



## 2006 Commemoration

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### In memoriam

Loretta W. Kowal

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Clerk of the Corporation  
David Hastings

Invitations to the 2006 Commemoration of September 11 will be mailed out in early July. The agenda for the day is planned as follows:

- **Location: State House Lawn**
  - Flag Raising Ceremony - 8:30 AM
- **Location: Chamber of the House of Representatives**
  - Commemoration Observance - 9:30 AM
  - Madeline "Amy" Sweeney Award for Civilian Bravery - 10:15 AM
- **Park Plaza Hotel Imperial Ballroom**
  - Reception and Luncheon - 11:30 AM

**We will need to receive your RSVP by August 11. This will allow us to plan appropriately for the logistics necessary to provide a meaningful commemoration. We will only be able to guarantee reserved luncheon seating for those who respond by that day.**

## Volunteer Readers Invited

If you would like to take an active part in the commemoration this year, please contact the Fund either by email: [info@massfund.org](mailto:info@massfund.org), or phone 1-866-386-3911.

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### Also In this issue:

**Workers Compensation Claims in Massachusetts**

**Future Plans for the MA 9/11 Fund**

**Battleship Cove Memorial Planning**

### Upcoming Events

Battleship Cove Memorial  
Unveiling  
Sunday, October 8, 2006  
(Columbus Day Weekend)  
Fall River, MA

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Moussaoui Trial – Follow Up  
Meeting with Prosecutorial  
Team  
August 3, 2006  
U. S. Attorney's Office  
Federal Courthouse  
Boston, MA

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Board of Directors Meeting  
July 17, 2006  
Dinner at 5:30 PM  
Meeting 6:00 - 9:00 PM  
Sheraton Newton Hotel  
Newton, MA

## Post Moussaoui Trial Events

### Meeting with US Attorney's Office – August 3, 2006

In response to requests from family members who attended the CCTV broadcast of the Moussaoui trial, the Boston U.S. Attorney's Office has arranged a post-trial meeting to answer questions you may have about the case and the defendant's incarceration at the Federal Bureau of Prisons facility in Florence, Colorado.

The meeting will be a **private** one, for family members only, on **August 3, 2006, at 10:30 A.M.** U.S. Attorney Michael Sullivan will participate in this meeting with Assistant U.S. Attorney David Novak and Victim Witness Coordinator Karen Spinks from the Alexandria, VA U.S. Attorney's Office, and two officials from the Federal Bureau of Prisons. Michael Nalley, Regional Director, and Daryl Kosiak, Regional Counsel, from the Federal Bureau Prisons North Central Regional Office in Kansas City, KS, which has jurisdiction over the Administrative Maximum Penitentiary in Florence, CO, will participate in the meeting. Assistant U.S. Attorney Novak is a member of the Moussaoui prosecution team. He was the federal prosecutor who met with family members in January 2006 prior to the start of the trial.

The August 3, 2006 meeting scheduled for 10:30 will be held in the U.S. Attorney's Office, located on the 9th floor of the federal courthouse. **If you plan to attend please call or e-mail the Boston U.S. Attorney's Office by July 31, 2006.**

If you are unable to attend but have questions, e-mail your questions to [USAMA.VictimAssistance@usdoj.gov](mailto:USAMA.VictimAssistance@usdoj.gov). They will raise your questions at the meeting and then follow-up with you.

Please remember that two forms of identification are required to enter the federal courthouse, but only one form must have a photo on it. All electronic devices must be checked at the main entrance. **To register for the meeting contact either: Kathleen Griffin at 617-748-3140 or Julie Santos at 617-748-3129 or, E-mail: [USAMA.VictimAssistance@usdoj.gov](mailto:USAMA.VictimAssistance@usdoj.gov).**

### Family Members Can Share Trial Experiences

Family members who wish to talk with each other about their trial experiences, including those who testified for either the prosecution or the defense, please contact Diane Nealon at the Fund. Diane will discuss your needs with you at length and connect you with other family members with similar needs.

## CONTINUING YOUR WORKERS COMPENSATION BENEFITS...

By Attorneys Robert S. Grodberg and Peter Toland \*

Although it's true that some 9/11 family members receiving workers compensation survivorship payments may be at the point where the insurer making payments to them could claim that the benefits have "expired" in 2006, this quite likely will not be true for all beneficiaries. Like most issues involving Massachusetts Worker's Compensation, the law is complex and confusing. As noted below the governing law provides that Survivor's benefits are payable in two stages, and that the surviving spouse's benefits are payable to "the widow or widower (ONLY your addition) so long as he or she remains unmarried" (There would be a \$60 per week payment to each dependent child in the event of remarriage).

