenant Perez’s description of her loss of control as “unexpected.”

“If you know the Police Department, nobody puts anything down on paper that could come back at them,” Mr. Goldberg said.

Unsure About Precedent

He said it wasn’t clear whether the case would set a precedent for other injuries experienced in training, as from running or judo instruction.

In the second case, Sgt. Grevirlene Kersellius was about to end her shift June 20, 2010, when she heard a radio report than an armed murder suspect was at large in upper Manhattan, according to a Dec. 14, 2015 ruling by State Supreme Court Justice Michael

The Chief

D. Stallman. She volunteered to go after him and chose Police Officer James Atkins as her driver.

At West 96th St. and Broadway, Ms. Kersellius “felt a pain in her neck, began feeling light-headed and developed a severe headache,” the decision said. Mr. Atkins took her to Mount Sinai St. Luke’s Hospital, where she was found to have a ruptured aneurysm and brain hemorrhage. “He probably saved her life,” Mr. Goldberg said.

Ms. Kersellius was later diagnosed as having had a stroke. She applied for three-quarters disability retirement, but the Pension Fund Medical Board recommended a half-pay benefit.

‘Congenital Abnormality’

“The Medical Board found that Kersellius was disabled from performing full police duty, but concluded that [her] cerebral aneurysm was a congenital abnormality, which spontaneously ruptured,” Justice Stallman’s decision said.

The Heart Bill, a state law giving police officers and firefighters disability benefits for heart disease unless pension boards can establish that the problem was caused by something other than the pressures of duty, was amended in 2006 to include strokes, Mr. Goldberg said. The amendment also added hepatitis, HIV and tuberculosis as diseases that are presumed to be incurred in the line of duty.

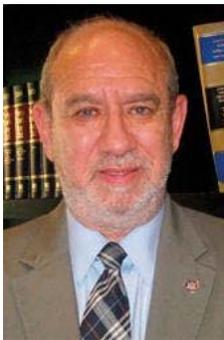
“The theory behind the bill, as outlined by its proponents, is not only that heart conditions are an occupational hazard for police officers and firemen, but also that this is a unique condition which generally is not the result of any particular incident but involves a gradual and progressive degeneration as a result of the continuing strain and stress of the job,” the decision said.

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“...Evidence that [her] cerebral aneurysm is congenital is insufficient to rebut the Heart Bill presumption for stroke,” Justice Stallman ruled.

Ms. Kersellius had 18 years on the job at the time of her stroke, Mr. Goldberg said, and she retired at 20 years on half-pay to preserve her right to the \$12,000-a-year Variable Supplements Fund benefit, which is not given to those on three-quarter disability retirement.

Mr. Goldberg said that if the city does not appeal the decision she would have to pay back the VSF funds received already. But, he added, the additional money from the three-quarters retirement plus the fact that it is exempt from state and local taxes puts her ahead.



JEFFREY GOLDBERG: Questions Medical Board's standards.



The Chief

Calls It Clear He's Unable to Perform Duties

Judge Slams NYCERS for Seeking To Compel Disabled EMT to Resume Job

By MARK TOOR | DECEMBER 5, 2016

Using unusually charged language, a state judge declared that the effort by the Medical Board of the New York City Employees' Retirement System to return an FDNY Emergency Medical Technician from the disability rolls to active duty presented a danger to the public.

"This court cannot allow the petitioner to return to duty as an EMT," Brooklyn State Supreme Court Justice Ellen M. Spodek wrote in her Nov. 17 opinion. "An EMT is a trusted member of public service whose duty is to render aid to those in need. Placing petitioner back into the line of duty would endanger those people who, when asking for the services of an EMT, are at their most vulnerable."

EMT's Lawyer 'Startled'

"The ruling startled me," said Jeffrey L. Goldberg, the attorney for the retired EMT, Emmanuel Lidakis. Mr. Goldberg noted that courts rarely overturn Medical Board decisions, more commonly returning cases to a pension board for reconsideration.

But in the case of Mr. Lidakis, he said in an interview, Justice Spodek wrote that "it's dangerous to put him out there in any capacity." She found that the Medical Board's decision was arbitrary and capricious—unreasonable and made without proper consideration of the circumstances.

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The Medical Board found in February 2007 that Mr. Lidakis was disabled and awarded him a three-quarters-of-final-average-salary pension. Justice Spodek wrote that Mr. Lidakis had injured one or both knees three times between 2003 and 2005: carrying a patient downstairs in a stretcher, slipping on the ice while getting into an ambulance and having a box fall on his knee in a hospital supply room.

The Medical Board granted the disability pension on condition that he be re-examined after a year to see whether he was still disabled. The March 2008 exam determined that he was no longer disabled.

Had Right to Challenge

NYCERS informed him that he would be placed on a preferred list for re-hiring but, Mr. Goldberg said, did not inform him of his rights to have the decision reviewed by a special medical committee or to challenge it through an Article 78 proceeding in the courts.

Mr. Lidakis filed two Article 78 proceedings, in 2009 and 2011, both of which resulted in the case being sent back to the Medical Board. Both times the board concluded that he was not disabled. He filed a third Article 78 proceeding in 2015, which came before Justice Spodek.

Mr. Lidakis's condition appeared to worsen during the court battles, according to the judge. His doctor said he could not walk or drive long distances or take part in "heavy lifting or strenuous-type activity." In 2010, his car was fitted with hand controls because his knee problems kept him from operating it safely, and after an examination by the city Health and Hospitals Corporation, he was granted a disabled-parking permit.

"It's very difficult to get the handicapped permit in this city," Mr. Goldberg said.



