S T A T E O F N E W Y O R K

1009

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. CAHILL -- read once and referred to the Committee on Labor

AN ACT to authorize and direct the workers' compensation board to redetermine the award of volunteer firefighter benefits to William DuBois of New Paltz, New York who was injured in the line of duty

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative findings and declaration of intent. The legislature hereby finds that William DuBois of New Paltz, New York was severely injured on January 12, 1976 while in the line of duty as a New Paltz volunteer fire chief. While fighting a structure fire on the first floor of 8 Locust Lane in New Paltz, Mr. DuBois was crushed beneath a collapsing roof. He sustained severe spinal injuries, nerve damage throughout his body, and crushed and torn ligaments, muscles and tendons. To this day he still suffers from chronic pain and his movements are extremely limited. In 1993, he underwent corrective surgery and experienced no relief. He has been advised by orthopedic surgeons and specialists that there is no definite procedure that is guaranteed to improve his condition.

The legislature further finds that due to the exceptional nature of Mr. DuBois' injuries, the original award of volunteer firefighter disability benefits under the law as it existed at the time has become totally inadequate for the purpose for which it was intended, has resulted in hardship, and should be redetermined under present law as if Mr. DuBois sustained all of his injuries in the line of duty on or after July 1, 1992.

Accordingly, the purpose of this act is to remedy this injustice and hardship arising from special circumstances by directing the workers' compensation board to redetermine Mr. DuBois' award under the volunteer

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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firefighters' benefit law as if he had been injured in the line of duty on or after July 1, 1992.

S 2. Notwithstanding any contrary provision of the volunteer firefighters' benefit law or of the workers' compensation law but otherwise subject to such laws, the workers' compensation board is hereby authorized and directed to redetermine and issue forthwith its award of volunteer firefighter disability benefits to William DuBois of New Paltz, New York as if he sustained in the line of duty on or after July 1, 1992 the injuries upon which his original award was based and all subsequent injuries in any way related thereto. Such redetermined award shall include coverage of all medical and rehabilitative care rendered on or after the effective date of this act and in any way related to such injuries sustained in the line of duty on or after July 1, 1992, and shall be paid prospectively beginning with the effective date of this act. Such benefit shall be paid from the fund for reopened cases in the manner otherwise provided by law.

S 3. This act shall take effect immediately.