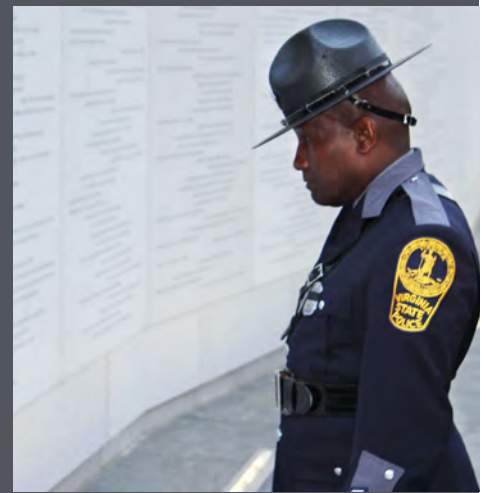




# Virginia Line of Duty Act Participant Guide



**If you are disabled or die in the line of duty,  
you or your family members may be eligible for benefits  
under the Virginia Line of Duty Act.**

**Explore this guide for information on eligibility,  
benefits, claims and other resources.**

The information presented here is governed by Title 9.1 of the *Code of Virginia*, as well as other applicable laws. This information is intended to be general. It cannot be complete in all details and cannot supersede or restrict the authority granted by the *Code of Virginia*, which may be amended from time to time.

# Your Guide to the Virginia Line of Duty Act

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The Virginia Line of Duty Act (LODA) provides benefits to eligible family members of eligible employees and volunteers killed in the line of duty. In addition, there are benefits for those eligible employees and volunteers who are disabled in the line of duty and their eligible family members.

## Contacts

### LODA Eligibility Determinations and Benefit Payments

#### Virginia Retirement System (VRS)

888-827-3847

(Request: LODA support)

[loda@varetire.org](mailto:loda@varetire.org)\*

(Questions on filing a claim, eligibility and benefit payments)

[valoda.org](http://valoda.org)

(Details on eligibility, benefit payments, claim forms and instructions, training and resources)

#### Virginia Line of Duty Act (LODA)

P.O. Box 2500

Richmond, VA 23218-2500

### LODA Health Benefits Plans

#### Department of Human Resource Management (DHRM)

888-642-4414

[loda@dhrm.virginia.gov](mailto:loda@dhrm.virginia.gov)\*

(Questions on LODA Health Benefits Plans)

[dhrm.virginia.gov/healthcoverage/loda-health-benefits](http://dhrm.virginia.gov/healthcoverage/loda-health-benefits)

(Details on LODA Health Benefits Plans and resources)

#### LODA Health Benefits Plans

Department of Human Resource Management

Office of Health Benefits

101 North 14th Street, 12th Floor

Richmond, VA 23219

### VRS-Covered Members

**For questions on VRS benefit eligibility:**

888-827-3847

[member-info@varetire.org](mailto:member-info@varetire.org)\*

[varetire.org](http://varetire.org)

[myvrs.varetire.org](http://myvrs.varetire.org)

#### VRS

P.O. Box 2500

Richmond, VA 23218-2500

### Federal Benefits

#### Bureau of Justice Assistance

Public Safety Officers' Benefits (PSOB) Programs

888-744-6513

[psob.gov](http://psob.gov)

The Federal Public Safety Officers' Benefit Act provides death and education benefits to survivors of fallen law enforcement officers, firefighters and other first responders, and disability benefits to officers catastrophically injured in the line of duty.

*\* Important email notice: Do not send personal or confidential information, such as your Social Security number, by email. VRS and DHRM will only send non-confidential replies.*

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# 1. Introduction to LODA

## Overview

The Virginia Line of Duty Act (LODA) provides benefits to eligible family members of eligible employees and volunteers killed in the line of duty. In addition, there are benefits for those eligible employees and volunteers who are disabled in the line of duty and their eligible family members.

During such a difficult time—one with a major emotional and financial impact on you and your loved ones—the goal of the *Virginia Line of Duty Act Participant Guide* is to explain LODA benefits and how to apply.

## Benefits Overview

LODA benefits include:

- **For Survivors of an Individual Killed in the Line of Duty:** A one-time death benefit payment to surviving beneficiaries and premium-free LODA Health Benefits Plans coverage for eligible family members.
- **For Disabled Individuals and Families:** Premium-free LODA Health Benefits Plans coverage for disabled individuals and their eligible family members.

