



Legislation Text

File #: Res 1413-2008, **Version:** *

Res. No. 1413

Resolution calling upon the New York State Workers Compensation Board to establish a claim review panel for 9/11-related workers compensation claim applications at the New York City Law Department.

By Council Members Brewer, Eugene, Felder, Fidler, Gentile, James, Koppell, Nelson, Palma, Recchia Jr. and Gennaro

Whereas, The Workers Compensation System was established by the Workers Compensation Law of 1914 to guarantee that workers injured on the job receive both medical care and weekly cash benefits; and

Whereas, Workers' compensation insurance provides weekly cash payments and the cost of full medical treatment, including rehabilitation, for covered employees who become disabled as a result of a disease or injury connected with their employment; and

Whereas, Workers compensation insurance also provides payments for qualified dependents of an employee who dies from a compensable injury or illness; and

Whereas, The Workers Compensation Board (WCB) is the administrator of the workers compensation system in New York State and receives and processes workers' claims for benefits, employers' reports of injury, and medical reports from physicians and other health care providers; and

Whereas, The WCB adjudicates and resolves all issues and makes awards and findings as rapidly as possible to ensure that an entitled claimant receives benefits and medical treatment promptly; and

Whereas, Eligibility for workers compensation is determined by the WCB and administered by the City's Law Department; and

Whereas, Many problems have arisen in the adjudication and administration of 9/11-related claims and State law places the burden on the employee to prove that his or her injury was a result of participating in the

WTC recovery and clean-up operations; and

Whereas, It has been estimated that almost 100,000 workers and volunteers participated in the rescue, recovery and clean-up on and after 9/11 and were exposed to numerous psychological stressors, environmental toxins, and other physical hazards; and

Whereas, The link between a particular medical condition and WTC exposure is not always definitive and thus the City has legally challenged a high proportion of 9/11-related workers' compensation claims; and

Whereas, The denial of 9/11-related workers compensation claims causes many of these workers to go without desperately needed medical care; and

Whereas, In addition, medical practitioners treating City workers with 9/11-related illnesses have not been paid for their services due to the denial of claims, which has resulted in the discontinuance, denial, or inconsistency of care to such workers; and

Whereas, Under the Workers Compensation Law employers agree to assume all liability, regardless of fault, if their workers are injured on the job; and

Whereas, The City workers who participated in the rescue and recovery efforts following the terrorist attacks on the World Trade Center on September 11, 2001 gave their lives or had their health jeopardized while carrying out their public servant duties; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Workers Compensation Board to establish a claim review panel for 9/11-related workers compensation claim applications at the New York City Law Department.

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