



Death Benefits, Rates and Awards

The following may be useful in determining death benefits in claims filed under the Workers' Compensation Law, the Volunteer Firefighter Benefits Law, and the Volunteer Ambulance Worker Benefits Law.

Pursuant to WCL § 16, the following person(s) related to the deceased may be eligible to receive death benefits:

- Surviving spouse
- Child(ren)
- Grandchild(ren)
- Parents(s)
- Grandparent(s)
- Sibling(s)
- The Estate

Funeral expense benefits

Paid worker in Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, Suffolk, and Westchester Counties.	\$12,500
Paid Worker in all other counties	\$10,500
Volunteer Ambulance Worker or Firefighter	\$6,700
Volunteer Firefighter who Died performing volunteer firematic duties, or Paid Firefighter or Police Officer who Died in Line of Duty	No Limit
Civil Defense Volunteers	\$750

Death Benefits (Date of death after 1/1/78)

Amount of Benefits to Survivors			
Survivors	Spouse	Children	Other
Spouse, no children	66 ² / ₃ % and 2 year lump sum upon remarriage	n/a	0
Spouse and children	36 ² / ₃ % and 2 year lump sum upon remarriage	30% shared equally	0
Children, no spouse	n/a	66 ² / ₃ % shared equally	0
No spouse or children; Dependent grandchildren or sibling	n/a	n/a	25% to each dependent until condition met †
No spouse or children; Dependent parent or grandparent	n/a	n/a	40% to each dependent during dependency †
No spouse, children, or dependents	n/a	n/a	\$50,000 to Parents or Estate

† The aggregate amount payable shall not exceed 66²/₃ % of the decedent's average weekly wage.



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Effect of Termination of Benefits to Spouse or Child/Children			
Survivors	Spouse dies	Spouse remarries	Child not eligible
Spouse and one child	Child gets 66 ² / ₃ %	Child stays at 30%	Spouse gets 66 ² / ₃ %
Spouse and two children	Children share 66 ² / ₃ %	Children get 25% each	Spouse gets 66 ² / ₃ %
Spouse and more than two children	Children share 66 ² / ₃ %	Children share 66 ² / ₃ %	Spouse gets 66 ² / ₃ %

The percentages shown in the death benefit tables above are applied to the decedent's average weekly wage to calculate weekly benefits, and are subject to maximum statutory rates of compensation. Please refer to Board Form C-500, Disability Benefits, Rates and Awards.

Calculation Note:

(AWW * 2) / 3 can be used to determine 66²/₃% of the decedent's AWW

Workers' Compensation Law § 4 states that domestic partners of employees killed as a result of the September 11, 2001 terrorist attacks are to be deemed surviving spouses for purposes of determining eligibility for death benefits, including funeral expenses.

Decedent's child is eligible:

- if under the age of 18, or
- if under the age of 23, **and** enrolled and attending as a full time student in an accredited educational institution, or
- at any age, if dependent on decedent at the time of the accident **and** permanently totally blind or permanently physically disabled.

If there is no surviving spouse, child, or eligible dependent:

- Decedent's grandchild or sibling is eligible if dependent on the decedent at the time of accident, **and**:
 - if under the age of 18; or
 - if under the age of 23, and enrolled and attending as a full time student in an accredited educational institution; or
 - at any age, if permanently totally blind or permanently physically disabled.
- Decedent's parent or grandparent is eligible along with any eligible grandchild or sibling if the parent or grandparent was dependent on the decedent at the time of accident.

If there are no dependents:

- a \$2,000 deposit is made by the carrier into the Vocational Rehabilitation Fund (WCL § 15[9]); and
- a \$3,000 deposit is made by the carrier into the Uninsured Employers' Fund (WCL § 25-a[3]).



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Death Benefits – Volunteer ambulance worker or firefighter (Date of death after 7/1/92)

Amount of Benefits to Survivors			
Survivors	Spouse	Children	Other
Spouse, no children	\$56,000 and \$887 per week, with \$92,219 lump sum upon remarriage	n/a	0
Spouse and children	\$56,000 and \$488 per week, with \$50,720 lump sum upon remarriage	\$400 per week shared equally	0
Children, no spouse	n/a	\$887 per week shared equally	0
No spouse or children; Dependent grandchildren or sibling	n/a	n/a	\$333 to each dependent until condition met
No spouse or children; Dependent parent or grandparent	n/a	n/a	\$532 each dependent during dependency
No spouse, children, or dependents	n/a	n/a	\$56,000 to Estate

Effect of Termination of Benefits to Spouse or Child/Children			
Survivors	Spouse dies	Spouse remarries	No child eligible
Spouse and one child	Child gets \$887	Child stays at \$400	Spouse gets \$887 and \$92,219 upon remarriage
Spouse and two children	Children share \$887	Children get \$333 each	Spouse gets \$887 and \$92,219 upon remarriage
Spouse and more than two children	Children share \$887	Children share \$887	Spouse gets \$887 and \$92,219 upon remarriage

The aggregate amount payable in weekly benefits shall not exceed \$887.00 per week

Decedent's child is eligible:

- if under the age of 18, or
- if under the age of 25, **and** enrolled as a full time student in an accredited educational institution, or
- at any age, if dependent on decedent at the time of the accident **and** permanently totally blind or permanently physically disabled.

If there is no surviving spouse, child, or eligible dependent:

- Decedent's grandchild or sibling is eligible if dependent on the decedent at the time of the injury, **and**:
 - if under the age of 18, or
 - if under the age of 25 **and** enrolled as a full time student in an accredited educational institution.
- Decedent's parent or grandparent is eligible along with any eligible grandchild or sibling if the parent or grandparent was dependent on the decedent at the time of the injury.