The Chief

Got S.S. Disability Pay

In April 2015, Mr. Lidakis was awarded Social Security disability benefits, based in part on an exam by an independent physician. NYCERS said it would not consider the award in dealing with his case because it does so only for active employees, not retirees.

The Medical Board re-examined Mr. Lidakis only once since the 2008 review that found he was no longer disabled.

Mr. Goldberg argued that two factors especially militated against revoking Mr. Lidakis's disability status. First, his pain pills included opioids and FDNY rules specify that EMTs may not "take any medication that causes you to be impaired." Second, he was unable to drive a vehicle without hand controls and EMTs, as a condition of the job, must drive ambulances that lack them.

NYCERS contended that it was entitled to resolve any conflicts in the medical evidence and that a decision could not be declared arbitrary and capricious "as long as it is based in 'some credible evidence.'" The agency said its 2008 examination found Mr. Lidakis's knees had a full range of motion and that he did not complain of discomfort.

But Justice Spodek wrote, "Simply because the Medical Board reserves the right to resolve conflicts of medical opinion, it does not have the right to ignore the overwhelming credible evidence that happens to contradict its own findings."

'Didn't Mention Obstacles'

She added, "Respondents fail to make mention of the issues petitioner would face if he were to be rehired by the FDNY." These included inability to drive a standard vehicle,

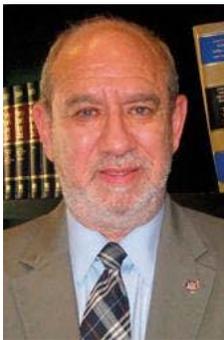
The Chief

the opioids, his use of a cane while walking, and duties that included carrying heavy equipment and moving patients down multiple flights of stairs, she wrote.

“The court finds that NYCERS’s denial was not based on a complete and accurate picture of the facts,” she concluded. She ordered that Mr. Lidakis remain on disability retirement.

“It’s very unusual for a judge to say the Medical Board is wrong,” Mr. Goldberg said, adding that Justice Spodek’s decision should be definitive, although the city could appeal. “Hopefully, it’s the end of the story,” he said.

Mr. Lidakis has continued to receive his disability checks, Mr. Goldberg said. “The only way the pension stops is if they offer you a job and you refuse the job,” he said, adding that because of Mr. Lidakis’s physical condition “the Fire Department was never going to take him back.”



JEFFREY GOLDBERG: ‘ A stinging rebuke to pension system.’



HON. ELLEN SPODEK: Would endanger those who need help.

EXCLUSIVE: FDNY paramedic suffering trauma after Ground Zero cleanup, but city won't grant disability benefits

By GRAHAM RAYMAN

NEW YORK DAILY NEWS |

MAR 02, 2017 AT 4:00 AM



Michael Markowski, a former paramedic, next to a piece of the World Trade Center at the 9/11 Memorial in Queens on Tuesday. He became ill with depression and PTSD after working in the removal and cataloguing of body parts after 9/11. (Debbie Egan-Chin/New York Daily News)

DAILY NEWS

After the 9/11 terror attacks, FDNY paramedic Michael Markowski spent a year at Ground Zero recovering body parts from the site and carefully cataloguing them at the city morgue.

The experience, he says, was so emotionally crippling that he fell into depression and post-traumatic stress disorder. He had suicidal thoughts. He could no longer work, lost his marriage, his medical certification, and spent time in psychiatric hospitals.

One of the people whose remains he indexed at the morgue was David Marc Sullins, a Cabrini Medical Center paramedic who died in the collapse of the south tower.

"I carried body parts out," said Markowski, of Queens. "In the morgue, I catalogued body parts, the remnants, the bone fragments. It's the totality of doing it for months on end. You can't keep exposing yourself to human tragedy at that level every single day without having it affect you."

Markowski, 45, of Rockaway Park, Queens, says he still suffers from intense nightmares after witnessing people jump from the burning towers that day. Just talking about his experiences gives him anxiety.

"It gives me chills to think about it," he told the Daily News. "That's completely seared in my mind like an endless loop."

Of the six paramedics he rode to Ground Zero with on the day of the attacks, five are dead — four succumbed to cancer, Markowski said. One hanged himself.

He was hospitalized for depression, PTSD and suicidal thoughts three times at Long Island Jewish Medical Center twice in 2013 and once in 2014 — each time for about a month. And he was treated at the FDNY's Counseling Services Unit from 2013 through 2014.

In November, because he had exhausted his sick leave but still couldn't work, the FDNY had no choice but to fire him, he said.

Markowski applied for disability benefits with the city but was denied because officials refused to credit his 9/11 experiences as the cause of his depression, he said.

DAILY NEWS



Michael Markowski was fired from the FDNY and denied a disability pension. (Debbie Egan-Chin/New York Daily News)

Because the regular pension for paramedics only kicks in after 25 years, he got nothing. He now lives on workers' compensation and help from friends.

