

Testimony of

# Ms. Susan Falkouski

October 4, 2007

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Judiciary Committee  
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Good Afternoon. I am here today to speak to you about my husband Michael Falkouski. Mike was a wonderful man, and a terrific husband. We were married for 38 years and together we raised three children. Throughout Mike's life he was driven to serve his community. He coached little league. He rode the volunteer ambulance. He was an elected City Councilman for 16 years. But, most of all, he was very proud of his service as a volunteer firefighter for 37 years.

The Rensselaer Fire Department is made up of a combination of volunteers and career firefighters. In 1993, Mike was appointed to the volunteer position of Deputy Fire Coordinator for Rensselaer County, where he served as a liaison between the Rensselaer City Fire Department and the neighboring mutual aid departments. In 1998, the Rensselaer City Board of Public Safety appointed Mike to be the 2nd Assistant Chief of the Rensselaer Fire Department. This made him the third highest ranking member of the department and made him responsible for all of the firefighters under him at emergency scenes.

He worked very hard at this job, and took the responsibility very seriously. In Rensselaer, the fire chiefs don't work shifts. They are always on call and they respond from their homes to emergency calls. Mike, would frequently be called away from family events, dinners, or in the middle of the night to respond to a call.

In the early morning hours of Sunday, January 23, 2005, the Capital Region of New York was in the midst of a major winter storm, which would dump more than 20 inches of snow on the area. At 2:33am, with the wind chill temperature at -11 degrees, the Rensselaer Fire Department received a call for an explosion in a quiet residential area. The page alarm and call woke Mike up from a sound sleep, and he quickly dressed and headed out into the blizzard.

Mike's pickup truck was covered with more than a foot of snow, and he rushed to clean it off as quickly as he possibly could so that he could head to the call. Other firefighters have told me how physically exhausting this was to them. While Mike was still cleaning his car, the first fire truck arrived at the scene. The firefighter driving the apparatus was Mike Mann, who was a life long friend of my husband's.

Firefighter Mann reported a heavy fire condition in a garage, with a severely burned victim in need of treatment. And, called for a second alarm for more help. As my husband made the treacherous response through the blizzard, he heard reports of a series of small explosions in the fire building, as well as frozen fire hydrants. Mike arrived a block away from the fire scene and parked his truck. He got out of his truck was finishing getting his gear on when an aneurysm ruptured in his brain and he fell unconscious. He was discovered by a civilian and at 2:54am it was reported that he was down. He began receiving CPR and AED treatment by a group of Firefighter/EMTs, and was transported to Albany Memorial Hospital.

I was still sleeping when our dear friend, retired Fire Chief Phil Smith called me and told me that Mike had been taken to the hospital and that he was on his way to pick me up. Despite the best efforts of the firefighters on the scene and the doctors at the hospital, the damage was too great. And, as Mike wished, his was kept alive for several hours in hopes that his organs could be harvested.

My husband died later that day.

In all the years that Mike served as a firefighter, he told me not to worry if anything ever happened to him, that I'd be taken care of. One of the firefighters told me about how Congress had added heart attack and stroke to the PSOB program, and that I would likely qualify. Sadly, both were wrong.

In March, I received a letter from Hope Janke of the Department of Justice informing me that they had denied my claim for death benefits under PSOB.

The letter stated that "the act of responding at any hour of the day or night to the scene of a fire event is a routine engagement." The letter also said that the below zero weather, high winds and 20 inches of snow had no significance. And, they failed to appreciate the added stress that the reported heavy fire, explosions, burned victim, low manpower, and frozen hydrants, would have on a chief as he made his way to the scene.....he knew he was assuming responsibility for all of this chaos.

I must tell you. I am not only offended, but angry at this letter. I feel that the Department of Justice trivialized my husband's service. And, it seems to me it was written by someone who has no idea of what it's like to respond to an emergency.

In fact, I think it is inherently non-routine for any human being to race towards a dangerous situation at a moment's notice.

The firefighters I have spoken to agree with me, and several of the ones who were there that night tell me that fire, in particular, was the most non-routine fire they had ever been to.

I want to finish by saying that I hope you can change this thinking in the Department of Justice. If not for me, for all of the thousands of firefighters and their families out there who continue to respond at a moments notice to dangerous situations. I am sure that most of them think, like Mike and I did, that if tragedy ever came to them, the family would be taken care of.

If they are not, what kind of message does that send?

I know that it's already hard enough to get people to volunteer. Mike used to talk about how hard it is to recruit and keep people who are willing to devote the time and accept the danger. If the government considers this kind of service to be routine and denies benefits in circumstances like this, I really wonder how we will convince people to keep doing it. Thank You.