



Survivor Benefit

DEATH AND DISABILITIES BENEFITS FOR
SAN ANTONIO POLICE OFFICERS



DEATH AND DISABILITY BENEFITS FOR SAN ANTONIO POLICE OFFICERS

The death and disability for the *line of duty* and *duty* incidents will vary in amount from each agency (i.e., Federal, State, City, Pension, Association and private grants).

Benefits from Federal and State levels will only honor claims that involve "*in the line of duty*" incidents (i.e., disability or death).

Benefits from City, Social Security, pension, SAPOA and CLEAT will honor claims for "*in the line of duty deaths and/or off duty deaths*" that are considered accidental with allowances for dismemberment. There are existing benefits that would assist any member should they expire as a result of catastrophic illness or heart attack, etc.

NOTE: Pension plan benefits would be paid to the spouse of the deceased officer at a percentage rate, based on the years paid into the current pension plan and the one-year salary from the city (Risk Management).

The following information regarding death and disability are current as of August 2022.

FEDERAL BENEFITS

U.S. DEPARTMENT OF JUSTICE	SECTION 1.001
U.S. DEPARTMENT OF LABOR	SECTION 1.002
SOCIAL SECURITY ADMINISTRATION	SECTION 1.003
VETERANS ADMINISTRATION	SECTION 1.004

FEDERAL BENEFITS

U.S. Department of Justice (PSOB)

Section 1.001

**Federal death benefits are provided for survivors of Law Enforcement Officers Killed in the line of duty as set forth under the "Public Safety Officers' Benefits Act of 1976."

The intent of this law is to provide benefits to survivors of certain public safety officers who die in the performance of duty, but were not necessarily engaged in the enforcement of a federal law at the time of their death. This law would apply to any law enforcement officer either city, county, state, or federal, or any fireman who is killed in the line of duty during the normal course of his/her duties. Providing such officer's death was not the result of intentional misconduct or gross negligence on the part of the officer, or that voluntary intoxication of the officer was not the proximate cause of the officer's death.

The benefits as set forth by this law, is a payment of \$389,825.00 to be given as follows:

If there is a spouse and no child/children all to the spouse.

If there is a spouse and child or children, one-half to the spouse and one-half to the child or children in equal shares.

If no spouse, and children only, all to the child or children in equal shares.

If no spouse or children, then to the individual designated by the officer as beneficiary on file with officer's agency, or if no designation, to the individual designated as the beneficiary on the most recently executed life insurance policy on file with officer's agency.

If none of the above, the officer's parents in equal shares.

"Child" is defined as any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased public safety officer who, at the time of the officer's death, is either 18 years old or under, or between 19 and 22 and full-time student, or who is incapable of self-support due to a physical or medical disability.

To apply for benefits, contact:

U.S. Department of Justice

Public Safety Officer's Benefits Program

Washington, D.C. 20531

(202) 307-0635 or 1-888-744-6513

World Wide Web: <http://www.ojp.usdoj.gov/BJA>

STATE BENEFITS

Employee Retirement System of Texas Chapter 615

Section 2.001

1. Death benefits are provided for survivors of law enforcement officers under the "Survivors of Law Enforcement Officers" Article.
2. The financial assistance provided survivors of law enforcement officers who are killed in the line of duty while enforcing a state law area follows:
 - a. The spouse receives a lump sum payment of \$500,000.00
 - b. Monthly payments are paid to the guardian of any surviving minor children until the child's 18 birthday as follows:
 1. One Child - \$400.00 per month
 2. Two- Children - \$600.00 per month
 3. Three or more Children - \$800.00 per month
 - c. **If there is no surviving child (children) or spouse, equal shares may be paid to surviving parents.
3. Prompt notification of death should be made and to expedite the filing of this claim the following information should be furnished:
 - a. Sworn statement by the surviving spouse making application for the death benefits giving the name of the deceased spouse, the date of death, name and ages of all minor children involved together with the address of the surviving spouse and children.
 - b. Certified copies of the investigative reports relating to the fatal injury (if available).
 - c. Certified copy of death certificate.
 - d. Certified copy of the coroner's report, if any.
 - e. Affidavits from any witnesses detailing the facts of the fatal injury (if available).
 - f. Sworn statement from the Chief of Police, stating that at the time of the fatality the deceased was employed full time as a law enforcement officer and at the time of the fatal accident, the death was the result of risk or hazard inherent in his employment.
 - g. Certified Copy of the marriage license showing marriage between the surviving spouse and the deceased.
 - h. A statement from a responsible physician, who has examined the surviving female spouse, as to whether or not she is pregnant.