## Administration

VRS makes eligibility determinations for individuals who are disabled or killed in the line of duty and issues benefit payments on behalf of LODA Fund participating employers. Employers that do not participate in the LODA Fund issue their own benefit payments after VRS makes an eligibility determination.

DHRM administers the LODA Health Benefits

Plans regardless of whether the employer participates in the LODA Fund.

## Benefits Eligibility

To be eligible for LODA benefits, the:

- Employee or volunteer must serve in an eligible position (see below) for state or local government in Virginia.
- Death or disability must occur in the line of duty as the direct or proximate result of performance of duty, including presumptions as applicable (respiratory diseases, hypertension, infectious diseases, certain cancers and heart disease).

As defined in the [Code of Virginia § 9.1-400](#), LODA-eligible positions include:

- Law-enforcement officer of the Commonwealth or any of its political subdivisions.
- Correctional officer as defined in § 53.1-1.
- Jail officer.
- Regional jail or jail farm superintendent.
- Sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of Richmond.
- Police chaplain.
- Member of any fire company or department or emergency medical services agency that has been recognized by an ordinance or a resolution of the governing body of any county, city or town of the Commonwealth as an integral part of the official safety program of the county, city or town.

### Statute of Limitations

All claims should be submitted as soon as possible. A claim that is submitted more than five years after the death or onset of disability will not be eligible for coverage.

- Member of any fire company providing fire protection services for facilities of the Virginia National Guard.
- Member of the Virginia National Guard or the Virginia Defense Force while the member is serving in the Virginia National Guard or the Virginia Defense Force on official state duty or federal duty under Title 32 of the United States Code.
- Special agent of the Virginia Alcoholic Beverage Control Authority.
- Special agent of the Virginia Cannabis Control Authority.
- Regular or special conservation police officer who receives compensation from a county, city or town or from the Commonwealth appointed pursuant to the provisions of *Code of Virginia* § 29.1-200.
- Commissioned forest warden appointed under the provisions of § 10.1-1135.
- Member or employee of the Virginia Marine Resources Commission granted the power of arrest pursuant to § 28.2-900.
- Department of Emergency Management hazardous materials officer.
- Employee of the Department of Emergency Management who is performing official duties of the agency, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28.
- Employee of any county, city or town performing official emergency management or emergency services duties in cooperation with the Department of Emergency Management, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28 or a local emergency, as defined in § 44-146.16, declared by a local governing body.
- Nonfirefighter regional hazardous materials emergency response team member.
- Conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115.
- Full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217.
- Full-time sworn investigators of the Medicaid Fraud Control Unit (Office of Attorney General) pursuant to § 32.1-320.1.

## 2. In the Event of Death

### Death Benefit

Under LODA, designated beneficiaries (or family members absent a will) may be eligible for a death benefit in the event of the LODA-eligible individual's death in the line of duty. In addition, the eligible family members may enroll in the premium-free LODA Health Benefits Plans.

#### Applying for Benefits

To start the claim for a LODA death benefit, VRS must receive the claim form included at the end of this guide. The Claim for Line of Duty Act (LODA) Benefits contains instructions for completing the form and returning it to VRS.

For an overview of the claims process, view the tutorial, *How to Apply for LODA Benefits*, at [valoda.org](http://valoda.org) and see Section 6 of this guide.

### Death Benefit Payment

The death benefit, a one-time payment made to the beneficiary or beneficiaries of the deceased eligible employee or volunteer, is paid based on the provisions set by the will of the deceased employee or volunteer. If there is no will, the benefit is paid according to the order of precedence defined in the *Code of Virginia* § 64.2-200 (see page 9). LODA benefits are not paid based on the beneficiaries named by VRS members for VRS survivor benefits.

VRS will pay the benefit if the employer participates in the LODA Fund. If the employer does not participate in the LODA Fund, VRS notifies the employer that a death benefit has been approved and the employer must make payment to the beneficiary or beneficiaries of the deceased employee or volunteer.

### Death Benefit Amounts

The benefit is a one-time payment made to the beneficiary or beneficiaries. Amounts vary as follows:

- \$100,000 when a death occurs as the direct or proximate result of performing duty as of January 1, 2006, or after.
- \$25,000 when the cause of death is attributed to one of the applicable presumptions and occurred earlier than five years after the retirement date.
- An additional \$20,000 benefit is payable when certain members of the National Guard and U.S. military reserves are killed in action in any armed conflict on or after October 7, 2001.

