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June 5, 2015

**VIA ELECTRONIC TRANSMISSION**

The Honorable Karol V. Mason  
Assistant Attorney General  
Office of Justice Programs  
U.S. Department of Justice  
Washington, D.C. 20531

Dear Assistant Attorney General Mason:

In 1976, Congress passed the Public Safety Officers' Benefits (PSOB) Act to provide benefits to survivors of certain public safety officers who die in the performance of duty.<sup>1</sup> I write today to ensure that the PSOB Office within the Justice Department's Office of Justice Programs (OJP) is doing its job on behalf of the families of these fallen officers by processing PSOB applications in a fair and timely manner.

In 2009, the Government Accountability Office (GAO) reported that families of fallen or injured officers waited an average of a year and a half before receiving an approval or denial of their PSOB application,<sup>2</sup> despite a 2004 Attorney General memorandum that instructed OJP's PSOB Office to make a determination on all filed PSOB claims within 90 days of receiving all necessary information.<sup>3</sup> A 2008 Office of Inspector General (OIG) report noted that legal reviews conducted by OJP's Office of General Counsel caused delays in the claims process.<sup>4</sup> The PSOB program director has acknowledged that calls and e-mails from claimants or agencies are not always returned.<sup>5</sup>

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<sup>1</sup> Pub. L. No. 94-430, Sept. 29, 1976, 90 Stat. 1346. PSOB "provides a one-time benefit to eligible survivors of public safety officers whose deaths were the direct and proximate result of an injury sustained in the line of duty on or after September 29, 1967. In addition to death benefits, PSOB was designed to provide disability and education benefits to officers and their families in the event of the officer's permanent and total disability sustained in the line of duty. Notably, Congress mandated the death benefit program while designating the others as discretionary. See U.S. Department of Justice, Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), *PSOB Updates*, [https://www.psob.gov/psob\\_updates.html](https://www.psob.gov/psob_updates.html); see also Hope D. Janke, U.S. Department of Justice, OJP, BJA, *BJA Fact Sheet: Public Safety Officers' Benefits Program*, [https://www.psob.gov/files/PSOB\\_FS.pdf](https://www.psob.gov/files/PSOB_FS.pdf), at 1.

<sup>2</sup> Government Accountability Office, *Public Safety Officers' Benefits Program: Performance measurement Would Strengthen Accountability and Enhance Awareness among Potential Claimants*, GAO-10-5 (Washington, D.C.: October 2009), at 14-15, 21.

<sup>3</sup> *Id.* at 11.

<sup>4</sup> DOJ OIG, *The Office of Justice Programs' Implementation of the Hometown Heroes Survivors Benefits Act 2003*, I-2008-005 (Washington, D.C.: March 2008), at iv.

<sup>5</sup> GAO-10-5, at 22.

So, on January 12 and February 28, 2015, I wrote letters to you expressing my concerns over these findings and asking for status updates on pending applications. On February 26, 2015, the Department acknowledged “the need to improve the timeliness of the process for reaching PSOB claims determinations.” The Department also announced that OJP had initiated a business process improvement review that would produce corresponding recommendations.

According to the Department’s March 27, 2015 letter, as of February 28, 2015, there were a total of 656 PSOB death benefit applications that were pending at the PSOB Office level and 78 other PSOB death benefit applications that were pending at various appellate levels within the Department.

Please provide written responses to the following questions by June 12, 2015:

1. What is the status of the six PSOB death benefit applications that were filed on behalf of Iowa public safety officers and were pending as of February 28, 2015, including that of Chief Robert Smith (E.O.W. 3/13/2010) and Chief Lyle N. Rusk (E.O.W. 11/23/2008)?
2. As of the date of this letter, how many PSOB death benefit applications are pending at OJP? Please provide a breakdown by state and date of filing.
3. As of the date of this letter, how many PSOB disability benefit applications are pending at OJP? Please provide a breakdown by state and date of filing.
4. As of the date of this letter, how many PSOB education benefit applications are pending at OJP? Please provide a breakdown by state and date of filing.
5. What is the status of OJP’s business process improvement review? What recommendations for improvement have been identified?

Please number your responses according to their corresponding questions. If you have any questions, please contact Jay Lim of my Committee staff at (202) 224-5225. Thank you.

Sincerely,



Charles E. Grassley  
Chairman

cc:

The Honorable Michael E. Horowitz  
Inspector General  
U.S. Department of Justice