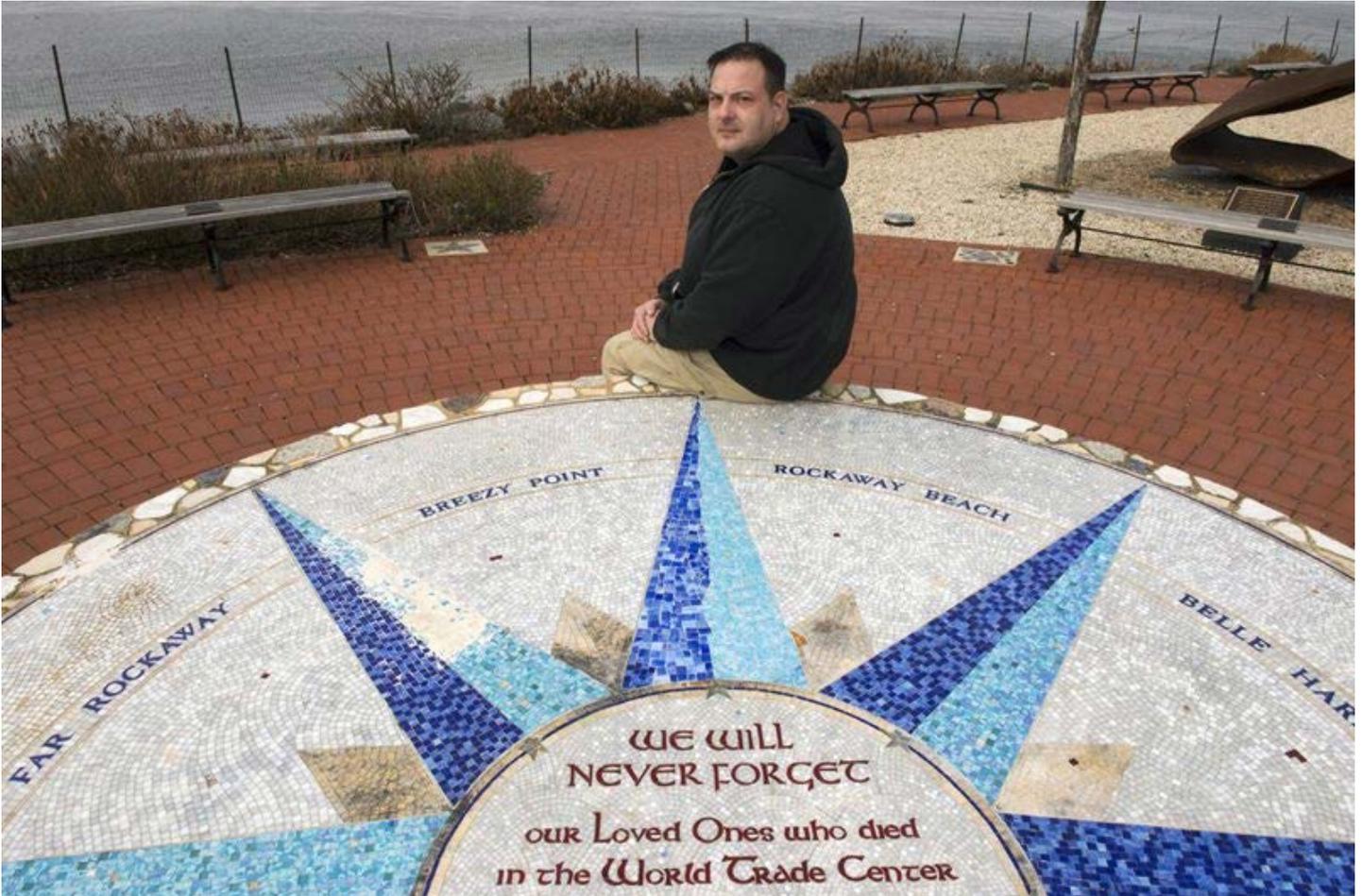
"The medical board is arbitrary and capricious and is destroying people's lives," says his lawyer Jeffrey Goldberg.

Goldberg said a doctor with the New York City Employee Retirement System actually approved the disability, then made an about-face and labeled him a "malingerer," a person who feigns illness to avoid work. His request was then denied.

"They had an independent medical examiner who saw me and said I was 100% disabled," Markowski said. "And then two months later he said I was a malingerer. How do you do that?"

DAILY NEWS

After Markowski sued the retirement board, Brooklyn Judge Lisa Otley ruled that the board's finding was "not based on facts."



Markowski applied for disability benefits with the city but was denied because officials refused to credit his 9/11 experiences as the cause of his depression, he said. (Debbie Egan-Chin/New York Daily News).

"The opinions and findings of the two independent doctors are not supported by credible evidence, nor rational," she wrote.

Otley's ruling means the agency has to reconsider the case. But judges don't have the power to overturn those decisions.

Meanwhile, state Sen. Martin Golden is expected to introduce a bill this month that would allow the courts to overrule medical boards in these cases, Goldberg said.

DAILY NEWS

"The bill gives the judge the ability to grant the disability pension," said Israel Miranda, president of Local 2507, the paramedics union. "It also sends a message to (the retirement system) that if they don't treat our members well, they will see their decisions overturned."

Markowski refuses to criticize the Fire Department, despite coming close to becoming homeless if not for the help of friends.

"When you have no stable income and you can't go to school, it's not easy, but luckily I had help from friends and family," he said. "Most people are in the position where they can't fight."

Graham Rayman

New York Daily News

Graham Rayman covers criminal justice and policing for the New York Daily News. He has won multiple journalism prizes over his 30-year career. He has previously worked at New York Newsday, Newsday, and the Village Voice. He authored a book on a police officer who became a whistleblower in Brooklyn called "The NYPD Tapes."

FDNY EMT injured on the job wading through a bureaucratic mess to get disability pension

By GINGER ADAMS OTIS

NEW YORK DAILY NEWS |

MAY 13, 2017 AT 1:45 PM



Hakeem Watkins, 31, has been denied a disability pension by the medical board of the New York City Employees Retirement System — even after its members had him hospitalized out of fear of a suicide attempt. (Byron Smith)

An FDNY EMT who got hurt on the job now finds himself in a medical mess with the city's pension board.

DAILY NEWS

Hakeem Watkins, 31, has been denied a disability pension by the medical board of the New York City Employees Retirement System — even after its members had him hospitalized out of fear of a suicide attempt.

After Watkins admitted in his first disability pension hearing that he had thoughts of harming himself, the board ordered him to the hospital for a psychiatric evaluation, court records show.