#### Presumption

To qualify for LODA benefits, the death or disability must have occurred "in the line of duty." If the death or disability did not occur directly on the job but as a result of job-related factors, there may be a presumption that the disability or death occurred in the line of duty.

*Example:* A law enforcement officer dies from heart disease three years after retiring from service. The heart disease was not attributable to any one incident on the job, but perhaps due to years of stressful working conditions. Although an identifiable incident did not occur during the officer's service, there may be a presumption that the death occurred in the line of duty.



## The Importance of Having a Will

LODA-eligible employees and volunteers should keep their wills up to date, to ensure the death benefit payment is made according to their wishes. Otherwise, the order of precedence will determine who receives the death benefit.

## Order of Precedence\*

Generally, if there is no will, the death benefit is made according to the order of precedence detailed below.

- First, to the LODA-eligible individual's spouse;
- If no spouse, to the LODA-eligible individual's children and their descendants;
- If none of the above, to the LODA-eligible individual's parents equally or to the surviving parent;
- If none of the above, to the LODA-eligible individual's brothers and sisters and their descendants;
- If none of the above, to the LODA-eligible individual's maternal and paternal next of kin as provided by law; and
- If none of the above, to the family of the LODA-eligible individual's most recent spouse, provided that the individual and the most recent spouse were married at the time of the most recent spouse's death.

## LODA Health Benefits

In addition to the one-time benefit payment, eligible surviving family members may continue health plan coverage in the LODA Health Benefits Plans, administered by DHRM. If the LODA death benefit claim is approved, VRS will mail the letter of approval to the eligible family members. DHRM will provide approved claimants with an application for health plan enrollment. Please see Section 4 for additional details on LODA health benefits.

### Funeral Expenses

The beneficiary or beneficiaries may request benefits to pay funeral expenses (burial and transportation) to the funeral service provider, as an advance of the death benefit payment. The total death benefit payment will be decreased by the funeral expense amount. If a claimant's claim is later denied, the claimant must return the funeral expense advance.

*\* Generally, payment will be made in this order. However, payment may deviate from this order in certain circumstances. For instance, if the deceased has children outside of his or her current marriage, payment will be made to all children and to the current spouse.*

# 3. In the Event of Disability

If you are determined by VRS to be disabled in the line of duty, you and your eligible family members may continue health plan coverage through enrollment in the LODA Health Benefits Plans administered by DHRM.

## Applying for LODA Disability Benefits

To start the claim for LODA disability, VRS must receive the claim form included at the end of this guide. The Claim for Line of Duty Act (LODA) Benefits contains instructions for completing the form and returning it to VRS. For an overview of the claims process, view the tutorial, [How to Apply for LODA Benefits](#), at [valoda.org/claims](http://valoda.org/claims), and see Section 6 of this guide.

If the LODA disability claim is approved, VRS will mail a letter of approval to the LODA-eligible person and eligible family members. DHRM will provide approved claimants with an application for health plan enrollment. See Section 4 for additional details on LODA health benefits.

## Disability Requirements

For LODA benefits to be approved, the disability must be the result of a physical illness or injury or a cognitive condition that occurred in the line of duty and that is likely to be permanent. The physical illness or injury or cognitive condition must prevent you from further performing your duties in the LODA-eligible position.

## Working and LODA Disability Benefits

Before accepting part-time or full-time employment, the approved claimant must notify VRS to determine the impact of taking the position on LODA benefits.

## LODA Reevaluation

Be aware that VRS may reevaluate eligibility for the LODA disability benefit at any time. Failure to comply with a reevaluation will result in suspension or loss of benefits.

### Presumption

To qualify for LODA benefits, the death or disability must have occurred “in the line of duty.” If the death or disability did not occur directly on the job but as a result of job-related factors, there may be a presumption that the disability or death occurred in the line of duty.

*Example:* A firefighter develops lung cancer and becomes disabled. The lung cancer is not attributable to any one incident on the job, but rather years of exposure to smoke while fighting fires. Although an identifiable incident did not occur during work hours, there may be a presumption that the lung cancer occurred in the line of duty.

