

DEATH and DISABILITY BENEFIT CLAIMS

Pursuant to Act 839 OF 1985; Act 349 of 1987; Acts 15 and 345 of 1989; Act 99 of 1991, Acts 153 and 1207 of 1993, Act 547 of 1997, Acts 56 and 57 of 1999 and Act 1313 of 2009, the Claims Commission is authorized to hear and determine claims arising as a result of the death of any policeman, firefighter or other specified governmental employees killed in the line of duty or permanently or totally disabled from continuing to hold the position held when injured. The State shall pay a specified sum upon establishment of proof that either death or disability was attributed directly to employment.

The amount paid is subject to legislative change. At present, the sum of \$10,000.00 is being paid for disability claims and \$50,000.00, \$200,000.00 or \$225,000.00 (dependent upon the circumstances of the death) for death claims upon satisfaction that the disability or death occurred in the official line of duty as established by the General Assembly.

Claims being filed under the provisions of these Acts must be submitted on forms provided by the Commission and must include pertinent facts relating to the cause of death or disability. In death claims the Commission requires the submission of a certified death certificate, coroner's report, certified marriage certificate, employment affidavits, medical records and any police investigative reports concerning how the death occurred in relationship to the deceased's official duties, and other evidence which the Commission may deem necessary. Similar records are required in disability benefit claims.

Surviving spouses and dependent children are, under specific statutory provisions and circumstances, eligible for college scholarships to an Arkansas public institution as provided by law. These scholarships are awarded by the Claims Commission and, once awarded, are administered by the Department of Higher Education. To apply for this benefit for covered children, the Commission requires the submission of a certified birth certificate.

The Attorney General will represent the State and may assist the Claimant in the presentation of a death or disability benefit claim if liability and provisions of the Acts are undisputed.

The Commission does not permit attorneys representing Claimants under the provisions of these Acts to receive more than five percent (5%) of the single, or initial, payment of monetary benefit (\$10,000.00, \$50,000.00, \$200,000 or \$225,000.00) in legal fees if liability by the State is, **following the receipt of all required documentation**, not contested.

Upon approval by the Commission of any death or disability benefit claim, payment of the sum as established by the General Assembly will be rendered **immediately** or as otherwise specified under the provisions of any act or appropriation to pay allowed disability or death benefit claims.