NYCERS also found him fit to return to work — and denied his application for disability retirement.

When Watkins returned to speak to the board during his second attempt at a disability, NYCERS made sure to have a security guard present, according to Watkins' attorney.

"So, you don't feel safe with me in the room, but it's okay to send me back out to deal with the public," said Watkins, who lives in Bedford-Stuyvesant.

"I'm extremely frustrated. I didn't go to work planning to get hurt — I really don't know what else to say because I've given them all my medical evidence and they still won't budge," said the ex-EMT.

Watkins was first admitted to the FDNY Oct. 9, 2012 — and he got hurt a mere nine months later, on July 1, 2013, according to medical records.

"I'm extremely frustrated. I didn't go to work planning to get hurt — I really don't know what else to say because I've given them all my medical evidence and they still won't budge," said the ex-EMT. (Byron Smith)

The EMT was lifting a stretcher onto an ambulance bay at Brookdale Hospital when he suffered the injury to his spine, his lawyer said.

DAILY NEWS



Watkins wound up with "several bulging discs and herniation in his lower back," according to court records. He also suffered from depression and "psychotic symptoms."

A doctor with the FDNY Bureau of Health Services refused to let Watkins return to work, stating that his injuries left him unable to function as an EMT.

After 18 months on sick leave, he was terminated by the FDNY.

The state Workers Compensation Board found him disabled because of his spinal issues and psychological challenges — but without approval from the NYCERS medical board, he's ineligible for lifelong disability pay, which would be three-quarters of his annual salary of \$33,000.

DAILY NEWS

After Watkins was rejected by NYCERS the first time, he and his lawyer filed an Article 78 proceeding in Brooklyn Supreme Court.

After hearing from both sides, Judge Carl Landicino remanded Watkins case back to NYCERS for re-evaluation, noting that its medical board didn't examine Watkins lower back during his first application and ignored other parts of his physical examination as well as the MRI of his injured discs.

NYCERS medical board sent Watkins to one of its mental health doctors, who initially said the EMT's depression and psychological problems were too severe for him to return to work. After that doctor made a disability finding, NYCERS medical board sent him to a different psychologist, who said Watkins was suggestive of a malingerer who exaggerated his mental health symptoms.

The medical board referred that report back to the doctor who initially found Watkins mentally disabled — and that doctor reversed his opinion, without re-interviewing Watkins, according to Jeffrey Goldberg, the ex-EMT's attorney.

"We've been told Hakeem's second application was denied, although we are still waiting for the medical report that will explain why," said Goldberg.

"In the first decision, the medical board was shopping for a certain answer. We're glad the court recognized how they operate and threw out the results," said Goldberg, who plans to continue to fight the latest decision against Watkins.

NYCERS declined comment, citing privacy concerns.

Ginger Adams Otis

New York Daily News

Ginger Adams Otis joined the NY Daily News in 2012 and worked on the rewrite desk as well as special investigations and assignments before moving on to head the paper's "On the Job" beat, as both a columnist and reporter.



The Chief

Cited 9/11-Related Asthma, Shoulder Injury

Ex-Fire Lieut. Wins Disability Pension After 13-Year Battle With Medical Bd.

By MARK TOOR | SEPTEMBER 25, 2017

Retired FDNY Lieut. Raul Muniz was awarded a line-of-duty disability pension last month after a 13-year fight and two successful court battles.

In 2004, Fire Department physicians declared that Mr. Muniz was not physically fit to fight fires, citing a line-of-duty injury to his right shoulder as well as asthma he believes he contracted as a result of exposure to the toxic stew at Ground Zero following the World Trade Center attacks and during the ensuing clean-up operations.

Medical Board's Dissent

However, the Fire Pension Fund Medical Board decided that his asthma was not disabling, and that while his shoulder injury was disabling, it was not connected to his job.

“They played a game that he wasn’t disabled,” said Mr. Muniz’s attorney, Jeffrey L. Goldberg. He added that such disagreements between the two entities are not uncommon.

Mr. Muniz, who joined the FDNY in 1980, retired later in 2004 on a service pension, which pays 50 percent of final average salary, as opposed to a line-of-duty-disability pension, which pays three-quarters of earnings and is free of state and local taxes.

The Chief

He could have stayed on in light-duty assignments until he reached age 65, Mr. Goldberg said, “but for an active firefighter, light duty is an embarrassment. It’s like taking a cop’s gun away.” Most firefighters in Mr. Muniz’s situation take the pension, he said.

Defied WTC Presumption

As a first-responder at Ground Zero, Mr. Muniz was covered by the World Trade Center presumption, a law passed after 9/11 that says a wide variety of conditions, including asthma, diagnosed after the attack must be assumed to have been caused by exposure to toxic debris. But the medical board’s insistence that his asthma was not disabling complicated that claim.

As for the shoulder, Mr. Muniz argued that he filed an accident report in January 2004 saying he slipped and fell on snow and ice while climbing into his fire truck. “I began to fall,” he wrote. “I caught on to the rig handle with my right hand in an awkward position and felt a sharp pain to my shoulder area.”

The Medical Board argued that that the injuries were “chronic conditions that occur over time and are not indicative of an acute or sudden incident.”

However, “a careful review of the website” referenced by the Medical Board showed that a fall could have caused the damage to Mr. Muniz’s shoulder, State Supreme Court Justice Dawn Jimenez-Salta wrote in deciding Mr. Muniz’s second successful Article 78 appeal. The first appeal resulted in the case being remanded to the Pension Fund, which did not change its position.

Orders Disability Payout

The Chief



Justice Jimenez-Salta sent the asthma issue back to the Medical Board on Aug. 2 for re-consideration, but ordered a three-quarters pension for Mr. Muniz with respect to the shoulder injuries.

