

Testimony of

Ms. Jo Ann Tilton

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In my home is a plaque that reads "Hope is a steppingstone from one day to the next." The path I am on is lined with stones of faith and hope. While my faith in my God only grows stronger each day, those stones called hope grow smaller as the path gets longer.

My journey began on October 20, 2004, when I went from being the proud wife of the Fire Chief of Katy, Texas, to being the even prouder widow of the Fire Chief. That day my husband answered his last call, and I stepped into a role in which I had never imagined myself. I gained a most honored title that day, but yet it is one that no woman desires. Suddenly, I was a widow and faced with challenges I could only have imagined prior to my husband's death.

When my claim was filed for benefits under the Hometown Heroes Act, I was told not to expect to hear anything for at least a year. So, I put that claim in the back of my mind. During that first year, there were so many challenges to be met that I literally kept a list on a yellow tablet. As each task was completed and that obstacle was overcome, I would cross it off my list and feel a sense of relief and accomplishment. I had gone one more step on the road to building my new life. One by one the items on that list began to be crossed off until one day only one item remained: the claim for benefits under the Hometown Heroes Act.

My first record of an inquiry to the DOJ was a call I made on March 21, 2006, one year and two months after the claim was filed. After that day, I began to make periodic calls. I would always ask the same question: "What is the status of my claim?" I have always been given a very polite answer that basically said that either claims were not yet being processed or my claim was in review.

Since that first phone call in March of 2006, I have had a total of 25 phone calls and 10 emails with the DOJ. I know I should call more often, but I really have to be in the right frame of mind to make the call. There is no way I can tell you how hard it is to pick up that phone to discuss your husband's death one more time. Every time I call, another little piece of me dies because there on a piece of paper called a claim is the stark reality that my husband is not coming home. And those stones called hope grow a little smaller. I have to tell you that at times the pain is so great that I don't think I can continue to pursue this claim. The emotional pain of knowing that someone is diligently working to deny your claim after your husband has been honored as a hero on every other front can be overwhelming.

Just when I am about to give up, throw in the towel, and say "You win, DOJ. I quit", I hear Gary's pager go off. Yes, I still have my husband's monitor. Soon I hear the sirens, and I am quickly reminded of my firefighter family and of all those firefighters who think that if they were to become one of the fallen, there are benefits available to their families. It is at that point that I pick myself up, and I fight on.

In spring of 2007 I contacted Senator John Cornyn's office asking for assistance with this claim. I received a reply from the senator's office with a letter addressed to the senator from the DOJ attached. The letter stated that the review of Mrs. Tilton's claim was complete and she would receive a written notice of the decision within 10 days.

I now had a letter in hand that told me that this claim had been completed. I anxiously went to the mailbox everyday expecting to receive that dreaded denial letter. Everyday as I took that long walk to pick up that day's mail, my heart was in my throat as I thought could today be the day? Day after day, I expected to hear from the DOJ. After all, my Senator had been told my claim was complete.

On June 5, I spoke with the claims specialist who stated that the claim was still under review. At this point I told her that I was very confused because the letter Senator Cornyn had received from the DOJ stated that the review was

complete. The claims specialist seemed surprised and said that she was not aware of the letter and she would check into it.

I again spoke with the claims specialist on July 17. At that time, she told me that the claim had been sent on July 10 to a forensic pathologist for medical review. I then asked her, "Hasn't the claim been through medical and legal?" She answered me, "Yes, it has, but this is a very lengthy process. The claim is now going to a forensic pathologist for medical review and the forensic pathologist has not yet been assigned."

On July 21 I received a call from Hope Janke. She stated that the claim was now going to a forensic pathologist because it has never been to medical review. She said there is nothing in the notes in the file about me ever being told that the claim had been to medical review. She said I must have misunderstood. I asked her where the claim had been since January if it had only been to legal review and not medical. She said it had been many places, but she could not tell me where those places are. I asked the question several times and got the same answer each time: "The claim has been many places, but I cannot tell you where those places are." I then asked her to explain why a letter stating that the claim was complete had gone to Senator Cornyn in April. She stated "We must have thought it was complete at the time." I followed up this conversation with an email to Ms. Janke asking an additional question. Why would you send a letter stating the claim is complete and 3 months later decide that same claim needs further medical review?

The following week I received a phone call from Ms. Janke stating that she was checking in but that she had no new news on my claim. Since I had not gotten an answer to my email I asked her if she had received my email and she answered "Yes, she had received it and she was preparing a draft of an email to send to me."

On August 2 I received an email containing that draft. Imagine my surprise when I read that draft that simply confirmed that I had her correct email address and that she would be communicating with me to the conclusion of my claim. I then replied to Ms. Janke's email and thanked her for the confirmation of her address, but when will I get answers to my questions?

Each Thursday since that time I receive a two line email from the DOJ basically stating: "Just checking in. There is no new news on your claim." I have replied to these emails with questions: Where are those "places" that my claim has been all this time? Why would you send a letter to Senator Cornyn in April stating that the review of the claim was complete and then 3 months later (in July) send the claim for medical review? What is the name of the forensic pathologist who is reviewing this claim? Even though I continue to send emails and to ask questions, I have not received answers. Not only have I not received answers, I have not even received acknowledgement of the emails asking the questions. And so far as the weekly updates, well, I think they can be classified more fairly as contacts. Telling me there is no news and not answering my questions can hardly be considered an update.

I have learned many things since my husband's death. Some things I have learned have been good and some not so good. I have learned that what my husband once told me is true. He said to me, "If I should die, the firefighters will take care of you." I am so proud to say that he was so right. I am so thankful that I know that wherever I go across this nation, the firefighters are there to support me. I have also learned that as a fallen firefighter survivor, I don't have that same support from my government. That truly hurts.

In 16 days I will observe the 3rd anniversary of my husband's death. I am still walking that path lined with great stones of faith and tiny pebbles of hope. I carry my list with one unfinished item - the claim for benefits under the Hometown Heroes Act.