



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.



Death Benefits, Rates and Awards

| Effect of Termination of Benefits to Spouse or Child/Children | | | |
|---|---------------------|-----------------------|--------------------|
| Survivors | Spouse dies | Spouse remarries | Child not eligible |
| Spouse and one child | Child gets 66⅔% | Child stays at 30% | Spouse gets 66⅔% |
| Spouse and two children | Children share 66⅔% | Children get 25% each | Spouse gets 66⅔% |
| Spouse and more than two children | Children share 66⅔% | Children share 66⅔% | Spouse gets 66⅔% |

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 66⅔% 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]).



Death Benefits, Rates and Awards

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.