The Medical Board presented “no medical evidence demonstrating that [Mr. Muniz’s] disabling right-shoulder injury was caused by anything other than his line-of-duty injuries,” according to her opinion.

The Justice wrote that the Medical Board did not describe Mr. Muniz’s asthma. The board also did not deal with the possibility that he “could be exposed to noxious fumes and toxins that could escalate his asthma” or that others could be put at risk by his condition, she wrote.

“He’s letting the asthma go,” Mr. Goldberg said. “He’s tired of fighting.”

Mr. Muniz has moved to Arizona, where the air is better for his condition, the attorney said.

The length of battle is not unheard of, Mr. Goldberg said. “Sometimes they will force you to litigation for over a decade,” he said.

The Chief



JEFFREY GOLDBERG: 'Played a game to deny disability.'



HON. DAWN JIMENEZ-SALTA: Questions med-board's judgment.

The Chief

Traumatized by WTC Experiences

Ex-EMT to Finally Receive Disability Pension as City Drops Long Appeal

THE CHIEF LEADER |

By BOB HENNELY | FEBRUARY 26, 2018

The de Blasio administration has dropped its appeal of a 2017 state-court ruling in favor of a former FDNY Emergency Medical Technician, clearing the way for him to finally get the 9/11 World Trade Center disability award that the New York City Employees' Retirement System had denied him for post-traumatic stress disorder.



'LIKE BEING A COMBAT VETERAN': Retired Emergency Medical Technician Michael Markowski has finally had the path cleared to receive a disability pension connected to the mental toll that his service at the World Trade Center site on 9/11 and during its aftermath took on him. Discussing that period and the other horrors he witnessed as he treated patients on the street, he said of pension-board officials, 'They think it is not like being a combat veteran, but it really is.'



The Chief

Last February, Brooklyn State Supreme Court Justice Lisa S. Ottley ruled for Michael Markowski, 46, who was one of the first city employees to respond to the Twin Towers after the 9/11 terrorist attack.

Skewered Board's Ruling

In her decision, Justice Ottley wrote that NYCERS's rejection of his disability claim was "arbitrary and capricious" and that the findings its board offered to substantiate the denial "were not based upon an articulated medical opinion constituting credible and rational evidence."

Mr. Markowski, who lost friends in the Twin Towers' collapse, was assigned to remove body parts from the site. He was detailed to the Chief Medical Examiner's Office for three days after the attack and provided emergency medical care at The Pile for months afterward.

Nicholas Paolucci, a spokesman for the city Corporation Counsel, maintained its lawyers still "strongly" believed "the Supreme Court overstepped its authority" by granting the accident-disability pension rather than sending it back to the NYCERS Board for reconsideration. "However, upon further evaluation we have decided that it was in the city's best interests to not appeal the ruling," Mr. Paolucci added in a statement.

"They made a business decision," said Jeffrey Goldberg, Mr. Markowski's lawyer, in a phone interview. "They were worried about losing an Appellate Court decision, which would have really set a precedent. This is also a way to head off potential legislation from Albany by letting at least once case stand where a first-responder prevailed in state court."

The Chief

Not the Only One

He said he had dozens of cases like Mr. Markowski's where the client was a 9/11 first-responder but in the years since became enmeshed in bureaucratic battles that moved to the courts.

"This win does give these folks some hope but they really drag you through the mud, delays and additional legal fees and aggravation," Mr. Goldberg said. "Right now, I have a suicidal NYPD Detective that NYPD's Psych Services says is malingering. The Medical Board says he's not disabled but the NYPD won't give him his gun back."

Mr. Markowski, who had also battled the state Workers' Compensation Board starting in June 2013, was pleased with the city's decision to drop the appeal. "From the material/financial side of things, without a doubt it does affect my ability to proceed in life but it also restricts you in some ways," he said in a phone interview. "But the journey is just beginning." He said he expected it would be six months before he got his first check.

Hard to Enjoy Life

He said he was mindful of instances where city workers, even though they got their disability pension, came under additional scrutiny if "they showed up in Facebook pictures fishing, looking like they were happy...in some ways it's like they are incentivizing you not to embrace life."

A 9/11 first-responder support group that had blasted the city for pursuing three extensions to file its appeal of Mr. Markowski's court victory, praised the de Blasio administration's decision to let the ruling stand.



The Chief

“It is a good sign that the city has finally stopped denying his benefits,” said Benjamin Chevat, executive director of 911 Health Watch, a union-backed advocacy group. “I hope that this is a sign there will be more real progress in the coming weeks and months on other 9/11 disability claims that have taken too long to approve.”

In a phone interview, Mr. Markowski said he had continued to work up until 2013 but the traumatic impact had been cumulative. He said his breaking point came after he was attacked on two separate occasions by patients he was treating. “I had been a paramedic in New York City since 1993, been shot at, cared for children that were shot, treated a police officer that was shot, attended to a Firefighter who died in a fire, dealt with people that were hit by trains, witnessed elder abuse, seen buildings blow up,” he said. “They think it is not like being a combat veteran, but it really is.”

Too Many Rejected

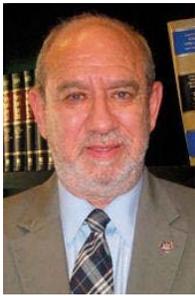
The issue of 9/11 first-responders being turned down by the city pension system for disability has drawn the attention of Manhattan Borough President Gale Brewer and State Sen. Martin Golden. Both elected officials reported that their offices were handling a high volume of public employees ensnared in prolonged battles with NYCERS over their disability applications.

Last November, NYCERS officials testified before the State Senate Committee on Pensions and the Civil Service that 45 percent of World Trade Center disability cases they handled were approved while 55 percent were denied. For FDNY EMT WTC disability cases, the approval rate was slightly higher, at 52.1 percent.

