

ATTN: FIRE & POLICE RETIREES WHO RETIRED ON OR BEFORE JUNE 7, 2015

Fire & Police retirees, a recent Nevada Supreme Court case (DeMarinville v. Employers Insurance Co. of Nev) has clarified that monetary awards should to be given for spousal death benefits following the death of a retiree who died based on a Heart or Lung disease.

First in order to qualify under this new case, the Fire or Police service member would have had to retired from the department on or before June 7, 2015. If the member retired on or after June 8, 2015 this Supreme Court case does not specifically apply to them.

Next, if the member is diagnosed, post retirement, with a Heart or Lung disease s/he must bring a claim, by timely filing a [C1](#) form with their former Fire or Police employer (within 7 days of diagnosis by the doctor of a Heart or Lung disease) and must timely file a [C4](#) form with their former Fire or Police employer (within 90 days of diagnosis by the doctor of a Heart or Lung disease). If, at some point thereafter (days, months, years, decades) the member dies from the accepted Heart or Lung disease claim, then the surviving spouse has 1 year after the members death to bring a spousal death benefit. He or she will be entitled to life-time monthly survivor benefits at a rate of 66 & 2/3% (subject to a state max wage calculation) of the deceased member's wage as calculated at the time the member retired from the department. Additionally, if the member passes away from a Heart or Lung disease claim, the surviving spouse can still bring a spousal death benefit claim within 1 year from the members death, even if a claim was not previously brought by the deceased member.

Making sure the forms, deadlines and paperwork are properly processed is critical on these survivor death benefit claims. If any of your Fire or Police members, or their families, need assistance bringing one of these claims, feel free to reach out to me at my firm, [Jason D. Mills & Associates](#), 702-822-4444, or in person at 2200 S. Rancho Dr., Ste 140, Las Vegas, NV 89102.

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