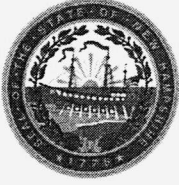


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## State of New Hampshire

DEPARTMENT OF SAFETY  
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 COMMISSIONER

December 9, 2022

His Excellency, Governor Christopher T. Sununu  
 and the Honorable Council  
 State House  
 Concord, New Hampshire 03301

### REQUESTED ACTION

Pursuant to RSA 21-I:29-a II, the Department of Safety, Office of the Commissioner, requests authorization to disburse death benefits in the amount of \$100,000 to Mrs. Kimberly Galimberti, of Wolfeboro, NH 03894 as the surviving spouse of deceased Firefighter Michael J. Galimberti as a result of his death on January 23, 2020. Effective upon Governor and Council approval. 100% General Funds.

### EXPLANATION

Pursuant to RSA 21-I:29-a, III(e), this request is to disburse death benefits to the family of Firefighter Michael J. Galimberti, who died on January 23, 2020. Firefighter Galimberti died of intrahepatic cholangiocarcinoma, or bile duct cancer. The pertinent statute provides that:

“[t]he commissioner of safety, ... shall obtain the available records related to the circumstances, cause, and manner of such death and the decedent's status as a firefighter...[and] may cause further inquiry to be made, and shall make a determination of whether the death qualifies as a line-of-duty death and who is entitled to the death benefit.”

RSA 21-I:29-a, III. “If the commissioner of safety...determines by a preponderance of the evidence that the death is a qualified line-of-duty death, the commissioner shall submit an item to the governor seeking approval of payment of the benefit.” RSA 21-I:29-a, III (e). For the purposes of this statute, a firefighter is considered to have been killed in the line of duty if he or she dies “while in the performance of his or her duties as a result of incident, accident, or violence causing death or injuries which are the direct or proximate cause of death.” RSA 21-I:29-a, I(f).

Mrs. Galimberti appealed my determination to an appeal panel authorized under RSA 21-I:29-a, III(d), which provides in part:

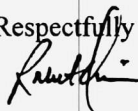
In the event of an appeal for a firefighter, the attorney general shall appoint an appeal hearing panel consisting of one medical doctor, one member appointed by the New Hampshire Association of Fire Chiefs, one member appointed by the professional association that the decedent belonged to, and 2 citizens who are not associated with the professions of police officer or firefighter, at least one of whom is a attorney admitted to practice in New Hampshire. . . . The commissioner of safety shall forward to the appeal panel all the information that he or she considered in reaching the determination. . . . The appeal hearing panel shall review the evidence de novo, may receive additional evidence from the family or others, and shall determine by a preponderance of the evidence whether the decedent's death was a qualified line-of-duty death.

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After my review of the records gathered in the course of this investigation led me to conclude that Firefighter Galimberti's death was not more likely than not occupationally related, the appeal panel considered the information compiled in my investigation, as well as testimony and additional records produced by Mrs. Galimberti, including scholarly articles that had not yet been written at the time of my previous determination, to find that Firefighter Galimberti's bile duct cancer was more likely than not that Firefighter Galimberti's bile duct cancer was occupationally related.

Pursuant to RSA 21-I:29-a II, in addition to any other benefits provided under this chapter, the State Treasurer shall pay a \$100,000 death benefit to the family of a police officer or firefighter killed in the line of duty. The Governor, with the consent of the Executive Council, is authorized to draw a warrant for said sum out of any money in the Treasury not otherwise appropriated.

Respectfully submitted,



Robert L. Quinn  
Commissioner of Safety