The Chief



GALE BREWER: A chronic problem with NYCERS.



JEFFREY GOLDBERG: 'A business decision by city.'

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.

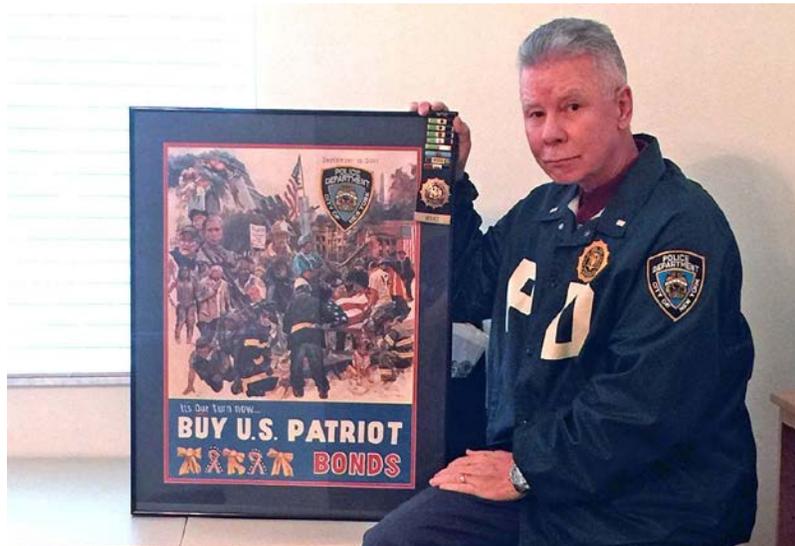
However, so many years later, those records can be impossible to come by. The department itself has admitted they sometimes get lost.

DAILY NEWS

“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.

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.



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."

DAILY NEWS

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.

DAILY NEWS

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.

The Chief

Judge Blisters FDNY Medical Board For Denying WTC Disability Pension

THE CHIEF LEADER | TOP STORY

By BOB HENNELY | FEBRUARY 15, 2019



'SO MANY GUYS OUT THERE WITH CANCERS': Ex-Firefighter Scott Gaffney (center), whose bid for a World Trade Center-related disability pension gained new life when a Brooklyn Supreme Court Justice remanded his application to the Fire Department Medical Board for further consideration in a searing opinion questioning its methodology, said he knew of many other firefighters with serious illnesses developed during their time at Ground Zero whose claims had been rejected.

A retired Firefighter who left the job after he was placed on World Trade Center-related medical leave has won an unusual state court victory that requires the Fire Department's Medical Board to reconsider its rejection of his line-of-duty disability-pension claim.

The Chief

This latest win came in an Article 78 proceeding and is part of what WTC legal experts say is a growing body of case law that may provide key precedents for World Trade Center first-responders who strike out with applications for disability pensions worth three-quarters of final average salary.

Had Chronic Sinusitis

Former Firefighter Scott Gaffney, 47, was placed on medical leave in September 2015 after battling World Trade Center chronic sinusitis for years that ultimately required surgery. After 20 years on the job, he retired the next month and submitted his application for a WTC-related disability pension in April 2016.

For Mr. Gaffney, who subsequently moved to Florida with his wife and two daughters, ages 15 and 13, the stakes are very high. He calculated the disability pension could mean an additional \$3,000 a month tax-free, compared to an ordinary disability allowance. In a phone interview he said he moved partly on the advice of his physician because of the humid climate and because Florida's public colleges would be more affordable.

His application was twice rejected by the Fire Department's Medical Board, in September 2016 and again in June 2017. A month later, the Fire Pension Fund's Board of Trustees affirmed the Medical Board's rejection.

"When you get up that high to the level where the people are that are making all these decisions all you are is a number in a file," Mr. Gaffney said. "You can have a file that is three inches thick and they will deny it. And there are so many other guys out there [in similar situations] with lung issues, stomach ailments. There are guys out there with cancers and the first thing the Medical Board does is knock you."



The Chief

Judge's Harsh Critique

Last month, in ordering that the Medical Board take another look at their decision, Brooklyn Supreme Court Justice Devin P. Cohen ruled the board's rejection was "not supported by credible evidence" and failed to take into account the basic occupational requirements of being a Firefighter.

"Indeed, the Medical Board's determination does not describe duties of a Firefighter or identify medical findings that show petitioner can perform such duties," wrote Judge Cohen. "Consequently, the reasons for concluding that petitioner is not disabled from performing his duties as a Firefighter due to his chronic sinusitis are not supported by credible evidence clearly stated in the Medical Board's reports."

In a statement, the FDNY confirmed Mr. Gaffney's case would be "remanded to the Medical Board for re-evaluation, followed by a recommendation to the Board of Trustees."

"Normally, the Medical Board's disability findings are entitled to great deference," said Jeffrey Goldberg, who represents Mr. Gaffney. "But here, the court found support in case law to remand the application when the Medical Board failed to substantiate their finding. Like several recently published decisions, this case scrutinizes the city's application of the laws governing service-connected disability for its employees."

Originally a Cop

Mr. Gaffney, who spent the first six-years of his city service with the NYPD, moved over to the FDNY in 1999. "It's a better quality of life because your scheduling is better," he said. "You can be home more. You can pick up and drop off the kids at school."



The Chief

On 9/11 he was working out of Engine 306 on Bell Blvd. in Queens. His unit was not called to Ground Zero until the next day. “We were all on recall—nobody could leave, nobody could go home. That was it,” he said. Three months after the attack and collapse of the towers, smoke was still emanating from the debris field.

