

\$500,000 AND FULL WAGE BENEFITS FOR SPECIAL OFFICER INJURED-ON-DUTY



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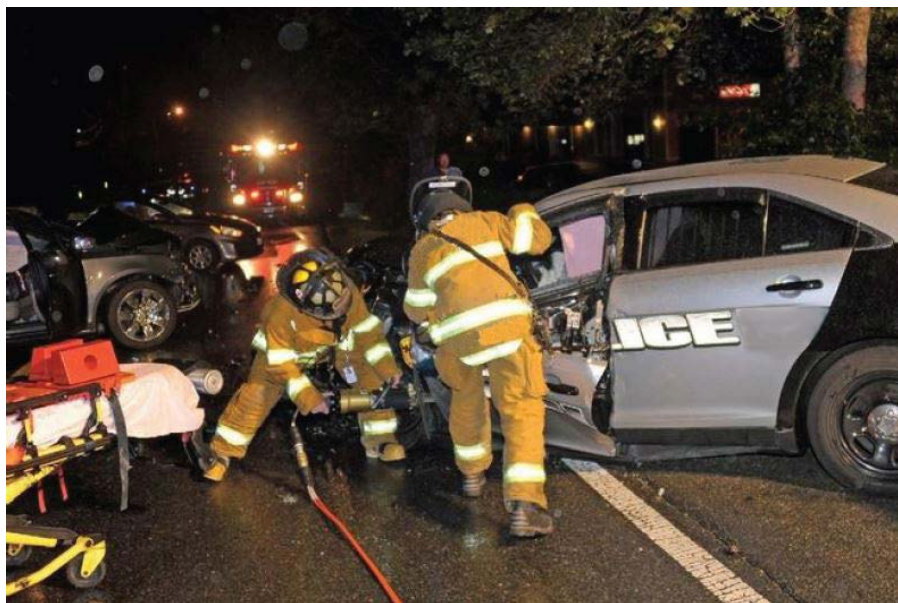
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Late one evening in June, Erica DiMaio suddenly veers over double yellow lines on Main Street into the opposite lane of travel. Three

eyewitnesses watch

in horror as Ms. DiMaio violently crashes head on into a police cruiser operated by Officer Avery.

The force of the crash crumples the front ends of each vehicle and spins both around. The Fire Department is already on scene by the time Officer Avery comes to. He wakes up to the sounds of firefighters using a reciprocating saw to detach the mangled driver door from the



Trapped inside the cruiser, Officer Avery wakes up to the sounds of firefighters using a reciprocating saw to detach the mangled driver door.

cruiser. Freed from the cruiser, Officer Avery is taken by helicopter to the hospital where he would remain for over two weeks.

In addition to the concussion, Officer Avery's injuries were numerous: fractured left arm and leg, five fractured ribs, and multiple lacerations. The fracture to his left arm required three procedures, including a surgery to implant permanent hardware. His road to recovery included extensive therapy. Despite continuing symptoms in his arms and legs, Officer Avery worked diligently with his therapists to regain strength and motion. Just shy of nine months after the crash, Officer Avery was cleared for a return

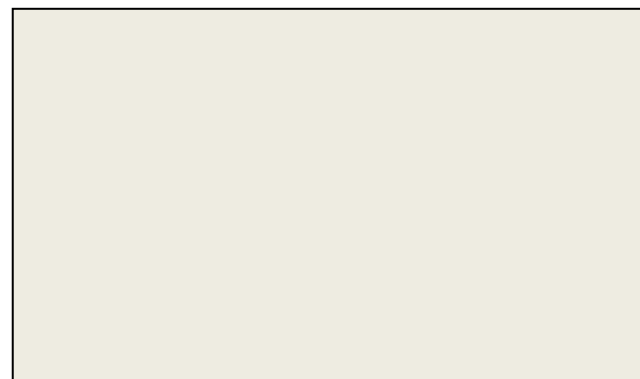
to work. Officer Avery surprised everyone. He pushed his doctors to clear his return long before many thought he would be medically able. Officer Avery's doctors and therapists documented his dedicated efforts towards his own recovery as well as his desire to return to work.

We met Officer Avery while he was still in the hospital. He expressed his good fortune to have survived this horrendous crash. However, he stressed about how he would support his family. We were informed he is a special police officer, only working part time for his municipality. Not only was he too injured to work as a police officer, he could not resume his regular occupation.

We decided to feature Officer Avery's case not just for the monetary result, but also to inform special, reserve and part time officers of certain injury-on-duty benefits, which may be available to them. Like many police officers and firefighters working on a 'special', reserve or part time

designation, Officer Avery relied on a second, regular occupation to support his family.

Many



special officers and part time officers are unaware

that Massachusetts law provides protection for special officers like Mr. Avery who are unable to work their regular occupation because of an injury-on-duty. In most circumstances, M.G.L. Chapter 32 §85H affords compensation equivalent to the average weekly pay of a first-year public safety officer while the officer is unable to work their regular occupation because of the injury-on-duty. We have found several municipalities unaware of this provision. This municipality was no exception.

We worked with Officer Avery's municipality to ensure these benefits were made available to Officer Avery for the entire period he was unable to work his regular occupation. These injury-on-duty benefits helped Officer Avery survive financially while he was out of work rehabbing from his injuries. As for Officer Avery's injury claim against Ms. DeMaio, we secured a 'policy limit' settlement with her insurance company for \$500,000, after holding steadfast in our refusal to accept anything less. And we did all this without ever filing a lawsuit.

If you are a reserve, special or part time officer injured-on-duty and cannot return to your regular occupation, like Officer Avery, you too may be able to make a claim for full and fair compensation and receive full injury-on-duty wage benefits while you recover from your injuries.

Officers injured on or off duty should consult with us early on, so we can determine whether you have a viable case and for you to learn what your rights are. Sometimes we need to do some investigation to determine whether a case is worthwhile to proceed for an injured officer. Decisions about whether to proceed with a claim always belong to the injured officer, not us, and can be made later. When we work on these cases, we work on a contingent fee basis. That means the injured officer pays nothing up front, nor while the case is pending. He or she only needs to pay for legal services and expenses at the end of the case, if we successfully collect money on their claim. We typically will receive one-third of the money collected. In the off chance we are unable to collect money for the injured officer, the officer owes nothing for our services.

To protect the privacy of the officer and witnesses, all names and places have been changed. Any resemblance to names of real persons, past or present, is merely coincidental and not intended. The officer agreed to have this article published so police officers around the Commonwealth can be better educated about their legal rights to compensation when injured.

Attorney Jared Ballin ultimately resolved this case and co-authored this article with Steven Ballin. Ballin & Associates, LLC specializes in representing injured officers and their families. For over 30 years, Ballin & Associates' attorneys have practiced in the field of personal injury law and successfully represented injured police officers in over 200 departments throughout Massachusetts. Attorney Steven Ballin, lectures for the Massachusetts Police Association and sponsors www.PoliceInjury.com, a website devoted to Massachusetts public safety officers. Consultations are free and confidential. For more information, please call 508-543-3700 or e-mail SBallin@PoliceInjury.com.