## 4. About LODA Health Coverage

### LODA Health Benefits Plans

LODA Health Benefits Plans are administered by DHRM, are modeled after State Employee Health Benefits Program plans, and provide consistent, premium-free continued health plan coverage for LODA-eligible disabled persons, survivors and qualified family members.

### Ongoing Eligibility

The claimant(s) must meet eligibility requirements for the LODA Health Benefits Plans as defined in the Line of Duty Act. Following are some events that could affect eligibility:

#### Change in marital status:

- Spouses of disabled persons whose marriage occurs after the date of LODA disability are not eligible for LODA Health Benefit Plans coverage.
- LODA-eligible surviving spouses who remarry on or after July 1, 2017, will lose eligibility for LODA Health Benefits Plans coverage. (Remarriage prior to July 1, 2017, will not result in loss of LODA coverage.) Upon remarriage of the surviving spouse, eligible dependent children may continue coverage if they remain otherwise eligible under LODA provisions.
- Divorce.

#### Newborn or newly-adopted children:

Children conceived or adopted by a LODA-disabled person after the date of disability are not eligible for LODA Health Benefits Plans coverage. However, children born or adopted after an eligible employee's death or disability, but before July 1, 2017, are eligible for LODA Health Benefits Plans coverage, as administered by the Department of Human Resource Management.

#### Children reaching age 26:

LODA-eligible children will lose eligibility for LODA Health Benefits Plans coverage at the end of the year in which they reach age 26 unless they meet the requirements to be covered as an adult incapacitated dependent child.

#### Medicare eligibility due to age:

LODA Health Benefits Plans participants whose eligibility is based on death or disability on or after July 1, 2017, will lose coverage when they become eligible for Medicare due to age. This does not apply to those whose LODA eligibility is based on death or disability prior to July 1, 2017.

#### Return to full duty:

LODA-disabled persons and their covered family members will lose eligibility for the LODA Health Benefits Plans if the disabled person returns to full duty in any position as defined in the [Code of Virginia § 9.1-400](#).

#### Salary increases above earnings at the time of disability:

Disabled persons and their family members covered under the LODA Health Benefits Plans will lose eligibility for coverage if the disabled person's annual earned income becomes equal to or greater than their salary at the time of disability (indexed for inflation). Coverage can be reinstated if the disabled person's annual salary drops below their income at the time of disability. Additional information will be provided at the time of enrollment.

*Note: It is the responsibility of the LODA Health Benefits Plans participants to email DHRM ([loda@dhrm.virginia.gov](mailto:loda@dhrm.virginia.gov)) when these events occur.*

## Health Insurance Credit Eligibility

The health insurance credit is provided to eligible VRS retirees for reimbursement of health premium expenses. If you receive the VRS health insurance credit and are approved for the LODA Health Benefits Plans, the credit will not be provided to you since you will no longer pay premiums for health coverage under LODA.

## Health Insurance Reimbursement

If a claim is approved, there may be reimbursement of the health insurance premiums paid during the period when the claim was under consideration, dating back to the date when the disabled or deceased employee or volunteer was no longer eligible for employer-subsidized health insurance

coverage. Your health insurance premium is employer-subsidized if your employer pays any portion of the premium amount. Only those who incurred costs for payment of out-of-pocket health premium amounts not subsidized by the employer during the claims review process are eligible for reimbursement.

- **If the approved claim is from employment with a LODA Fund participating employer,** then VRS will reimburse the health insurance cost from the LODA Fund.
- **If the approved claim is from employment with an employer that does not participate in the LODA Fund,** then VRS will notify the employer to reimburse the claimant for these expenses.

### More Information

For more information regarding LODA Health Benefits Plans coverage, contact DHRM at [loda@dhrm.virginia.gov](mailto:loda@dhrm.virginia.gov) or visit the DHRM website, [dhrm.virginia.gov/healthcoverage/loda-health-benefits](https://dhrm.virginia.gov/healthcoverage/loda-health-benefits), where you'll find frequently asked questions and answers as well as other resources about the LODA Health Benefits Plans. You also may call 888-642-4414 for assistance.

# 5. Other Benefits

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## Federal Benefits

The Federal Public Safety Officers' Benefit Act provides death and education benefits to survivors of fallen law enforcement officers, firefighters and other first responders, and disability benefits to officers catastrophically injured in the line of duty. For more information, contact the Bureau of Justice Assistance toll-free at 888-744-6513 or visit [psob.gov](http://psob.gov).