'Safety on Back Burner'

Mr. Gaffney said, that at the time, taking occupational precautions was a total afterthought. “It was let’s just get it done,” he said. “We got a lot of guys missing... Nobody wore masks. Safety was put on the back burner compared to who we could get out of there. It’s hard to explain.”

For a few years before Mr. Gaffney had the surgery, he battled symptoms while trying to hold down his job as a Firefighter. “The headaches, the sinus pressure and the chronic sinus infections just kept gradually building up,” he said. “I was in the firehouse and the guys were saying ‘hey dude, you got another sinus infection? You better get yourself checked out.’ It got to the point I was tapping out, I was going sick and going back and forth to the Medical Office.”

While the surgery relieved his airways, three years after his retirement he suffers five or six sinus infections a year. “I must have had a hundred prescriptions in the last couple of years,” he said. “I can’t be anywhere near smoke or other irritants.”

BRUISES THAT WON'T HEAL

Sanit Dept. cans worker with PTSD from on-the-job attack

EXCLUSIVE

BY THOMAS TRACY
NEW YORK DAILY NEWS

Dennis Jackson is haunted by scars no one can see. The gashes on his head — left by two road-raging maniacs who pummeled him — have healed, but the city sanitation worker still suffers.

Jackson, 55, has post-traumatic stress disorder from a brutal on-the-job assault in Brooklyn almost two years ago. Even though two of the three attackers have since been arrested, the emotional toll was so high that he says he hasn't been able to work.

And last week, after 17 years of service, the Department of Sanitation fired him.

"I felt like a throwaway," Jackson told the Daily News. "I still feel depressed about it ... like I did something wrong because I got hurt."

Jackson and his partner Dandy Montalvo were picking up trash in the Highland section of Brooklyn when

three men jumped out of a white van and charged at them March 29, 2017, claiming Montalvo, who was driving the truck, cut them off.

One of the men sucker-punched Jackson with brass knuckles, ripping off pieces of his face and head and knocking him unconscious.

"(The attack) almost ripped my ear off," he said.

His physical injuries — which included a torn rotator cuff — healed, but the emotional trauma never did.

"Since the incident, I don't really like crowds," said Jackson, who lives with his mom. His wife, two children and six grandchildren live down South. "I get anxious really easily when I'm out. My life has just changed so much. I had hoped to move past this, but it hasn't happened."

His crippling diagnosis has left him virtually homebound, he said. Severe anxiety attacks hit when he goes out, and if he sees a garbage truck, memories of the crime come flooding back.

"I feel so much better in

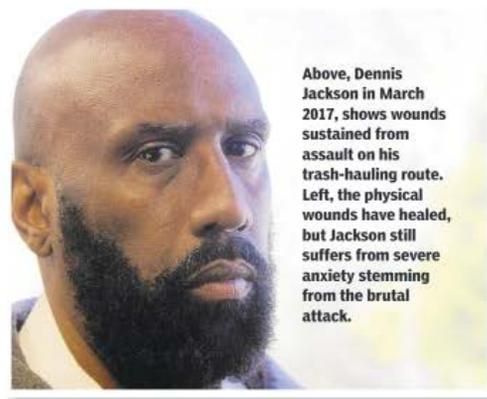
isolation, but then the isolation starts to get to you," he explained. "It's like I just created this world and I want to be in it by myself because it's safer there."

A month after the beat-down, police arrested two of the men who assaulted Jackson. The case is pending in Brooklyn Criminal Court.

Jackson's psychiatrist and psychologist have diagnosed the trash hauler with PTSD. A psychiatrist for the Department of Sanitation agreed, but said Jackson should get better with time, his attorney Jeffrey Goldberg said.

His therapists recommended Jackson combat the disorder by taking short walks in his neighborhood, but he couldn't because the department conducted regular home visits to make sure he wasn't gaming the system.

"He really couldn't recover when he was a prisoner in his house because he was expecting his supervisors to knock on his door on a daily basis," Goldberg said. "Now they compound his problem,



Above, Dennis Jackson in March 2017, shows wounds sustained from assault on his trash-hauling route. Left, the physical wounds have healed, but Jackson still suffers from severe anxiety stemming from the brutal attack.

but telling him, 'You're useless to us and we're firing you and taking away your salary and medical coverage.'"

A Sanitation Department spokesman confirmed Jackson's firing.

"He asserted that he has been unable to return to work since the incident nearly two years ago and subsequently applied for a medical disabili-

ty before the New York City Employees' Retirement System and was denied," spokesman Vito Turso said. "We notified him in January 2019 that if he did not return to work, he would be terminated."

Goldberg is appealing the retirement system's decision. "It's an outrageous situation," he said.

DAILY NEWS

\$1.50 - NYDailyNews.com

SPORTS FINAL

Saturday, September 28, 2019

DAILY NEWS

NEW YORK'S HOMETOWN NEWSPAPER



Tall, and not very good looking

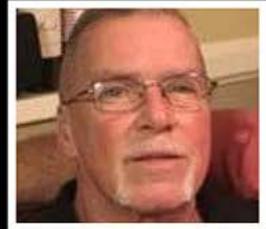
**BLAZ NO FAN OF HUGE SKYSCRAPERS
PAGE 2**



JESSE WARD FOR DAILY NEWS; AP



CITY'S SICK DENIAL



Retired Firefighter Joe Daly has suffered three kinds of cancer.

PAGES 4-5

Fights full pay for ailing Bravest despite work at WTC, court order

TODD MARSHALL/DAILY NEWS

DAILY NEWS

DAILY NEWS NYDailyNews.com



BY THOMAS TRACY
NEW YORK DAILY NEWS

The city is balking at a court order to provide a retired firefighter wasting away from a 9/11-related cancer with a full disability pension, believing the former smoke-eater's lethal illness is linked to excessive drinking, not his time at Ground Zero, the Daily News has learned.