Stage 1 Benefits: The first stage of payments is in the total amount of 250 times the State Average Weekly Wage on September 11, 2001 (\$830.89 per week) so that the total amount of first stage benefits payable to a surviving spouse with no children under the age of 18 would be \$207,722.50, before annual cost of living increases (COLAs) which are added, commencing at the beginning of the 3rd year of payments. However, the statute provides that the weekly payments can not exceed the lesser of 2/3 of the deceased employee's average wages, or \$830.89, with COLAs.

For example, if an employee was earning an average of \$1,000 per week on September 11, 2001, his or her family would have initially been paid \$666.67 per week, (so that the \$207,722.50 - not including COLA increases - would not be met until about the 312th payment, since \$666.67 times 312 just barely exceeds the \$207,772.50) so that the first stage of weekly benefits for a surviving spouse would not be paid out until the middle of 2007. In other words, "Stage 1" benefits will only be paid up in 2006 where the initial compensation payments were at or near the 2001 weekly cap on benefits of \$830.39.

Stage 1 for Families with Children: Further, Stage 1 benefits remain payable for any child of the deceased employee who is under the age of 18, or who is physically or mentally incapacitated.

Stage 2 Benefits: Even after the initial \$207,722.50 in benefits have been paid, an unmarried surviving spouse, with no children under the age of 18, would still be entitled to continued benefits if he or she is deemed to be "not fully self-supporting" (the words of the statute). It is only after all Stage 1" benefits have been paid that the question of the surviving spouse's ability to be self-supporting enters into the question at all. Further, insurers may suggest a settlement by way of a "lump - sum". This raises significant valuation issues and can give rise to a very sizable payment which considers the total payments to be made over the actuarially determined life of the payee, as adjusted by cost-of-living increases, reduced to the present value of receiving the lump sum.

**Important Caveats:** As you may be aware, worker's compensation benefits are paid by over 200 insurance companies in Massachusetts, each of which might interpret the law governing survivorship payments differently. This is more likely in the 9/11 scenario since no judge has ruled on the fact patterns peculiar to 9/11 families. Some insurers may take the position that you must apply for further benefits at the end of Stage 1, at which time such insurers could claim that an unmarried surviving spouse must prove that he or she is "not fully self-supporting" in order to receive further payments, while other insurers may continue to pay these benefits voluntarily.

There is a companion statute (also quite complicated) which provides for who is presumed to be entitled to receive benefits as a dependent child of the deceased employee, when such dependency arises due to age or handicap, potential payments to the children of an ex-spouse of the deceased worker, and other issues involving dependency and the division of payments in the event of the later death of the surviving spouse.

In summary, we do not believe that you should accept an insurer's word as final on what benefits may be due to you. If you are approached by an insurer about settling your claim, or if an insurer notifies you that it intends to terminate your benefits, you should seek competent legal counsel.

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\*Mr. Toland and Mr. Grodberg are working together in connection with these claims. Mr. Toland specializes in workers compensation matters, and Mr. Grodberg, whose stepdaughter was on the first airplane to hit the Tower, specializes in trial and business law and has been active in connection with 9/11 claims to the federal fund and 9/11 matters generally.



## 9/11 Living Memorial Project by the September's Mission Foundation

September's Mission Foundation has been working to create the 9/11 Living Memorial, an online interactive repository which will permanently chronicle the stories of your loved ones, the survivors, the rescue workers, and all those affected by 9/11. Over the past several years September's Mission has worked with over fifty committee members from across the country to determine the functionality and content of the virtual memorial. You will likely receive future correspondence about the project from Voices of September 11th. Families, survivors and rescue workers will have the opportunity to create individual memorial pages by completing a simple form and submitting photographs, eulogies and written messages. Information can be submitted electronically or through the mail. More information will be available shortly at [www.voicesofsept11.org](http://www.voicesofsept11.org) or you may call toll free 866-505-3911.

**9/11 Movie & Media News** - We offer the following information about 9/11 related media in an effort to make sure that family members can be fully prepared to make informed choices about how best to approach these sensitive films and other publications. As we are sure you are aware, during this time of year a number of books, films and other media will be highly publicized – some of which family members could find helpful and others which could be very overwhelming and triggering. If you have a question about a specific film, publication or other medium which is not listed here, please call us at the Fund and we will do what we can to get the information you need to make a good choice for you and your family.

The information presented below comes from the movie producers and their agents. We have chosen to present details about these specific movies not as an endorsement, but simply because these films are receiving nationwide attention and because 9/11 related movie trailers have caught some family members by surprise. If you are a movie goer, we recommend contacting the theater manager before you go out in order to determine if a particular 9/11 movie trailer will be shown prior to other movies in the particular theater you are patronizing.

