**COMMONWEALTH OF VIRGINIA**

**LINE OF DUTY ACT**

The Line of Duty Act provides state-funded death and disability benefits for state and local public safety officers or their beneficiaries due to death or disability resulting from the performance of duties.

“Line of Duty” means any action the deceased or disabled person was obligated or authorized to perform by rule, regulation, condition of employment or service of law.

Death Benefits: One time death benefit payment to beneficiary:

* $100,000.00 death due to unnatural cause,
* $25,000.00 death due to specified work related illnesses.

Disability Benefits: Health insurance coverage for permanently disabled officer, spouse and dependent children (disabilities occurring after July 1, 2000, for localities) and widows (for deaths occurring after April 8, 1972.)

Termination of eligibility for LODA health insurance benefits:

a. If death or disability occurred on or after July 1, 2017, benefits will cease when the disabled person becomes eligible for Medicare due to age.

b. Return to full-duty in any position defined by the Line of Duty Act.

c. If the disabled person’s annual earned income become equal to or greater than their salary at the time of disability (indexed for inflation), then eligibility will cease.

Dependents: These are the general requirements for a child to be considered a dependent for the purposes of this benefit:

1. Starting July 1, 2017, children will be eligible for health insurance coverage until the end of the year in which he/she reaches the age of 26.
2. The child is over 26, but is mentally or physically disabled.
3. Children conceived or adopted after the date of disability are not eligible for LODA health insurance benefits.

Termination of Dependent Coverage: Continued health insurance provided by this benefit shall terminate upon the occurrence of any one of the following situations:

1. The dependent’s death,
2. A surviving spouse remarries on or after July 1, 2017.
3. The dependent is covered by an alternate health insurance plan,
4. The dependent child reaches the end of the year in which he/she reaches the age of 26 and is not mentally or physically disabled.

Processing Claims: Each claim and related documents must be filed with VRS. VRS conducts a detailed review of the claim, including an investigation by the Virginia State Police and a review by the Medical Board. VRS will issue a decision on the claim. Please refer to the attachment for an outline of the claim process.

FAQ’s

How long does it take to process a Line of Duty (LOD) claim?

*It may take approximately 6 to 9 months from the time the claim is submitted.*

What health insurance coverage am I entitled to under LOD?

*A LODA health benefit plan administered by the Department of Human Resources Management (DHRM). Plan information can be found at:*

*www.dhrm.virginia.gov/healthcoverage/loda-health-benefits*

How long is my spouse covered under LOD?

*Continued health insurance terminates upon such spouse’s death or coverage by alternate health insurance (§ 9.1-401 D). A surviving spouse will lose health insurance benefits if he/she remarries on or after July 1, 2017.*

How long do claimants have to submit a claim for LODA benefits?

*Virginia Code §8.01-522 sets forth a five-year statute of limitations.*

How disabled does someone have to be to get LODA benefits?

*The LODA says a “disabled person” means any individual who, as the direct or proximate result of the performance of his duty in any position listed in the definition of deceased person in this section, has become mentally or physically incapacitated so as to prevent the further performance of duty where such incapacity is likely to be permanent.*

*We interpret this to mean that if the person cannot return to full duty in an LODA eligible position they are disabled. For example, if a volunteer firefighter has a knee injury that renders him unable to continue as a volunteer firefighter he is owed benefits even if he has a regular job with heath insurance that he is able to continue uninterrupted.*