



BOSTON CITY COUNCIL

Committee on Government Operations
Gabriela Coletta Zapata, Chair

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REPORT OF COMMITTEE CHAIR

August 7, 2024

Dear Councilors,

Docket #1125, Petition For A Special Law Re: An Act Providing Certain Death Benefits For The Widow Of A Former Firefighter Of The City Of Boston, was sponsored by Councilor Enrique Pepén and referred to the Committee on July 10, 2024. This docket was filed on behalf of Pamela Thompson (petitioner).

The Committee held a hearing on July 26, 2024. The Chair was joined by Councilors Pepén; Flynn; and Murphy. The Committee received the following documentation from the petitioner: Petitioner Summary; Boston Fire Department Injury/Exposure Report; Jared Thompson's (son) Passing Score Report; and a Letter from Boston Retirement System.

Petitioner Summary:

Pamela Thompson, is the widow of Anthony Thompson, to whom she was married for 28 years. Anthony Thompson served as a Boston Firefighter for 35 years. The Petitioner and Firefighter Thompson shared 3 children together: the eldest is currently 30 years old and will require continued supportive care upon the petitioners death; the middle child works at Massachusetts General Hospital and recently completed the firefighters exam/physical scoring a 97; and finally, the youngest child just finished her second degree and is applying for medical school. Firefighter Thompson passed away due to cancer of the esophagus in March 2020, and following his death, Petitioner began receiving accidental death benefits pursuant to **M.G.L. c.32 s.9**¹ via the presumption established under **M.G.L. c.32 s.94 A-B**.²

Summary of Legislation:

Docket #1125, is a Home Rule Petition (HRP) that aims to amend the death benefits the petitioner currently receives under **M.G.L. c.32 s.9**. The City Council and Mayor must approve this petition to the legislature requesting their permission to achieve the goals outlined below:

Section 1. & Section 2.

The first two sections of the HRP declare that Firefighter Thompson died as a result of injuries sustained while performing the essential duties of a firefighter and requests that the petitioner and her children receive the benefits described in **M.G.L. c.32 s.100**.

Under **Section 100**, if a firefighter dies or sustains fatal injuries while responding to or returning from a fire alarm, emergency, or while at the scene of a fire, the surviving spouse is entitled to an annual pension

¹ Under M.G.L. c.32 s.9, An accidental death benefit allowance is provided to the member's dependent beneficiaries, equivalent to 72% of the member's annual regular compensation at the time of the injury or death, or 72% of the average annual rate of compensation for the preceding twelve months, whichever is greater. This allowance is payable to the surviving spouse as long as they were living together at the time of the member's death, with exceptions for justifiable cause or desertion. If there are surviving unmarried children under 18, physically or mentally incapacitated children over 18, or full-time student children under 22, an additional yearly pension of \$312 per child is paid to the child's guardian.

² Under M.G.L. c.32 s.94 A-B, if a paid fire department member develops a health condition related to lung/respiratory disease or cancer leading to total disability or death, it is presumed to have been incurred in the line of duty due to exposure to harmful substances, provided they passed a physical exam that did not detect the condition.

equivalent to the salary the firefighter would have received if they had continued in their position at the time of their death. The pension amount immediately payable is equal to the maximum salary for the position, regardless of whether the firefighter had reached the maximum salary before their death. If the surviving spouse eligible for the pension passes away, and there are children of the deceased firefighter, each child's legal guardian will receive \$312 per year per child. Additionally, the legal guardian will receive 72% of the pension that the surviving spouse was receiving at the time of their death, to be distributed among the children until they reach age 18 or 22 if enrolled as full-time students. Payments will continue for children over 18 who are physically or mentally incapacitated from earning.

Both sections are necessary provisions of the HRP as the presumptions outlined in **Sections 94A-B** do not apply to the death of a firefighter when determining eligibility for **Section 100** benefits.

Section 3.

This section requests that the petitioner's younger son be eligible to make a claim for preference under **M.G.L. c.31 s.26**.

Under **Section 26**, a son or daughter of a firefighter, police officer, or correction officer who passes the required examinations for entry into the respective service will have their name placed first on the eligible list or reserve roster for appointment if the parent died or sustained fatal injuries in the line of duty. This special consideration applies when the firefighter, police officer, or correction officer was killed or injured resulting in death while performing their official duties due to specific circumstances outlined in the law.

This provision of the HRP is necessary because **Section 26** stipulates that the special preference is not applicable in cases where the Firefighters cause of death was declared pursuant to the presumptions established under **Sections 94A-B**.

Recommended Action:

The Chair of the Committee on Government Operations, to which the following was referred:

Docket #1125, Petition For A Special Law Re: An Act Providing Certain Death Benefits For The Widow Of A Former Firefighter Of The City Of Boston,

submits a report recommending that this docket **ought to pass**.



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