



# CODE THREE

## THE PRESIDENT'S MESSAGE

# Welcome to Florida Cops Magazine



JOHN KAZANJIAN

I want to take this opportunity to welcome our new PBA publication. It was decided a year ago that we go paperless and post the Code 3 on the website. After surveying our members as to whether they preferred reading the publication online or the hard copy, the membership was adamant in wanting the magazine back in hard-copy form.

After seeing the New Jersey State PBA's publication, I made inquiries with state PBA representatives in New Jersey about who we would need to contact in order to create our magazine. New Jersey reps introduced me to Mitchell Krugel and Dan Rappoport from Krurapp Communications. So, here we are: *Florida Cops Magazine: Palm Beach County Edition*.

I believe this publication will keep our membership informed about PBA issues and up to date on upcoming current events.

I would like to welcome to PBSO, the bargaining unit members from Greenacres Police Department. It has taken nearly five years to successfully complete the merger. The Greenacres reps really have to be commended, because without them, the merger would never have happened. I want to personally thank Matt Dejoy, Josh Leheny and Brandon Aultman; job well done.

Finally, we recently concluded our scholarship program for this year; the PBA was able to award more than \$150,000 to the young men and women of the PBA membership. It has truly been an experience to interview your children and watch them succeed in life.

Be safe out there. ♥

*John Kazanjian*

JOHN KAZANJIAN, PRESIDENT

### PBA LEGAL NEWS

## Members can claim tax-free 'impairment' payments



GEOFF BICHLER

The PBCPBA has discovered that potentially millions of dollars in unpaid benefits are owed to members with work-injury claims, even though the members have returned to work without loss of income.

These benefits, commonly referred to as "impairment payments," are mandated by statute for any officer who receives a "whole body impairment" for a work injury or disease claim. The problem is especially pronounced for members who have claims under the Heart Bill, for either hypertension or heart disease, where payments owed can exceed \$100,000. Unfortunately, many officers

are not aware that these tax-free payments are owed and workers' compensation administrators have taken advantage of this ignorance to the detriment of our membership.

It is troubling to think that professionals with responsibilities to administer workers' compensation claims often fail in the most basic tasks. At our recent event for the PBA on Aug. 11, we had unexpected guests from Palm Beach County Risk Management who insisted that there was no problem with unpaid "impairment" payments to Palm Beach County law enforcement officers.

After these representatives of Risk Management left the meeting, we identified approximately 20 officers and retired officers that had not received any monetary compensation for significant cardiac problems. Needless to say, identifying these officers led to the conclusion that Risk Management was incorrect in the assessment that "there is nothing to see here."

Our firm has seen the same pattern of unpaid impairment benefits repeated over and over across the state of Florida. The failure is especially pronounced in cases involving hypertension and heart disease, which are work-related by operation of the Heart Bill. If we had not seen this problem in Jacksonville, Dade County, Miami Beach, Orlando, Tallahassee and countless other places, perhaps we would be less skeptical when faced

with assurances from officials and workers' compensation administrators that benefits had been paid as required by law.

The 20 officers in Palm Beach County are likely owed tens, if not hundreds of thousands of dollars. Given the fact that not a single Palm Beach County officer we have met with has received statutorily mandated impairment payments, we must conclude that the problem is widespread.

If you have a work injury or disease claim, and especially a claim covered by the Heart Bill for either hypertension or heart disease, you should investigate your entitlement to non-taxable impairment benefits.

The PBCPBA has leveled the playing field by engaging the law firm of Bichler, Kelley, Oliver, Longo, & Fox, PLLC to assist members with the investigation and litigation of these claims.

Bichler/Kelley is a statewide legal practice with a sole focus of assisting first responders with disability claims and no firm in Florida has successfully litigated more Heart Bill cases. In the past year alone, Bichler/Kelley secured more than 20 million dollars in benefits for officers with Heart Bill claims.

It is critical for officers to understand that these payments can be quite substantial and that even if you have previously been paid impairment benefits there is a strong likelihood that the payment was too low. Similarly, anyone receiving payments from workers' compensation administrators in the coming months should contact Bichler/Kelley to determine the accuracy and sufficiency of such payments. All questions and inquiries should be directed to 866-245 8977. ♥

*Geoff Bichler is the founding member and managing partner of Bichler, Kelley, Oliver, Longo & Fox, PLLC and represents first responders in Florida with work-related disability issues. He received both his MA and JD from the University of Miami and has been handling workers' compensation, pension matters and Social Security Disability claims for firefighters, police officers and correctional officers for more than 24 years.*