



SELECTION PROCESS FOR THE WESTCHESTER FALLEN FIREFIGHTERS MEMORIAL

Introduction

The creation of a permanent, official Westchester Memorial to honor the memory of Westchester firefighters who died in the line of duty or died of line of duty related causes became a reality on October 13, 1991. The memorial stands as an enduring tribute to the fire service of Westchester County to whom we all owe immeasurable thanks and prayers. It will forever remain a symbol of the gratitude of the citizens of Westchester County.

Inclusion on the Memorial Wall must meet two basic components. First, the potential nominee must be a firefighter and second the potential nominee's death must be a result of services performed in the line of duty as determined by an authoritative agency.

In order to ensure long-term continuity and consistency in the selection of the firefighters to be honored, the following procedures, definitions and requirements shall apply to each potential nominee.

Definitions

For the purposes of the selection process, the terms listed herein shall have the following meanings:

1. **Firefighter** means a person who is involved in the prevention and suppression of fire and/or explosions; or the enforcement of federal, state, county or municipal laws/ codes concerning fire prevention, suppression or arson; and who is employed by or is a member of a volunteer, municipal, county, state or federal department that is duly authorized and empowered to engage in fire suppression and prevention activities.
2. **Line of Duty Death** means any action as a firefighter which is required, authorized or recognized by law, rule, regulation, condition of employment or by virtue of association in a duty to act and such action has been recognized by an authoritative agency.
3. **Authoritative Agency** means a governmental agency recognized by law that possesses the authority to award death benefits to a firefighter by New York State or United States Law; or the New York State Office of Fire Prevention and Control; or the Westchester Fallen Firefighters Memorial Committee.

Nomination for Inclusion

Nominations for the inclusion on the Westchester Fallen Firefighters Memorial must be in writing and satisfy the guidelines in the documentation section. Nominations will be accepted from the potential nominee's fire department, surviving family member(s) or other authorized representative of the nominee.

Exclusion from Consideration

Deaths excluded from consideration are those which do not meet the definition of "Line of Duty Death", as defined herein;

1. Occurred while the individual was engaged in illegal activity;
2. Are attributable to alcohol or substance abuse;
3. Caused by gross negligence or misconduct by the firefighter; or
4. Caused by the deceased's action to bring about his or her own death.

WESTCHESTER**COMMITTEE****WESTCHESTER FALLEN FIREFIGHTERS MEMORIAL COMMITTEE**

Westchester County Department of Emergency Services
4 Dana Road
Valhalla, NY 10596
fallenfirefighter@westchestergov.com

Exceptions and Clarifications

The following lists exceptions and clarifications to the selection process:

1. The issue of full-time employment versus part-time employment shall not constitute a basis for denial of inclusion. The issue is whether the person was acting as a firefighter at the time of the death, injury or illness.
2. The issue of paid versus non-paid employment shall not constitute a basis for denial of inclusion. In this regard, volunteer firefighters are not compensated for their services, but nonetheless perform their duties in an official capacity.
3. The issue of "on-duty" versus "off-duty" shall not constitute a basis for denial of inclusion. Personnel in the fire service have the duty to act and are frequently called upon and expected to respond to emergencies and/or requests for assistance while they are technically "off-duty".
4. Firefighters on military leave activated into the National Guard or for military deployment to respond to a war, civil disorder, or natural or technological disasters and die as a result of such activities are eligible for consideration.

Documentation

Prior to being considered for inclusion on the Westchester Fallen Firefighters Memorial, the following written documentation is required and must be filed with the Westchester Fallen Firefighters Memorial Committee.

1. Fallen Firefighter Information
 - a. Fallen Firefighters Name
 - b. Status (career, volunteer, paid-on-call, etc)
 - c. Age
 - d. Date of Incident
 - e. Date of Death
 - f. Date of Funeral, if known
 - g. Description of incident/ cause of death (provide known facts)
 - h. Copy of the Death Certificate, if available
2. Department Information
 - a. Name of Chief or contact person
 - b. Name of Department/ Agency
 - c. Address of Department/ Agency
 - d. Department Phone and Fax numbers
 - e. Email address, if available
3. Surviving Family Member or Authorized Representative Information
 - a. Name
 - b. Relationship
 - c. Address
 - d. Phone Number
4. Death Benefit Award Information (if award was received)
 - a. NYS Workers Compensation Board
 - b. NYS Local Police and Fire Retirement System
 - c. NYS Volunteer Firefighter Benefits Law (VFBL)
 - d. NYS Volunteer Firefighter Enhanced Cancer Disability Benefits Law
 - e. US Department of Justice, Public Safety Officers Benefit Program

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The nomination shall be submitted with the submission form (attachment 1) as the cover sheet. The form is available from the Westchester County Department of Emergency Services at:
<http://emergencyservices.westchestergov.com/memorial>.

In addition to the required information listed above, other documentation supporting the nomination may also be included, such as death certificates, police reports, coroner or medical examiner reports, newspaper articles, sworn statements or affidavits of persons having firsthand knowledge or pertinent facts and circumstances, historical records, etcetera.

All related research and documentation into any nominee from previous years is solely the responsibility of the nominee's department, surviving family members or other authorized representative. The Westchester Fallen Firefighters Memorial Committee will not conduct any research or obtain any further documentation into a nomination.

