

FIREFIGHTERS' NEWSLETTER



EX-WIFE CLAIMS ONE MILLION DOLLARS FROM FIREFIGHTER'S ESTATE

Heartache for Beddia Siblings Continues

Our law firm is honored to represent the Estate of Robert "Bobby" Beddia, who perished while fighting the Deutsche Bank fire, just over one year ago. We are fighting to bring to justice those responsible for the deplorable conditions which needlessly took the lives of two firefighters.

Bobby and his wife separated in 1998 and officially divorced 2 years before his untimely death. He and his wife never had children. He is survived by two brothers and two sisters. Although he had a divorce decree, which we believe makes it clear that his ex-wife should not benefit from this terrible tragedy, Bobby never updated his beneficiary designation. Thus, we are in litigation not only with those responsible for causing Bobby's death, but also with his ex-wife, who is seeking over \$850,000 in benefits, and conceivably could end up with the bulk of his estate.

For years we have preached about the importance of updating the beneficiary information on insurance policies, pension benefits and deferred compensation plans. To make this as simple as possible, we have sent the forms directly to the firehouses, and every year we bring them to the UFA Delegate Seminar in Atlantic City.

It is certainly important to consider updating your beneficiary information after a happy occasion, like marriage, or the birth of a child.

But it is equally important to revisit the issue after a difficult event, like a divorce.

Divorce agreements may not cover these items and failure to update your beneficiary information could still lead to years of litigation and unnecessary expense.

There are numerous ways to ensure that you and your loved ones are protected. Obviously, keeping your beneficiary information up-to-date is just one. Having an up-to-date health-care proxy and will are also important. Our firm has already prepared over 1,000 free wills and health-care proxies for New York City active Firefighters. We have made this process especially easy. Simply call us and we will send you (and your wife, if you are married) a questionnaire. From your answers, we will prepare:

- ✓ A Simple Will (a will prepared for a family having a small estate, one for whom death tax planning is not a significant concern)
- ✓ A Health-Care Proxy (someone you designate to make critical medical decisions)
- ✓ A Living Will (instructions to your health-care proxy)
- ✓ Updated insurance beneficiary forms

We will then schedule an appointment for you to come in to our office to meet with a lawyer and execute the documents. The meet-

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UPDATE ON "LIGHT-DUTY LIMBO" INVESTIGATION

Refusal of Overtime to Disabled Firefighters May Be a Violation of the Americans with Disabilities Act (ADA).

In our last newsletter, we reported that we were fighting for injured firefighters who were denied the chance to work overtime simply because of their disability. The response has been overwhelming. Because the ADA is a federal statute, any claim that this law has been violated (even by a municipality such as the City of New York), comes under the jurisdiction of the U.S. Attorneys Office. Because the FDNY is headquartered in Brooklyn, any claims on behalf of disabled firefighters must be brought to the U.S. Attorneys Office for the Eastern District

Our law firm has already brought several firefighters to meet with the Assistant U.S. Attorney in charge of this investigation. The Equal Employment Opportunity Commission (EEOC) is also looking into the Fire Department's "policy" of denying overtime to our clients. It goes without saying, that firefighters depend on overtime in order to make ends meet. Also, by denying firefighters the right to work overtime (that was available to other, healthy, firefighters), this has greatly impacted the payments that many members now receive since they were awarded their three-quarter disability pension.

We will not sit by and allow firefighters injured in the line of duty to be treated like second-class citizens. We will not ignore what appears to be ongoing blatant violations of the ADA.

Please don't hesitate to call our office if you or anyone you know is a victim of this discrimination.

The Chief

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Insist Zadroga's Death Tied to Post-9/11 Work; Magazine Raises New Questions

By *ARI PAUL*

The lawyer of the family of a Detective whose name is on a Federal bill covering treatment of post-9/11 rescue workers with illnesses contracted from inhaling toxins at Ground Zero Sept. 9 dismissed claims that an article about the officer in the New Yorker magazine published last week cast doubt on whether his death was related to his recovery work.

Michael Barasch, who represents the parents of James Zadroga, said that a New York Times article inaccurately reported before the magazine hit stands that a biopsy of the Detective found only minor abnormalities in his lungs. Mr. Barasch, however, was contradicted by the New Yorker piece, which stated that a 2003 biopsy of Mr. Zadroga found that his lungs "had only minor abnormalities," and quoted an unidentified pathologist who said the material found in his lungs following his death in January 2006 could not have gone undetected if it was already present during the biopsy five years ago. 'Healthy Prior to 9/11'

"Prior to the WTC attacks, Detective Jimmy Zadroga was healthy, 30 years old, and he passed all random drug tests given to him by the Police Department," Mr. Barasch stated in an e-mail. "He then toiled 200-plus hours at Ground Zero without respiratory protection. Within weeks of his work at Ground Zero, Jimmy began to suffer from a constant cough and his health began to deteriorate. The five years of degenerative lung problems, which

forced him to go on sick leave in early 2002, are well documented."

Detective Zadroga's death has been an issue of contention, with family members citing a New Jersey medical examiner's report and the Police Pension Fund Medical Board's decision that the officer's death was linked to his work at Ground Zero, while the city's Chief Medical Examiner, Charles J. Hirsch insisted that the cause of death was abuse of prescription drugs.

Mr. Barasch dismissed Dr. Hirsch's claims — which the ME held to during an interview with the New Yorker reporter — saying that Detective Zadroga's prescription drugs were locked up in order to protect his young daughter and that he was under the constant supervision of his father, who never saw him abuse the drugs. Mr. Barasch insisted that Detective Zadroga's body contained no track marks, even though Dr. Hirsch claimed he had used the drugs intravenously. Dr. Hirsch told the New Yorker that if clean needles had been used, it was less likely that there would be obvious track marks.

'Underlying Cause Was Exposure'

"Even if Dr. Hirsch is correct, common sense tells us that Jimmy Zadroga would not have needed any of the 14 prescription medications he was taking when he died had he not sustained the underlying pulmonary diseases that he was being treated for as a result of his exposure at Ground Zero," Mr. Barasch said. "If he misused the prescription drugs in an



Michael Barasch with Joe Zadroga in front of City Hall showing medical records to reporters
photo by Pat Arnow

attempt to help him avoid suffocating to death, or perhaps because his brain wasn't getting enough oxygen — he was first diagnosed with hypoxemia in January 2003 — and he wasn't able to think clearly, it certainly doesn't change the underlying cause of his death."

Detective Zadroga's name is attached to a bill now in the U.S. House of Representatives that would secure Federal funding for medical monitoring and treatment for workers and residents with 9/11-related health problems. Along with several other NYPD members who died after 9/11, Detective Zadroga's name was added to the Wall of Heroes in May during NYPD Memorial Day.

"The Zadrogas want nothing more except to allow their son to now rest in peace and for thousands of others, who worked with their son at Ground Zero, to get the help they need and deserve so that they can hopefully avoid Jimmy's horrible death," Mr. Barasch said.

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continued from "Ex-Wife Claims \$1 Million"

ing in our office will take less than 15 minutes, and the entire process can be completed within weeks.

Remember to verify that the person you designated, when you first became a firefighter, is still the person that you want as your beneficiary.

We invite you to call our toll-free number to find out how we can help you. Once again, the consultations and wills are always free. Please take advantage of our offer.

Let us help protect you and your family.

This is the THIRTY-SIXTH edition of the BARASCH McGARRY SALZMAN & PENSON NEWSLETTER...attorney advertising which presents topics of interest to firefighters. For questions, additional copies, or more information about topics raised in this newsletter, call or write:

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