In 2009, just five years after his retirement, Joe Daly was a burly, bright-eyed 200-pound Long Island retiree proudly sporting a white horseshoe mustache — a trademark he's had since his days at Engine 218 in Bushwick, Brooklyn.

A decade later, at 138 pounds, he's a wisp of his

former self as he prepares for another round of chemotherapy to beat back the cancer that's already ravaged his bladder, liver and colon.

"I'm doing pretty s---y, if you want to know. I'm in a lot of pain, but I get used to it," Daly, 68, told the Daily News; a hint of frailty breaking through his tough-guy exterior. "I've had bladder cancer, liver cancer and a liver transplant. Now I have to go get chemo for colon cancer, but (the doctors) are not sure if I can take it."

Daly's cancer has been inextricably linked to his time breathing in the toxins at Ground Zero following the terror attacks, and he's already received hundreds

of thousands of dollars from the federal 9/11 Victim Compensation Fund to pay for doctor visits and medications, family members said.

He's also been diagnosed with depression stemming from the horrors he witnessed on that day and while working on The Pile.

Yet the city Fire Pension Fund fought a request to provide the 22-year FDNY veteran with a full disability pension, claiming that his cancers don't stem from Ground Zero, but from chronic drinking, even though Daly was never considered an alcoholic.

In court papers shared with The News, the city said that Daly's liver cancer was "due to (accumulation

Firefighter Joe Daly (far right and with Firefighter son Thomas) suffered from cancers stemming from his work at Ground Zero. Now, city is balking at giving him a full disability pension.



CITY DENIES PAY TO AILING HERO

Says drinking, not WTC dust, led to cancer

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, which would add about \$1,000 to his monthly retirement check. The money would go a long way toward paying the mounting bills he's accumulated during his cancer fight, he 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 be-

cause (they) undiscerningly accepted the Medical Board's recommendation, which was based on cherry-picked evidence."

But the city has yet to move forward with the order as it considers an appeal, Daly's family and attorney said.

City officials have a month to determine if they will appeal Judge Levine's decision.

"Firefighter Daly has been diagnosed with three different types of cancer over the last 10 years," lawyer Jeffrey Goldberg said. "As an FDNY first responder, the city should have automatically granted his disability benefits years ago. Given the fact a judge has now overruled the Fire

Pension Fund's arbitrary denial, his extremely serious medical condition demands that he be granted WTC disability benefits immediately."

A city source with knowledge of the case said they're sympathetic to Daly's plight, but feel that the city Medical Board's evaluation was accurate.

The FDNY deferred all inquiries about Daly's pension fight to the city Law Department, which is "re-viewing the court's ruling."

"We defended the expert medical board's decision as legally correct," a Law Department spokesman said.

"I don't know what the hell they are knocking me for," Daly said about his ongoing pension fight.

His wife Dana was not so tactful.

When they went to the FDNY Medical Board to review his case, one of the board members fell asleep at his desk, she remembered. She slapped the table to keep everyone awake.

"It's a sin what they've put him through," said the proud matriarch of a family of civil servants. Beside her husband, their son Thomas Daly is also a firefighter. Their daughter Kim is an NYPD detective.

"These people on the board did not go down (to Ground Zero). They were not there and didn't see the horrors that these guys went through, so they have no compassion."

"We're not asking for any-

thing we don't deserve," she said, blasting allegations that her husband was a heavy drinker.

Daly enjoyed a few beers while off duty, but he never had a problem, nor was he ever caught drinking on the job or unable to go to work because he was drunk or hungover, she said. He even worked a second job at a lumber yard, where he drove a truck, she said.

"If he had a problem, they would have never let him drive the truck," she said. "Did he drink? Yes, just like every Tom, Dick and Harry did."

"This wasn't because of drinking," she said. "How many more cancers does my husband have to get before they realize that?"

TOP: MASEN/NEW YORK DAILY NEWS

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

By THOMAS TRACY

NEW YORK DAILY NEWS |

OCT 31, 2019 AT 7:48 PM



DAILY NEWS

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.

DAILY NEWS

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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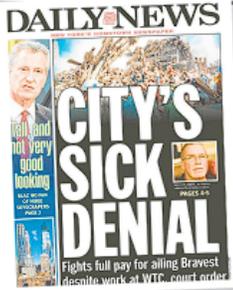
Remembering the September 11th terrorist attacks

Thomas Tracy

New York Daily News

CONTACT

Born and bred in Brooklyn, crime reporter Thomas Tracy has been covering the NYPD for more than a decade. He joined the Daily News in January 2013.



BY THOMAS TRACY
NEW YORK DAILY NEWS

After months of claiming a retired FDNY firefighter's cancer was linked to excessive drinking, not his time at Ground Zero, the city finally agreed to provide the sickened smoke-eater 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 detailed 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.

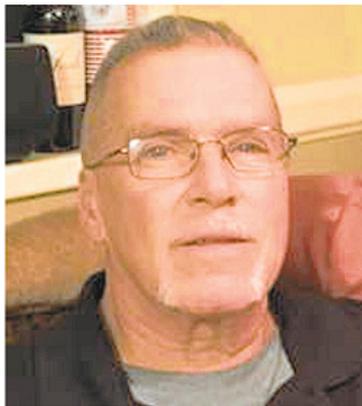
Yet the city Fire Pension Fund had determined that Daly's cancers didn't stem



Full pension for Bravest

City finally pays ailing firefighter

Retired firefighter Joe Daly (above right with son, Thomas Daly, and below) had been denied a full disability pension for months despite serving at Ground Zero and subsequently developing multiple cancers.



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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.

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