

Editorial: Compensation ruling right for officer's family

Albuquerque Journal Editorial Board

Kevin Schultz did the right thing - and finally the New Mexico judicial system has done right by his widow.

Ten years ago, while on a church outing near Pilar the off-duty Pojoaque tribal police officer rescued a 12-year-old boy who had fallen into the Rio Grande. Schultz then collapsed in shallow water and drowned. Since then Cheryl Schultz has received no worker's compensation benefits for her husband's death.

That is about to change. The New Mexico Court of Appeals has ruled she is entitled to the benefits he would have earned had he been on duty.

Earlier claims were denied, but Cheryl Schultz persevered through a long legal process. The state Supreme Court revived the case twice after the Appeals Court ruled against her on the basis that the case was filed too late and the officer's death occurred when he was not on the job.

The third time turned out to be a legal charm.

And it won't only benefit Cheryl Schultz. The ruling can apply in cases where other off-duty law enforcement officers are injured or killed in emergency situations "reasonably calling for police officer assistance."

"If it is our expectation as a society that police officers put themselves in harm's way, sometimes irrespective of their on-duty status, then it should also be our expectation that such officers be compensated when they are injured in the course of doing so," the court opinion said.

That is as it should be. And while this will raise costs overall for worker's compensation, it is a reasonable thing to do.

Officer Schultz reacted to trouble according to his training as a lawman and wound up giving his life for another. His family no longer has the support of a husband and father, financial and otherwise. They should be compensated for their loss.

This editorial first appeared in the Albuquerque Journal. It was written by members of the Journal Editorial Board.