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Can a police officer's suicide be determined to be in the line of duty? Ask the lawyer

By **RON SOKOL** | RonSEsq@aol.com | Daily Breeze

PUBLISHED: March 23, 2022 at 6:15 a.m. | UPDATED: March 23, 2022 at 7:53 a.m.

Q: I have read the tragic situation of police officer Jeffrey Smith who committed suicide after Jan. 6, 2021. He was on duty that fateful day. His wife brought a claim that she was entitlement to benefits because he died "in the line of duty." Is she correct? If so, what does she get?

S.B., Los Alamitos



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Ron Sokol


A: The phrase “in the line of duty” means the injury occurred as part of that individual’s regular work and as a result of it. Smith died nine days following the Jan. 6, 2021 assault on the Capitol. Recently the D.C. Police and Firefighters Retirement and Relief Board ruled: “Officer Smith sustained a personal injury on Jan. 6, 2021, while performing his duties, and ... his injury was the sole and direct cause of his death.” Smith became quiet and moody, at times testy, after what he experienced on Jan. 6, during which he was injured. Research further indicates Smith is one of four officers who have committed suicide since the Jan. 6 melee. Based on the Retirement and Relief Board’s ruling, Smith’s widow is entitled to receive an annuity equal to his pay and benefits and may also receive health benefits.

Q: I work as a firefighter. If I am injured on the job is that covered by worker’s compensation only?

T. H., Los Angeles

A: Firefighters in California who suffer an injury while performing their job duties are eligible to receive worker’s compensation benefits. The general rule here is that a claim for worker’s compensation benefits is the injured employee’s sole





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California does allow for cases to be brought, however, against one or more third parties who may have a level of blame for the harm done, which thereby allows the injured person to seek non-economic damages. An example is if you are hurt while doing your job, but on some one else's premises, it turns out those premises were dangerous which contributed to the harm.

If you have injury while working, it is most prudent to consult with a worker's compensation specialist, and if need be a personal injury lawyer, depending upon the circumstances. There are niceties involved in bringing two claims (worker's compensation and personal injury), so it is important to talk things out with qualified counsel.

Ron Sokol has been a practicing attorney for more than 35 years, and has also served many times as a judge pro tem, mediator, and arbitrator. This column presents a summary of the law and is not to be treated or considered legal advice, let alone a substitute for actual consultation with a qualified professional.

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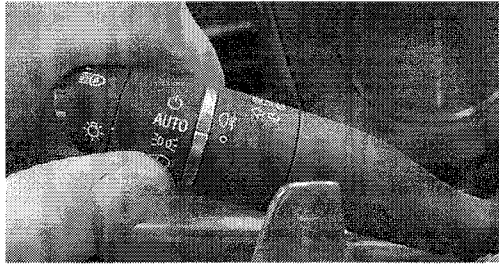
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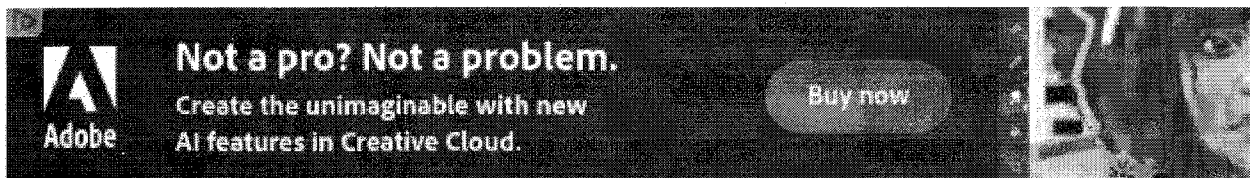
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