

Mr. C. L. Vogelman, Acting Executive Secretary, Fire Department (cont'd)

It is first pointed out that it is not the place of this office or of the Fire Department to pre-judge whether or not the insurance company would consider this to be a compensable claim. This can only be determined by the actual filing of a claim with the insurer. This raises your inquiry as to who should file the claim.

You are advised that the beneficiary under the contract of insurance (in this case the deceased's widow) is the proper person to make claim against the insurance company. The Fire Department should, of course, apprise the beneficiary of the existence of the insurance contract, and of the name and address of the insurer. Therefore, to answer your specific question, the Board of Fire Commissioners in this and in similar cases has no duty or obligation either under the contract of insurance or otherwise to file a formal claim with the insurance company for the benefit of the beneficiary.

The only instance wherein the Board of Fire Commissioners would file a claim under this contract of insurance would be in the event there are no beneficiaries as outlined in the contract, in which case the death benefit would be paid to the Board of Fire Commissioners for the benefit of the Fire Department.

Very truly yours,

/s/ THOMAS N. BIDDISON
City Solicitor

/s/ SHIRLEY BRANNOCK JONES
Assistant City Solicitor

B/J/a