



Ohio Administrative Code

Rule 742-19-01 Administration of public safety officers death benefit fund.

Effective: April 15, 2023

(A) Subject to the terms of division (J) of section 742.63 of the Revised Code, benefits from the public safety officers death benefit fund shall be paid only to eligible surviving spouses and children or dependent parents of persons listed in section 742.63 of the Revised Code provided the member is "killed in the line of duty," as such term is defined in division (A)(12) of section 742.63 of the Revised Code.

(B) Application and determination of benefits.

(1) Application for death fund benefits shall be made on a form provided by the Ohio police and fire pension fund ("OP&F"). Such application shall include an agreement by the applicant to be responsible for reporting any person in the family unit who becomes ineligible for benefits due to marriage or age limitations.

(2) Applications shall be made for the family unit by the surviving spouse. In cases where no eligible spouse exists, and only minor children are eligible, the application shall be filed by the legal guardian.

(3) Documentation to be provided by the applicant shall include: a copy of the marriage record, a copy of the death certificate, a birth certificate for each child, and evidence that death was a result of performance of official duties. A guardian who is the applicant shall provide supporting court documentation showing the person's appointment as guardian. Department certification and other documentation may be required by OP&F prior to determination of eligibility.

(4) OP&F's board of trustees shall determine a survivor's eligibility for benefits provided for in section 742.63 of the Revised Code and in the event of a denial of benefits, the survivor shall have the right to submit up to two requests for reconsideration provided, however, that new evidence is submitted with such request for reconsideration. OP&F shall review the request for reconsideration in the same manner as an initial application for benefits, subject to the limitations stated in this



division.

(5) If an initial application for death fund benefits or request for reconsideration has been filed with OP&F, but the required supporting documentation has not been submitted or the applicant has not taken any action to prosecute his or her claims within six months of the filing with OP&F, OP&F shall have the authority to dismiss the initial application or request for reconsideration for failure to prosecute the claim. In order to dismiss a claim for failure to prosecute, OP&F must have given ninety days prior written notice to the applicant of the need to file the required supporting documentation and the applicant failed to file the necessary documentation with OP&F before the expiration of such ninety day time period.

(C) Cause of death of member. For purposes of section 742.63 of the Revised Code, survivors shall be eligible for death fund benefits if the member's death is under the following circumstances:

(1) Injury or disease sustained in the line of duty.

(2) Heart disease, with fatal attack while in the line of duty.

(3) Heart disease or other fatal injury or illness while off duty, if the fatal attack or other fatal injury or illness was caused while in the line of duty.

For purposes of this paragraph, "in the line of duty" shall mean the official duties provided by the employer, including any duties arising out of agreements that the employer may have entered into for the performance of services on behalf of other Ohio villages, cities, or municipalities, or federal agencies or as otherwise imposed by law.

(D) Determination of benefit amount. The term "full monthly salary" as used in division (A)(11) of section 742.63 of the Revised Code shall mean one-twelfth of the base annual ordinance, statute, or contract salary authorized by the employer for the position and salary level attained by the member at the time of death; such position shall be the basis for any future benefit adjustments. Adjustments in benefits shall be made in accordance with the base salary ordinance, statute, or contract of the employer where the decedent was employed.



(E) Method of payment and commencement of payments.

(1) Where benefits are divided among family members, one payment shall be issued to the spouse and one for each minor child.

(2) A payment issued for a child under eighteen years of age or for a disabled child shall be made payable to the child's parent or guardian.

(3) Benefit payments to eligible survivors shall be effective the first day of the month following the month of death.

(4) Payments may not be made prior to board approval.

(F) Definition of "child" and "children." As used in section 742.63 of the Revised Code, "child" and "children" mean:

(1) Any natural child or children born to a marriage of the deceased member, except a child or children adopted by another person prior to the member's death.

(2) Any child or children legally adopted by the member prior to his or her death .

(3) Any natural child or children born outside a marriage of the deceased member when the parenthood of the member can be established to the satisfaction of OP&F's board of trustees.