**"The Great New Wonderful"** - The Great New Wonderful is a movie about the recovery process of individuals in the wake of the 9/11 terrorist attacks. We have been told that there is no depiction of the attack itself in the movie – rather, its focus is on the experiences of individuals from diverse parts of New York society who are attempting to rebuild their lives in September of 2002. More information about the film, as well as its trailer can be seen at the website: <http://www.greatnewwonderfulthemovie.com/>

**"World Trade Center"** - Oliver Stone is directing the movie, World Trade Center, about two Port Authority Police Officers, Sergeant John McLoughlin and Officer Will Jimeno, who survived the collapse of the towers on September 11th. The movie will open on August 9<sup>th</sup>. The preview for World Trade Center will be shown at theaters around the country along with the following films - 'The Break Up', 'An Inconvenient Truth', 'The DaVinci Code', 'The Devil Wears Prada' (opens June 30<sup>th</sup>), 'Lady in the Water' (opens July 21<sup>st</sup>), and 'Miami Vice' (opens July 28<sup>th</sup>).

TV ads for the movie will begin to appear on a limited basis on July 3<sup>rd</sup> and 4<sup>th</sup>, during programs such as daytime talk shows, some sports broadcasts, and shows about entertainment, and then will begin to reappear beginning July 17<sup>th</sup>. Outdoor advertising (i.e. bus shelters, billboards, mass transit, etc.) will begin to appear in Los Angeles this weekend and then nationwide on July 17<sup>th</sup>. Please note that there will be NO outdoor advertising for the film in New York and New Jersey. The movie poster will continue to be displayed in theaters nationwide.

Family members with questions about the World Trade Center film are encouraged to contact movie consultant Jennifer Brown via email or phone: [jbrown@a2bllc.com](mailto:jbrown@a2bllc.com); (917) 885-3672. Also, if you would like to view the trailer for the film so that you know what to expect if you end up seeing it prior to another film you are seeing, please see the official movie web site: <http://www.wtcmovie.com/>

## Strategic Pathways for the Future

The Massachusetts 9/11 Fund has been working to identify the best possible future directions from which to choose. The organization has been, and continues to seek input from the community. You will find the complete final report at: [www.massfund.org/newsletters/June30Reportforcomment.pdf](http://www.massfund.org/newsletters/June30Reportforcomment.pdf).

This report is the work product of the Strategic Planning Committee and is the result of its meetings, background research and interviews conducted principally by David Hastings, Executive Director, presentations and discussion with the Family Advisory Committee and the Community of Care. Drafts have been provided to and discussed with the United Way of Massachusetts Bay, Robin Hood Foundation, American Red Cross, Rockefeller Philanthropy Associates, Massachusetts Soldiers Legacy Fund, Senator Edward M. Kennedy's office, Families of September 11, Voices of September 11, and the Center for Nonprofit Management. Previous drafts were made available in electronic and hard copy form to everyone on the Fund's database as well as being posted on [www.massfund.org](http://www.massfund.org). This report will receive a similar distribution. Please offer your comments freely. A summary of the report's recommendations are provided here and on the following page.

### **Option A**

This choice provides an orderly transition to an eventual outcome such that the Board of Directors would be comprised of 50% family members, and the organization would have neither staff nor an ongoing physical office presence. A down-sized transition staff would continue for no longer than January 2009. The organization's board would execute contracts with other institutions who would handle the continuing activities, some of which would operate in perpetuity, others might have time limitations.

### **Option B**

The organization would continue to provide support and services for the Massachusetts 9/11 Fund families. The funds raised for that purpose would be segregated and preserved. In addition, the organization would then reach out to other populations to provide support and services, raising additional revenues for that work. The current staff would become a core group that would support each of the different programs of service as they are identified and brought on line. The focus of this diversification and growth would be in one of two different areas (specific programs to be identified in the coming months of 2006):

- Families affected by the events of 9/11/01 and their aftermath (perhaps veterans' families, rescue and recovery workers and volunteers, survivors of the attacks...). This option is described later as "9/11 Centric".
- Families affected by sudden acts of violence, terrorism, catastrophes... This option is described later as "Family Centric" - meaning the essential common thread between all the programs to be considered would be families affected, as noted. This could also include all of the populations noted above in "9/11 Centric", but would not be limited to those families.