## State Benefits

State law provides certain tax and education benefits to survivors of individuals killed in the line of duty:

- Pursuant to [§ 58.1-3219.14](#), on or before January 1, 2017, surviving spouses are exempt from real estate taxes on their places of residence.
- Pursuant to [§ 23.1-609](#), surviving spouses and any children between ages 16 and 25 of individuals killed in the line of duty are entitled to a waiver of undergraduate tuition and mandatory fees at any public institution of higher education.

## Other VRS Benefits

If you are a VRS member, you may be eligible for other benefits in addition to those provided through LODA. You must apply separately for these benefits. For more information, contact your employer, visit [varetire.org](http://varetire.org) or logon to your account at [myvrs.varetire.org](http://myvrs.varetire.org).

# 6. Applying for LODA Benefits

To receive a LODA benefit, the claimant must work with the employer to file a claim with VRS using the claim form referenced at the end of this guide. The claimant will work with VRS, the employer and others at each step in the process.

## **Tutorial: How to Apply for LODA Benefits**

View this tutorial at [valoda.org/claims](https://valoda.org/claims).

## **Responsibilities During the Claim Process**

### **Claimant**

- Submit a completed claim form, Claim for Line of Duty Act (LODA) Benefits, to the employer.
- Provide all necessary supporting documentation.
- Submit forms to VRS.

### **VRS**

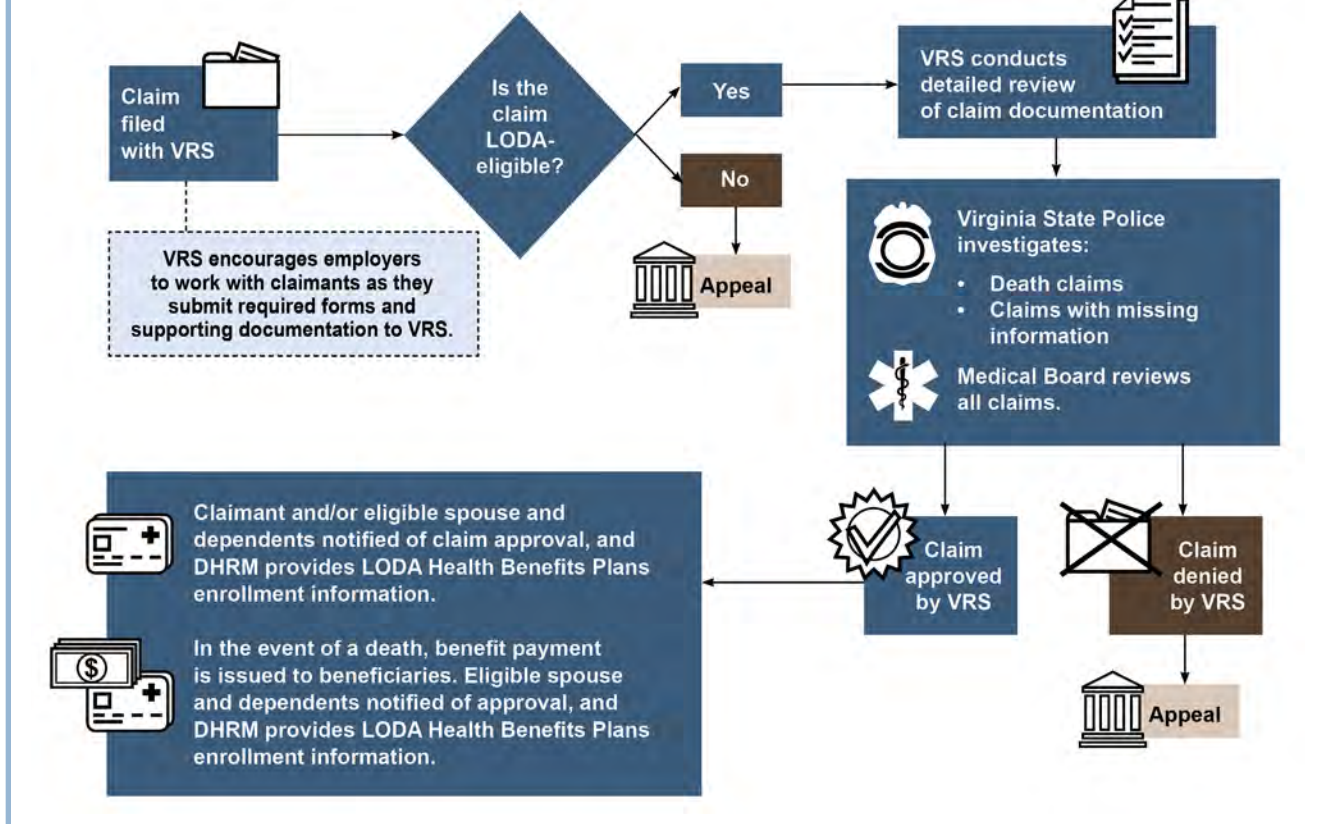
- Conduct both preliminary and detailed reviews of the claim.
- Communicate with claimants throughout the process, including providing acknowledgments, approvals, post-approval forms and appeal information.
- Communicate with all employers about approval/denial of claims.
- Make death benefit and health insurance premium payments on behalf of those employers that participate in the LODA Fund.
- Notify employers that do not participate in the LODA Fund that death benefit and health insurance premium payments are due.
- Notify DHRM about claim approval.
- Pay Retroactive Health Insurance Premium Reimbursement for LODA Fund participating employers.