Review and Consideration

Nominations should be transmitted to the Westchester Fallen Firefighters Memorial Committee, c/o Westchester County Department of Emergency Services, 4 Dana Road, Valhalla, NY 10595, who will collect and review completed nominations for accuracy and completeness.

Nominations must be received by July 1st to ensure that such nomination(s) will be considered for the annual Westchester Fallen Firefighters Memorial ceremony in October. Nominations received after July 1st, will be carried over to the following year. Year of death does not affect eligibility.

Nominations for deceased persons that provide documentation that their death was recognized as a "Line of Duty" death by the NYS Workers Compensation Board, NYS Office of Fire Prevention and Control or the US Department of Justice will automatically be included on the Memorial Wall. Nominations that have been recognized by one or more of the above named organizations will not be subject to further review. Nominations that do not include designation by any of the listed authoritative agencies will be reviewed by the Westchester Fallen Firefighters Memorial Committee. This committee consists of eight persons representing the fire service of Westchester County; one representative from the following agencies: Westchester County Association of Fire Chiefs, Westchester Career Fire Chiefs Association, Westchester Volunteer Fireman's Association, Westchester County Association of Fire Districts, Westchester County Fire Advisory Board and the Westchester County Department of Emergency Services; as well as two at-large members appointed by the Commissioner of Emergency Services.

The members of the Westchester Fallen Firefighters Memorial Committee will be provided the nominations in advance of the scheduled meeting. The committee shall review the pertinent facts and circumstances to determine if sufficient documentation exists to satisfy the selection criteria. The committee shall approve, deny or remand the submission for additional documentation.

Once a determination has been made, written notification will be sent, by registered or certified mail, to the nominee's fire department and the contact surviving family member or representative, if one has been identified.

Appeal Process

A denial by the Westchester Fallen Firefighters Memorial Committee is appealable within 90 days of the date the denial notification was received. An appeal may be made by the nominee's fire department, surviving family member or other authorized representative. The request for appeal shall be in writing

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and received by the Commissioner of the Department of Emergency Services within 90 days of the report of the denial notification.

The appeal will be considered by the Appeals Committee, which will be comprised of the Commissioner of Emergency Services or his/her designee, who shall serve as the chair and one representative of the Westchester County Association of Fire Chiefs, Westchester Career Fire Chiefs Association, Westchester Volunteer Fireman's Association, Westchester County Association of Fire Districts. None of these persons shall be the same individuals serving on the Westchester Fallen Firefighters Memorial Committee or involved in the initial decision.

The appeal needs to identify the basis and/or reasons why the determination should be reconsidered. Any additional information that was put forth for consideration must be included in the appeal request.

The Appeals Committee shall review all submitted documentation and consider the record of the previous action on the nomination. The Appeals Committee may utilize the staff from the Department of Emergency Services to gather additional information. The Appeals Committee must base its decision on the selection criteria and render a ruling, by majority vote, within 90 days of receipt of the appeal.

The ruling of the Appeals Committee shall be considered the final determination.

Non-Reciprocal

The determination that a firefighter died in the line of duty and the facts and circumstances associated with the incident satisfy the criteria for inclusion on the Westchester Fallen Firefighters Memorial shall have no bearing and shall not be considered in the determination of such benefits and/or privileges.

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Submission Procedures of a Firefighter Death for Consideration of Inclusion on the WESTCHESTER FALLEN FIREFIGHTERS MEMORIAL

Documentation Requirements

Prior to being considered for inclusion to the Westchester Fallen Firefighters Memorial, the following written documentation must be filed with the Westchester Fallen Firefighters Memorial Committee.

Required Fallen Firefighters Information

- _____ Fallen Firefighters Name
- _____ Status (career, volunteer, paid-on-call, etc)
- _____ Age
- _____ Date of Incident
- _____ Date of Death
- _____ Date of Funeral, if known
- _____ Detailed official description of the incident, circumstance and occurrences that contributed to the death and cause of death. Provide known facts, do not speculate.

Department Information

- _____ Name of Chief or contact person
- _____ Name of Department/ Agency
- _____ Address of Department/ Agency
- _____ Department Phone and Fax numbers
- _____ Email address, if available

Surviving Family Member of Representative Information

- _____ Name
- _____ Relationship
- _____ Address
- _____ Phone Number

Death Benefit Award Information (if award was received)

- _____ Verification by the NYS Workers Compensation Board or the US Department of Justice that such death was a line of duty death and appropriate death benefits have been awarded (if awarded).

If available, additional documentation may include, but is not limited to:

- _____ Death certificates
- _____ Police reports
- _____ Coroner or Medical Examiner reports
- _____ Newspaper articles
- _____ Sworn statements or affidavits submitted by persons having firsthand knowledge or pertinent facts and circumstances
- _____ Historical records
- _____ Other supporting written documentation

Submit Documentation/ Direct Questions to:

Westchester Fallen Firefighters Memorial Committee, 4 Dana Road, Valhalla, NY 10595
Phone: (914) 231-1851, Fax: (914) 231-1622
Email: fallenfirefighter@westchestergov.com