

Firemen—Line of Duty—Benefits—Illness—Injuries.

“Line of duty” means something pertaining to the duties of a fireman, and whether a member will be entitled to benefits for dental work depends upon whether such work was made necessary by sickness or injury contracted or received in line of duty. No benefit can be allowed a member who has been suspended and contracted sickness or injury while suspended.

Mr. George P. Porter,
State Auditor,
Helena, Montana.

March 19, 1931.

My dear Mr. Porter:

You have requested my opinion on the following questions:

“1. What constitutes line of duty under our state law for a paid fireman under the two platoon system, he being ten hours on duty and fourteen hours off duty in each twenty-four hour day and subject to call when he is off duty should he be needed for duty?

“2. Under our state law would a member of the association be entitled to benefits (doctor bills, etc.) for the X-ray and extraction of his teeth?

“3. If a member of the association and fire department should become suspended from the fire department for cause and contracted sickness or injury while so suspended, would he still be a member of the association and entitled to benefits under our state law?”

In answer to your first question, will say that "line of duty" means something pertaining to the duties of a fireman, and when the statute allows benefits to a fireman who contracted sickness in line of duty it means that the cause of such sickness must be traceable either directly or indirectly to his duties, such as a cold caused by becoming wet while fighting a fire, etc. Whether sickness or injury has been incurred in line of duty is always a question of fact.

In answer to your second question, will say that whether a member will be entitled to benefits for the X-ray and extraction of his teeth would depend entirely upon whether such services were made necessary because of sickness or injury contracted or received in line of duty. If so, the member would be entitled to the benefits, and if not, could not receive the same.

In answer to your third question, will say that it would be impossible for a member to secure benefits for sickness or injury contracted or received while suspended because of the fact that such sickness or injury could not be contracted or received while in line of duty.

Very truly yours,

L. A. FOOT,

Attorney General.