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**Incident Name:**

**Date:** 6/23/1988

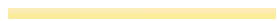
**Personnel:** Tommy Hale

**Age:** 40

**Agency/Organization:** Birmingham Fire and Rescue, Birmingham, AL

**Position:** firefighter

**Summary:** On June 23, 1988, Birmingham, Alabama Firefighter Tommy Hale died of heat stroke while fighting a wildland fire. Lieutenant Hale, an eighteen-year veteran, had been using a brush rake on the fireline while wearing his full structural PPE. He was noted missing and found three hours later in an area unaffected by the fire. When searchers located his body, he was still in his PPE. Clad in his fire protection coat, pants, boots, and red fire hat, Hale was found face down on a log in the ravine holding the rake in his right hand.



**Maps**

Birmingham, AL

{mosmap lat='33.519544'|lon='-86.812007'|marker='0'|text='Birmingham, AL'}

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### **Reports, Documentation, Lessons Learned**

- Excerpt from [Protective Clothing for Wildland Fire Suppression](#) ...

### **Protective Clothing for Wildland Fire Suppression**

The article that this was transcribed from is no longer online -- was at tinhelmet.com under archives\_files/mauney\_wildland.pdf

The following portion was apparently a MTDC review of deaths of firefighters (1985-1999) wearing Personal Protective Equipment (PPE) not designed for wildland fire conditions.

The following has info on firefighters that died... Ch 8 (pp 26-27) heart attack and heat stroke fatalities.

"The following individual firefighter fatality information was obtained from NFPA, NIOSH, and OSHA investigation reports as well as personal interviews with department personnel."

## 6.1 East Coast Fatalities

(snip)

On June 23, 1988, Birmingham, Alabama Firefighter Tommy Hale died of heat stroke while fighting a wildland fire. Lieutenant Hale, an eighteen-year veteran, had been using a brush rake on the fireline while wearing his full structural PPE. He was noted missing and found three hours later in an area unaffected by the fire. When searchers located his body, he was still in his PPE. Clad in his fire protection coat, pants, boots, and red fire hat, Hale was found face down on a log in the ravine holding the rake in his right hand.

His wife filed suit with the Circuit Court of Jefferson County, AL. The suit alleged that Lt. Hale was required to wear his structural PPE by department policy. The department's policy did not distinguish between structural fires or wooded area fires. The suit claimed that the Birmingham Fire Department was careless and negligent by not taking into account the differences in conditions for fighting structural fires and wooded area fires. It further claimed that compliance with this policy caused the death of Lt. Hale.

“As a proximate consequence of defendant's negligence, the plaintiff's descendant was burdened with excessive, unnecessary, and foreseeably unhealthy equipment when called to fight the fire. This requirement of excessive equipment and the plaintiff's descendant's expected, understandable and foreseeable compliance with this order combined and concurred to cause the plaintiff's descendant to become overheated, suffer a heat stroke and die.”

On March 3, 1990, the court ruled in favor of the plaintiff and awarded the widow of Tommy Hale a settlement of \$384,000. This figure was equivalent to twelve years of Lt. Hale's salary at the time of his death. The City of Birmingham requested a new trial and filed an appeal. Both were dismissed. The front page of the Birmingham Post Herald on March 9, 1990 stated: “The jury ruled that Firefighter Tommy Hale, 39, should not have had to wear the 15-pound uniform that caused him to suffer heatstroke and die while fighting a fire June 24, 1988.”

The case of Tommy Hale has several interesting points applicable to the present situation in

Montgomery County. Unlike Montgomery County, the City of Birmingham did not have significant acreage or numerous responses for wildland fires.

However, like Montgomery County, the city required the use of full structural PPE on structural fires without making a distinction for wildland fires.

DFRS SAFETY BULLETIN 96-21 announces in bold letters: Safety tip Number One:

1. Wear all your assigned fire gear. In addition the DFRS Personal Protective Equipment Risk Assessment requires the use of full protective clothing compliant with NFPA 1971. DFRS Policy 804 insists, Personnel must wear or use only issued/and or approved protective clothing and equipment. Past DFRS Quarterly Drill Manuals, addressing the topic of “extinguishment of ground cover fires,” states: Wear proper protective clothing. Nowhere is NFPA 1977 mentioned.

- MTDC: [1993 - Components of Wildland Fire Personal Protective Equipment \(PPE\)](#)

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## Photos, Videos, & Tributes

- Find a Grave: [Tommy Wayne Hale](#)
- USFA Memorial Database: [Tommy W Hale](#)

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