- i. Certified copies of court order granting divorce for either the deceased or the surviving spouse, if any,
- j. Certified copies of the birth certificates for minor children involved.
- k. Certified copies of court orders granting adoption or minor children.
- l. If a legal guardianship exists, certified copies of all guardianship papers will be needed.

To apply for benefits, contact:

Employees Retirement System of Texas

Director of Retirement Claims

P.O. Box 13207

Austin, TX 78711-3207

(512)867-7711

(877-)275-4377

World Wide Web: <http://www.ers.state.tx.us>

FEDERAL BENEFITS

Social Security Administration

Section 1.003

1. Social Security will pay the following death benefits when a Law Enforcement office is killed in the line of duty:
 - a. Up to \$255.00 for the funeral expenses paid only to the officer's surviving spouse or minor children.
 - b. A monthly pension to the officer's surviving spouse which is based on the officer's age and amount they have paid into Social Security, as well as the surviving spouse's subsequent earned income, will be paid until the surviving spouse remarries.
 - c. A monthly pension to each surviving child until such child reaches the age of 18 years and completes school, leaves home or marries.
2. This claim must be filed in person at the Social Security Office and the following information will be needed at the time the claim is file:
 - a. Social Security number of the deceased.
 - b. Social Security number of the surviving spouse.
 - c. Social Security Number of each minor child.
 - d. Birth certificate of each minor child.
 - e. Certified copy of surviving spouse.
 - f. Marriage certificate.
 - g. Certified copy of death certificate
 - h. W-2 forms for the previous year and current year.

To apply for benefits, contact:

Local Social Security Office

TEXAS PEACE OFFICER SURVIVOR BENEFITS

FEDERAL BENEFITS

Veterans Administration

Section 1.004

1. If a Law Enforcement Officer is killed in the line of duty, and is a veteran of the United State Armed Forces, and is currently receiving compensation from the Veterans Administration, the Officer's survivors are entitled to the following death benefits.
 - a. The Veterans Administration will pay \$450.00 for burial expenses and grave marker.
 - b. Provide a burial flag to drape over the casket.
 - c. Provide burial space in a national cemetery and some transportation expenses.
2. If the gross income of the surviving spouse is less than \$3,750.00, they are then entitled to receive a pension from the Veterans Administration. If Social Security is paid, the surviving spouse can deduct 10% of their income from Social Security to arrive at the above figure.
3. Minor children regardless if the deceased officer was receiving any type of compensation from the Veterans Administration, would be entitled to receive a pension of \$61.00 per month. The benefit would continue until he or she reaches the age of 18, marries, or until the age of 23 provided the child is still in school and unmarried.
4. The funeral home handling the burial arrangements will fill out and file the necessary papers to receive burial benefits. The burial benefits will be paid directly to the funeral home and they will need the following information to file the claim:
 - a. Copy of discharge papers. (DD-214)

To apply for benefits, contact:

Veterans Administration

701 Clay Drive

Waco, TX 76799

1-800-827-1000

SURVIVOR BENEFITS FOR DEATH RESULTING FROM A CATASTROPHIC ILLNESS OR HEART ATTACK

★ CITY:

Final pays off for all accrued day (i.e., vacation, sick, etc)

One (1) year salary

★ FIREMEN & POLICE PENSION:

Depending on the amount and time invested in the pension, a percentage will be determined for allowance.

★ SAN ANTONIO POLICE AND BENEVOLENT FUND:

A \$500.00 - \$5,000.00 financial assistance will be awarded to the family of a deceased officer who was a participating member in the benevolent fund.

★ SOCIAL SECURITY:

Spouse and minor children can qualify for assistance depending if the deceased had paid into the program. Claim can be determined at the time of death.

SURVIVOR BENEFITS FOR ACCIDENTAL DEATHS OFF DUTY

★ CITY:

Final pays off for all accrued days (i.e., vacation, sick, etc.)

One (1) year salary paid to the beneficiary.

★ FIREMEN & POLICE PENSION:

Spouse and minor children will receive a percentage of the pension. If no spouse, the surviving minor children will be eligible for pension.

★ SAN ANTONIO POLICE OFFICER'S ASSOCIATION MEMBERS:

SAPOA member Double Dues (average) \$134,00.00 (updated 12/2021).

★ SAN ANTONIO POLICE AND BENEVOLENT:

A \$500.00-\$5,000.00 financial assistance will be awarded to the family.

★ SOCIAL SECURITY:

Spouse and minor children can qualify for assistance depending if the deceased had paid into the program. Claim can be determined at the time of death.