### **Employer**

- Complete the employer section of the claim form when requested.
- Submit the claim to VRS within seven days, unless the claimant otherwise intends to submit the claim on his or her own.
- If desired, provide VRS any evidence relating to the claim within 30 days of VRS receiving the claim.
- Pay the LODA benefit once VRS approves the claim:
  - **If the employer participates in the LODA Fund**, the fund covers death benefit payments, LODA Health Benefits Plans premiums and Retroactive Health Insurance Premium Reimbursement payments.
  - **If the employer does not participate in the LODA Fund**, the employer makes death benefit payments to beneficiaries, makes LODA Health Benefits Plans premium payments to DHRM and makes Retroactive Health Insurance Premium Reimbursement payments to claimants.
- Provide benefits training to LODA-eligible employees and volunteers within 30 days of hire and every two years thereafter. Training material, available on the LODA website, is developed by VRS and DHRM, in consultation with the Secretary of Public Safety and Homeland Security.



# LODA Claims Process



Training topics include the importance of having a will and submitting a claim. For more information, visit [valoda.org/claims](http://valoda.org/claims).

## DHRM

If the claimant is approved for LODA benefits, VRS will send an approval letter to the claimant. DHRM will review for eligibility for LODA Health Benefits Plans upon receiving a completed enrollment form from the claimant.

## Overview of the Claims Process

### Claim Components

Claimants should carefully review the claim instructions found at the back of this guide. Ensure all required information is completed on the form and required information is included with the claim. Insufficient or missing information will delay the processing of the claim and may lead to the claim being denied.

## Detailed Claim Steps

### Claim

Claimant submits claim form and supporting documentation to the employer.

The employer completes a section of the form and has seven days from receipt to submit the claim to VRS, unless the claimant otherwise intends to submit the claim on his or her own. Within 30 days of VRS receiving a claim, the employer may, but is not required to, submit to VRS any evidence regarding the claim.

### Acknowledgment

VRS sends a letter to the claimant and employer acknowledging receipt of the claim.

### Preliminary Review

VRS conducts a preliminary review, determining if the position is LODA-eligible and if the death or disability could have happened in the line of duty:

- If the claim passes this review, the

claimant will receive a notification letter from VRS and the claim will move to a detailed review.

- If the claim is denied, the claimant will receive a notification letter from VRS that provides a reason for the denial and appeal information.

### **Detailed Review**

VRS conducts a detailed review, which assesses whether the claim is complete and can include a Virginia State Police investigation and review by the VRS Medical Board. VRS may send the claimant a letter requesting additional information, if needed.

### **Virginia State Police Review**

The Virginia State Police assists VRS in its review by investigating LODA claims to gather and verify information about the incident and collect documentation concerning the claim.

If conducting an investigation of an incident that resulted in the death of a LODA-eligible individual, the Virginia State Police may ask the claimant to supply additional supporting documentation, including a death certificate, coroner's report, will and other items, before making its recommendation to VRS.

