

Firemen—Illness—Relief Fund—Membership.

In case of illness of firemen it is a question of fact whether the illness was caused by exposure in the line of duty, and if so, the applicant would be entitled to relief.

December 22, 1927.

George P. Porter, Esq.,
State Auditor and Commissioner of Insurance,
Helena, Montana.

My dear Mr. Porter:

You have requested my opinion on the following question:

“Where an applicant for membership in a city fire department has been examined by a doctor and passed with the notation that he has a goitre, if accepted, would such applicant later be entitled to relief from the firemen’s relief fund for a sickness caused by the goitre.”

Section 5123, R. C. M. 1921, as amended by chapter 58, laws of 1927, provides in part as follows:

“Every fire department relief association may allow to its members benefits for the following causes, as provided by law:

“1. A service pension to a member who, by reason of service, has become entitled to a service pension.

“2. To a member who has become maimed or disabled for life in line of duty.

“3. To a member who has suffered injury in line of duty.

“4. To a member who has contracted sickness in the line of duty.

“5. Funeral expenses of a member.

“6. Pensions to the widow, orphan or orphans of a deceased member.”

While under paragraph 4 of this section the applicant would not be entitled to relief for sickness directly caused by the goitre as this would not be a sickness contracted in line of duty, yet the goitre might cause other illness which it would be hard to trace directly to the goitre and therefore in case of illness it would become a question of fact as to whether the illness was caused by the goitre or not.

Further, if the applicant is accepted with knowledge that he is suffering from a goitre and the same should become aggravated because of exposure while in the line of duty the applicant would be entitled to relief.

In any event, the applicant once accepted would come within the provisions of paragraphs 5 and 6 of said section.

Very truly yours,

L. A. FOOT,
Attorney General.