



Public Safety Officers' Benefits Program Hometown Heroes Survivors Benefits Act of 2003

Frequently Asked Questions

Q: Why does the review of Hometown Heroes claims take so long?

A: PSOB claims, including those processed under the implications of the Hometown Heroes Act, are unique and many involve complex legal issues. As a result, the Department of Justice is required to collect diverse facts and documents for each case. The PSOB Office must ensure that all documents are collected and each case is carefully considered before a final determination is made. In addition, several claims require a thorough medical review by independent forensic pathologists.

Another factor is that after Congress passed the Hometown Heroes Survivors Benefits Act in December 2003, the Department's Office of Justice Programs (OJP) was required to significantly amend the program's regulations, which is very time consuming. OJP consulted with several sources in the medical and public safety fields during the notice and comment period on the proposed rule in order to facilitate full implementation of the Act. During that time, the PSOB Office unfortunately had to hold some claims until the regulations were final. On September 11, 2006, the regulations were finalized and the PSOB Office began the formal review of all pending Hometown Heroes claims.

OJP is committed to processing Hometown Heroes Claims in a timely manner. To that end, the PSOB Office has added additional staff and attorneys to help clear cases with greater speed. The PSOB Office is also working to streamline the process as they learn more from working with Hometown Heroes cases. With the completion of the new regulations and the continued refinement of the process for reviewing these new claims, the entire process will be streamlined as similar questions and considerations arise. In turn, claims submitted in upcoming months will experience, in general, a more expedited review.

Q: The Hometown Heroes Act passed in 2003; why did it take 3 years to implement the final regulations?

A: The major reason for the delay in implementing the Hometown Heroes Act is that, as enacted, the law contained a number of important items that were not defined, such as “competent medical evidence”, “engaged in a situation”, and “non-routine stressful or strenuous activity”. Accordingly, OJP needed to consult with several sources in the medical and public safety fields, and consider the numerous public comments that were received on the proposed rule, in order to develop useful definitions that would facilitate full implementation of the Act. Additionally, because the Hometown Heroes Act creates a mechanism conceptually unlike anything else in the PSOB program, it was necessary to undertake a comprehensive, top-to-bottom revision of the entire structure of the PSOB implementing regulations to ensure that there was no conflict or confusion between the “regular” PSOB implementing provisions and those specifically implementing the Hometown Heroes Act. The Department took advantage of this opportunity also to update the nearly-thirty-years-old regulations to reflect programmatic changes effected by four other recent statutory enactments (Pub. Laws 106-390, 107-37, 107-56, 107-196).

OJP published the proposed Hometown Heroes regulations in the July 26, 2005 Federal Register, with a 60-day comment period. During the comment period, OJP received extensive comments from a number of interested parties, including national police and fire associations; municipal police, fire, and rescue departments; PSOB hearing officers; survivors of fallen public safety officers; and individual concerned citizens. In addition, OJP consulted the Armed Forces Institute of Pathology and other experts knowledgeable in the field of cardiovascular disease and work-life-related diseases and afflictions. OJP carefully reviewed and analyzed all the information, and made many substantive changes to the proposed regulations as a result.

The new PSOB regulations, including the provisions that implement the Hometown Heroes Act, were published in the Federal Register on August 10, 2006. The final regulations went into effect on September 11, 2006.

Since that date, all claims submitted under the Hometown Heroes Survivors Benefits Act have been reviewed and are being processed for claim resolution.

Q: Why do claimants have to provide 10 years of medical documents for claims considered under the Hometown Heroes Act?

A: Claimants are not required to provide 10 years of medical records. The PSOB Office asks sometimes asks claimants to submit any records up to 10 years that may be available. This information provides an opportunity to present a more complete picture

and the “long view” of the decedent’s medical history in order to establish, as required by statute, that there is no “competent medical evidence” that would overcome the presumption of coverage under the Hometown Heroes provisions. It is important to note that no claim submitted is denied consideration based on the availability of ten years of medical records.

Q: How long does it take for a claim to be processed start to finish?

A: Just as public safety agencies, officers, and survivors are unique, PSOB claims are unique in that they involve different sets facts and circumstances surrounding the tragic death of public safety officer, and require different levels of review and outreach to process to their conclusion. The Department continues to work to ensure that all claims are processed in a timely, efficient, and compassionate manner. BJA is currently working towards the goal of processing claims within 90 days of receiving all necessary information. Toward this goal, the PSOB online reporting system was made available for agencies and survivors to submit claims for death benefits in May 2006. In addition, we are continuing to explore new strategies to process all claims more efficiently. A new case management system and database is scheduled to be implemented in 2007. We are also in the process of hiring additional staff exclusively assigned to review PSOB claims. These initiatives will allow the Department to process claims filed under the provisions of the Hometown Heroes Act in a more expeditious manner.

Q: What happens if a claim is not approved?

A: A PSOB Office Determination is not necessarily the final word on the claim. The PSOB Office Determination is based on a review of the information initially submitted to the PSOB Office by claimants and decedents’ employing agencies. The PSOB regulations provide two levels of *de novo* administrative appeal for a claimant who wishes to seek relief from an unfavorable PSOB Office Determination—the first to a PSOB hearing officer and the second to the Director of BJA. At each level, a claimant may provide any additional evidence and argument in support of the claim.

As a last resort, a claimant may appeal the final agency decision to the United States Court of Federal Claims.