

## **Fire and EMS Survivor Benefits**

### **In Summary:**

Fire and EMS survivor benefits are reserved strictly for the family members of paid or volunteer fire and EMS personnel who are killed in the line of duty.

To apply, the employer or supervisor of the deceased must submit a written request to the Governor's Office that includes the name of the certified fire or EMS program, the name of the deceased firefighter or EMS provider, the name and address of the beneficiary and the circumstances that qualify the deceased individual for death benefits. Payment will not exceed \$50,000.

See below for more details.

### **WEST VIRGINIA CODE**

#### **CHAPTER 5H. SURVIVOR BENEFITS**

##### **ARTICLE 1. WEST VIRGINIA FIRE AND EMS SURVIVOR BENEFIT ACT.**

###### **5H-1-1. Title and legislative intent.**

- (a) This article is known as the "West Virginia Fire and EMS Survivor Benefit Act."
- (b) It is the intent of the legislature to provide for the payment of death benefits to the surviving spouse, designated beneficiary, children or parents of firefighters and EMS personnel killed in the performance of their duties.

###### **5H-1-2. Death benefit for survivors.**

- (a) In the event a firefighter or EMS provider is killed in the performance of his or her duties, the department chief, within thirty days from the date of death shall submit certification of the death to the Governor's Office.
- (b) This act includes both paid and volunteer fire and EMS personnel acting in the performance of his or her duties of any fire or EMS department certified by the state of West Virginia.
- (c) A firefighter or EMS provider is considered to be acting in the performance of his or her duties for the purposes of this act when he or she is participating in any role of a fire or EMS department function. This includes training, administration meetings, fire or EMS incidents, service calls, apparatus, equipment or station maintenance, fundraisers and travel to or from such functions.
- (d) Travel includes riding upon any apparatus which is owned or used by the fire or EMS department or any other vehicle going to or directly returning from a firefighter's home, place of business or other place where he or she shall have been prior to participating in a fire or EMS department function or upon the authorization of the chief of the department or other person in charge.

- (e) Certification shall include the name of the certified fire or EMS program, the name of the deceased firefighter or EMS provider, the name and address of the beneficiary and the circumstances that qualify the deceased individual for death benefits under this act. Upon receipt of the certification from the certified fire or EMS program, the State shall, from moneys from the State Treasury, General Fund, pay to the certified fire or EMS program the sum of fifty thousand dollars in the name of the beneficiary of the death benefit. Within five days of receipt of this sum from the State, the fire or EMS program certified by the State shall pay the sum as a benefit to the surviving spouse, or designated beneficiary. If there is no surviving spouse or designated beneficiary, to the minor children of the firefighter or EMS provider killed in the performance of duty. When no spouse, designated beneficiary, or minor children survive, the benefit shall be paid to the parent or parents of the firefighter or EMS provider. It is the responsibility of the certified fire or EMS program to document the surviving spouse or beneficiary for purposes of reporting to the Governor's Office.
- (f) Any death ruled by a physician to be a result of an injury sustained during any of the above mentioned performance of fire department duties will be eligible for this benefit, even if this death occurs at a later time.
- (g) Those individuals who are both firefighters and EMS personnel are eligible for only one death benefit payment.