### **Medical Board Review**

VRS uses an independent medical board to review the medical information submitted with LODA claims and to recommend to VRS whether to approve or deny a claim. The VRS Medical Board is comprised of physicians and other healthcare professionals.

### **Determination**

VRS will acknowledge if the claim is approved or denied.

- If the claim is approved: VRS will mail the letter of approval to the claimant. VRS will also send a letter to the employer. VRS will notify DHRM, the LODA Health Benefits Plans administrator, that the claim has been approved. DHRM will provide claimants with an application for health plan enrollment.

- If the claim is denied: VRS sends the claimant a letter that cites the reason for denial and appeal information. VRS will also send a letter to the employer.

### **Health Benefits Plans Enrollment**

An approved claimant who is eligible for health benefits must fill out and submit the Health Benefits Plans enrollment application provided by DHRM.

### **Payment**

In the case of a LODA death benefit payment, VRS pays the death benefit for LODA Fund participating employers; or VRS notifies the LODA Fund non-participating employer to provide the death benefit payment to the beneficiary or beneficiaries within 15 days.

VRS notifies DHRM about health plan enrollment eligibility and pays DHRM the health benefit premium for LODA Fund participating employers; or VRS notifies the LODA Fund non-participating employer that the claim has been approved, so the employer can begin payment of the LODA Health Benefits Plans premiums.

### **Retroactive Health Insurance Premium Reimbursement**

- In an approval letter, VRS will notify a claimant of the possible Retroactive Health Insurance Premium Reimbursement. In the case of a LODA non-participating employer, VRS explains to the claimant that the employer is responsible for reimbursement. Retroactive payments are only made for premiums that are not employer-subsidized.
- VRS sends the Retroactive Health Insurance Premium Reimbursement form to eligible claimants.
- Claimant submits Retroactive Health Insurance Premium Reimbursement form to VRS as soon as possible.
- VRS reviews form and determines if retroactive reimbursement is due to claimant. If due, VRS pays the premium reimbursement on behalf of participating employers or notifies the non-participating



employers that retroactive payment is due to the claimant.

information, contact the employer, visit [varetire.org](http://varetire.org) or logon to [myvrs.varetire.org](http://myvrs.varetire.org).

## **If the Claim Is Denied**

If the claim is denied, the claimant can appeal the decision. Claims may be denied based on ineligibility under LODA, VRS Medical Board or Virginia State Police review or incomplete information provided in the claim. The letter the claimant receives from VRS will provide the reason the claim was denied and appeal instructions, including the number of days the claimant has to appeal the decision. LODA appeals are handled under the Virginia Administrative Process Act.

## **Other Benefits**

If the claimant is a VRS member, he or she may be eligible for other benefits. For more

# 7. What to Do if I...

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## **Want to submit a claim?**

Obtain the required form(s) from [valoda.org/claims](http://valoda.org/claims).

## **Need assistance in completing a claim?**

If you need help filling out a claim for LODA benefits, your employer's human resource office, a family member or an individual authorized to act on your behalf, such as an agent named under a power of attorney or a legal guardian, may be able to assist you.

## **Am denied Line of Duty benefits?**

If your claim is denied, you have the option to appeal. Instructions regarding appeals will be included with the denial letter you receive.

## **Have a question about my benefits?**

This guide describes the provisions of the

Line of Duty Act for all eligible disabled persons and eligible family members. If you have additional questions about LODA, contact your human resource office or the LODA program at 888-827-3847 (request LODA support). For more information, visit the LODA website at [valoda.org](http://valoda.org).

For questions about the LODA Health Benefits Plans, contact DHRM at 888-642-4414 or [loda@dhrm.virginia.gov](mailto:loda@dhrm.virginia.gov). You also may visit the DHRM website at [dhrm.virginia.gov/healthcoverage/loda-health-benefits](http://dhrm.virginia.gov/healthcoverage/loda-health-benefits).

## 8. Frequently Used Terms

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### **Beneficiary**

In the case of a LODA death, the designated beneficiary in a deceased person's will or, if there is no will, the individual(s) according to the statutory order of precedence.

### **Claim**

Application for LODA benefits.

### **Claimant**

An eligible employee or volunteer applying for LODA benefits (disability claims) or someone applying on behalf of an eligible employee or volunteer (death claims).

