

Cuomo Extends Time To Seek 9/11-Related Disability Benefits

By SARAH DORSEY

Public employees who missed their chance to register for lifetime disability benefits for their Sept. 11-related illnesses were given another opportunity this month when Governor Cuomo signed a bill extending the deadline until September 2014.

Even city and state workers who aren't currently sick can sign the affidavit proving they toiled at the World Trade Center site, securing the chance to receive state Workers' Compensation and enhanced pensions for disability in case of future illness. The state then presumes any sickness known to be triggered by Sept. 11 work was caused by the employee's efforts there.

Offer They Can't Refuse

Recovery workers would be wise to take advantage of the bill, disability attorney Chet Lukaszewski said last week, especially since funding for the Federal Zadroga Act can always be rescinded by a stingy Congress. In fact, 9/11 advocates are already gearing up to fight for a Zadroga extension, since those benefits—including free medical care and economic compensation—are due to expire in 2016.

"In terms of the disability pension, to me that's the most valuable because it's a lifetime benefit," Mr. Lukaszewski said. "For uniformed civil servants, it's essentially... tax-free, on top of being an increased amount."

He said the bill will likely affect hundreds of people, many of whom were overwhelmed with filling out other forms, attending doctor's



CHET LUKASZEWSKI: 'The most valuable benefit.'



JOHN FEAL: 'Should be an open-ended bill.'



GOVERNOR CUOMO: Another 10 months to sign up.

appointments, and helping fight to extend the Victim Compensation Fund.

Many thought that by signing up for the VCF and the Federal World Trade Center Health Program, they'd be covered for state benefits. But it doesn't work that way.

Separate Registration

"You can have [overtime] slips, witness statements, time logs, photos of you there... but the retirement systems and the pension funds apply the letter of the law exactly," he said. You had to register separately.

The bill was sponsored by Republican State Sens. Martin Golden and Andrew J. Lanza and Democratic Assembly Member Peter J. Abbate Jr. It also helps those who, after Sept. 11, retired early with a vested pension. Previously, they had to wait until their "service retirement" date—the day they would have retired with a full

pension, which could be years in the future—before getting benefits.

Post-9/11 health advocate John Feal, who was injured himself while working on The Pile shortly after the attacks, said in a phone interview that it was "a great thing that they extended this another year," but questioned the wisdom of another short deadline.

"This should be an open-ended bill," he said. "You put an expiration date on milk. You don't put an expiration date on life."

Mr. Feal was among the activists who fought for the Zadroga Act and will advocate for its extension.

Need Long-Term Help'

"A lot of these illnesses take 10, 15, 20 years to manifest," he said. "And while I'm really glad the Governor did this, they really need to think in terms of long-term solutions. We're gonna be fighting

this for years."

"Thousands of people are still getting sick as we speak and two years ago they were healthy," he added, noting that 54 people signed up with the World Trade Center Health Program died of related illnesses in the last year.

Mr. Lukaszewski warned that even those who register and have common Sept. 11-related illnesses—respiratory and digestive problems, for example—are not automatically granted disability or Workers' Compensation benefits. They must prove to their retirement system's medical board that they're sick enough to require aid.

Forms for NYCERS members can be found online at: <http://goo.gl/ShmXK6>. This older version still says it must be returned by 2010, though that is no longer the case; an updated version with the Sept. 11, 2014 deadline should appear on the NYCERS website shortly.