



# COVERAGE & COMPENSABILITY

# Coverage “First Steps”

---

Coverage Determination is the initial step in the claim handling process. Policy should be reviewed to confirm the following:

1. **Verify the insured name and the name on the Notice of Loss are the same.**
2. **Verify the claimant is a volunteer or a paid employee.**
3. **Verify the loss date falls within the policy effective date and policy expiration date.**

# Coverage “First Steps” – cont.

4. Verify that the policy remains in force.
5. Document your coverage findings – Is it VFBL or WC?
6. If a coverage issue is identified, promptly advise management.

**“Compensable” Workers’ Compensation claims have specific characteristics that will help you determine if and when an injury is covered.**

The claim must meet all of the following requirements in order to be compensable:

- 1. The injured worker is a volunteer or employee and a member of the fire district.**
- 2. The accident resulted in an injury or illness.**
- 3. The injury or illness “arose out of” volunteering or employment.**
- 4. The injury or illness occurred “during the course and scope” of volunteering or employment.**



**Let's break it down in  
more detail.**

---

# 1. The injured worker is a volunteer or employee and a member of the fire district.

The injured worker must be a covered volunteer/employee of the fire district. Even if the accident occurs on the fire district's property, we must not assume he/she is an employee of the fire district, this information must be confirmed.

## 2. The accident resulted in an injury or illness.

In addition to injury, illness can be covered by workers' compensation. An illness can qualify as a compensable claim if it is directly related to the job and is caused directly by the working conditions.



### 3. The injury or illness “arose out of” volunteering or employment.

The term “arising out of” refers to causal connection between the conditions under which the work is required to be performed and the injury resulting from the accident. If the employer benefits from the employee's work duties, whether monetarily or otherwise, then the claim meets this qualification.

#### 4. The injury or illness occurred “during the course & scope” of volunteering or employment.

“During the course of” refers to the time, place, and circumstances under which the accident/incident occurred. The volunteer/employee must be at work when the injury occurs. This includes any place or location mandated or expected by the employer. The volunteer/employee must prove he or she was injured while actively engaging in the interest of the fire district’s business.



## Consider the following when deciding compensability:

---

- **Whether the loss occurred during an alarm call or hanging-out (horseplay) at the firehouse**
- **Whether the loss involved alcohol or drug consumption**



# Traveling to & from

---

When traveling to and from alarm/fire calls; “In the Line of Duty” assignments are compensable (*see page 11 of VFBL Claims Filing Guideline*). This provision also requires that the actions leading to the injury of the employee in question be prompted by pursuing fire district’s interests.



# Potential fraud indicators/**red** flags

---

# Potential fraud indicators/**red** flags

---

- Inconsistent statement(s)
- Filing multiple claims
- Unwillingness to be assigned to other, lighter jobs within the district or to complete partial duties
- Constantly missing medical appointments

# Potential fraud indicators/**red** flags - cont.

---

- Employee will not provide date, time, or location of the incident that caused injury
- Employee has no recollection of services provided for related medical bills
- Employee cannot produce specific information about the nature of the injury
- Employee has a history of short-term employment

Documenting coverage &  
compensability investigation:

**BE CLEAR & CONCISE**





## Coverage Example:

- Insured name and the name on the Notice of Loss are the same.
- Date of injury falls within the policy effective date and policy expiration date.
- Policy remains in force.

# Compensability Rationale:

---

- **Example #1:** Claimant is a covered volunteer/employee who was injured in the line of duty while responding to a fire call.
- **Example #2:** Insured has confirmed that claimant is an employee of the fire district. Claimant tripped and fell over a hose while on a call, injuring his lower back. Compensability has been accepted for the lower back.
- **Example # 3:** Claimant is a volunteer firefighter who sustained multiple injuries during the course of his employment, in a motor vehicle accident while in transit to a fire call.

# Any questions?

---

## CONTACT US

John Caputo

845-352-8855 x7011

[jcaputo@fdmny.com](mailto:jcaputo@fdmny.com)

[fdmny.com](http://fdmny.com)