### **Contribution Rates**

LODA Fund participating employers pay a per capita contribution rate to the LODA Fund to cover the cost of LODA benefits, meaning the amount the state agency or political subdivision contributes per paid employee (full-time and part-time) and volunteer.

### **Death Benefit**

One-time payment made to the beneficiary or beneficiaries of the deceased person, and paid based on the provisions set by the will of the deceased person. If there is no will, the benefit is paid according to the order of precedence defined in the *Code of Virginia* § 64.2-200. LODA benefits are not paid based on the beneficiaries named by VRS members for VRS survivor benefits.

### **Deceased Person**

Employee or volunteer whose death occurs in the line of duty as the direct or proximate result of the performance of his or her duty, including certain presumptions.

### **Department of Human Resource Management (DHRM)**

The Department of Human Resource Management (DHRM) is a state agency that administers the LODA Health Benefits Plans.

### **Disabled Person**

Employee or volunteer who becomes mentally or physically incapacitated, preventing the further performance of duties at the time of disability. The incapacity must be likely to be permanent and occur in the line of duty as the direct or proximate result of the performance of the duties, including certain presumptions.

### **Eligible Dependent**

Child of a deceased or disabled person or of a deceased or disabled person's eligible spouse, provided that any such child is born as the result of a pregnancy that occurred before the time of the deceased or disabled person's death or disability, or that any such child is adopted or a pre-adoptive agreement is entered into before the time of the deceased or disabled person's death or disability. Children who were born or adopted after an eligible employee's death or disability, but before July 1, 2017, are eligible for LODA Health Benefits Plans coverage, as administered by the Department of Human Resource Management. LODA-eligible dependents will lose eligibility for LODA Health Benefits Plans coverage at the end of the year in which they reach age 26, unless they meet the requirements to be covered as an incapacitated adult dependent.

### **Eligible Spouse**

Spouse of a deceased person or a disabled person at the time of the death or disability. Eligibility ceases upon divorce or remarriage.

### **Employee**

Any person who is working or volunteering in a LODA-eligible position. See a full list of positions that are eligible to receive LODA benefits in Section 1.

## **Employer**

Employer of a person who is an eligible employee or, in the case of a volunteer, the county, city or town that has recognized,

through an ordinance or resolution, the volunteer unit as an integral part of the community's official safety program.

## **Line of Duty**

Any action that the deceased or disabled person was obligated or authorized to perform by rule, regulation, condition of employment, service or law.

## **Line of Duty Act (LODA)**

The Virginia Line of Duty Act (LODA) provides benefits to eligible family members of employees and volunteers killed in the line of duty. In addition, there are benefits for those employees and volunteers who are disabled in the line of duty and their eligible family members.

## **Line of Duty Act Fund (LODA Fund)**

The Line of Duty Death and Health Benefits Trust Fund (commonly referred to as the LODA Fund) provides a funding mechanism for LODA benefit payments. State agencies participate in the LODA Fund. Political subdivisions participate automatically unless they opted out prior to or on July 1, 2012, and directly fund the cost of benefits.

## **LODA Health Benefit Plans**

Premium-free health plan coverage for eligible disabled persons, eligible spouses and eligible dependents, administered by the Department of Human Resource Management.

## **LODA Fund Non-participating Employer**

Any political subdivision employer in the

Commonwealth that adopted a resolution to opt out of participating in the LODA Fund prior to or on July 1, 2012, and directly funds the cost of benefits.

## **LODA Fund Participating Employer**

All state agencies and any political subdivision employer in the Commonwealth that did not make an election to become a LODA Fund non-participating employer.

## **Order of Precedence**

Generally, if there is no will, the LODA death benefit is paid according to the order of precedence defined in the [\*Code of Virginia\* § 64.2-200](#).

## **Presumption**

Certain conditions that are presumed to have been suffered in the line of duty, regardless of whether they developed directly on the job. The presumption conditions are position-specific (e.g., lung cancer for firefighters or heart disease for law enforcement) and depend on the facts and circumstances of each particular case.

## **Virginia Retirement System (VRS)**

The Virginia Retirement System (VRS) makes LODA eligibility determinations for all LODA claims and makes death benefit payments on behalf of LODA Fund participating employers.

## **Volunteer**

See definition for employee.

## **VRS-Covered Employment**

VRS-covered employment is a full-time permanent, salaried position with an employer that participates in the Virginia Retirement System (VRS).