The committee offers the pros and cons of each of these possible strategic directions, summarized on the next page:

**Advantages**

- Requires no additional fund raising
- Maintains existing mission, eliminating the need to restructure the framework of the organization
- Strengthens the role of family members
- Preserves the organization for revival
- Allows for Board members to complete their commitment successfully

**Challenges**

- Identify partnership organizations to continue the work
- Ensure that the partnership organizations will live up to their agreements
- Eliminate staffing capacity to identify and deliver new programs

Option B – 9/11 Centric**Advantages**

- Maintains an active organization that can mission to the changing needs of the existing constituency
- Use ability of existing organization to positively impact other individuals, families
- Increases the efforts of the organization in a closely related area

**Challenges**

- 9/11 Fatigue – is the public willing to continue “hearing” about 9/11 and its aftermath
- Creation of a new culture for the organization
- Fund raising will return to the fore front of the organization’s activities
- Change in structure and organization - new articles of organization and by-laws
- IRS exemption would need to be modified
- License Plates - the organization could consider proposing changes in the legislation for use of funds
- Attorney General in Massachusetts - would have to approve new Articles of Organization
- Additional Board members needed to champion the new programs
- Additional staff would need to be recruited, or, reduce the time of existing core staff and share their compensation

Option B – Family Centric**Advantages**

- Maintains an active organization that can mission to the changing needs of the existing constituency
- Use ability of existing organization to positively impact other individuals, families
- Increases the efforts of the organization in a closely related area; familiar with the fund raising and programming territory, collaborators, sympathizers
- Could start with 9/11 related families and grow to non 9/11 groups as needed

**Challenges**

- 9/11 Fatigue – is the public willing to continue “hearing” about 9/11 and its aftermath
- Fund raising will return to the fore front of the organization’s activities
- Creation of a new culture for the organization
- Change in structure and organization
- Additional Board members needed to champion the new programs
- Additional staff would need to be recruited, or, reduce the time of existing core staff and share their compensation

**Staff Contact Information*****David Hastings****Executive Director**david.hastings@massfund.org**617-482-8150****Diane Nealon****Social Work Coordinator**diane.nealon@massfund.org**617-482-8156****Erica Cabag****Administrative Coordinator**erica.cabag@massfund.org**617-482-8153****Toll-Free Phone:****1 - (866) FUND-911**1 - 866 - 386 - 3911****Mailing Address:****75 Kneeland Street**Sixth Floor**Boston, MA 02111*

## 2006 Needs Survey Drawing Winners - Contact the Fund

We still need to hear from the rest of our winners! Everyone who responded to the 2006 Needs Assessment Survey was entered into a drawing for the first ten commemorative Massachusetts 9/11 Fund pins currently being designed. In the survey envelope, you received a card with a number on it. If you have one of the numbers below, please send that card to the Fund, marking your name and address on it clearly.

**WINNING NUMBERS: 31, 59, 82, 88, 116, 143, 162, 281, 291, 368**

### **Register with Scholarship America**

Register eligible dependents in one of the following ways: phone toll-free 1-877-862-0136, email to [scholarships911@scholarshipamerica.org](mailto:scholarships911@scholarshipamerica.org) or visit their website [www.scholarships911.org](http://www.scholarships911.org). If you experience any difficulty at all with the registration process, or have questions after contacting Scholarship America - please get in touch with us as soon as you can.

### **\$5,000 in Uninsured Health Costs Assistance from Twin Towers Orphans Fund**

Twin Towers Orphans Fund provides up to \$5,000/year for uninsured physical health costs and uninsured mental health costs incurred by children who lost one or both parents on September 11th. Contact the Twin Towers Orphan Fund at (661) 633-9076 or at <http://www.ttof.org/>.

### **Red Cross Reimbursement for Mental Health Care Scheduled for Closeout**

The Red Cross has announced that it intends to close out its 9/11 Mental Health and Substance Abuse Program (known to many as "LIFENET") in 2007. A complete description of program is available at [www.9-11MentalHealth.org](http://www.9-11MentalHealth.org) or by telephone at 1-800-LIFENET (1-800-543-3638). The deadline to **enroll** in this program is **January 2, 2007** (enrollment is completed by calling the 1-800-LIFENET number). The last date of service which will be reimbursed by this program is **December 31, 2007** and the last date to file a claim for reimbursable services is **March 31, 2008**.

Please note – this program does allow you to claim eligible uninsured mental health treatment costs retroactively back to 9/11/01. If you or anyone in your family is or was incurring out of pocket costs for mental health treatment since 9/11, we strongly encourage you to take advantage of this program before it ends. Family members will not be allowed to "carry" any unused portion of the benefit.

# July 2006 Family Newsletter

[www.massfund.org](http://www.massfund.org)



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PLEASE FORWARD IF NECESSARY