

If your loved one died on the job, the Missouri Division of Workers' Compensation can help provide some relief from the financial strain of being without your loved one's income. Upon the death of an employee who has suffered a compensable work injury, surviving individuals may become entitled to benefits. These are paid for through the workers' compensation insurance coverage employers provide for their employees. Survivors or successors may be eligible for benefits when:

- the employee dies as a result of the work-related injury
- the employee has suffered a compensable permanent partial disability at work and then dies from a cause unrelated to the work injury, or
- the employee suffers permanent total disability from a work-related injury and then dies from a cause unrelated to the work injury
- due to changes in the law, effective August 28, 2017, the benefits and eligible beneficiaries may differ, depending upon the date of the injury resulting in the death of the employee.

Benefits Available

Employee Dies From Job-Related Injuries:

When the employee dies as a result of the work-related accident, the survivors are entitled to weekly benefits from the employer/insurer paid at 66 2/3% of the deceased employee's average weekly wage for the year immediately preceding

the fatal accident, subject to a maximum set by law. The employer/insurer also is responsible for paying funeral expenses up to \$5,000.

A surviving spouse is entitled to benefits for his/her lifetime or until he/she remarries. Upon remarriage, the surviving spouse will receive a lump sum equal to two years of benefits.

A dependent child receives benefits until age 18, unless a full time student, in which case the benefits continue until age 22 or until they are no longer a full-time student, whichever first occurs. If the dependent child is physically or mentally incapacitated from wage earning, the benefits may continue for life, unless and until they are no longer is incapacitated.

If the fatal injury occurred before August 28, 2017 and if someone other than a surviving spouse or dependent child was partially dependent on the deceased employee, a claim may be made for partial dependency, but only if there are no other dependents.



Employee Dies of Non-Work Cause After Work Injury:

Cases involving the death of an employee from a cause unrelated to a work injury can contain very complicated legal issues. It is especially helpful to have the assistance of an attorney in such cases.

Employee Dies of Non-Work Cause While Receiving Benefits:

If an employee dies while receiving workers' compensation benefits due to a work-related injury, the survivors are NOT entitled to a continuation of the deceased employee's weekly benefits if the deceased employee's on-the-job accident occurred after June 26, 2008. In this situation, the survivors may receive a modest lump-sum payment for permanent partial disability or may receive the accrued benefits of the deceased employee.

If the on-the-job injury occurred before June 26, 2008, in some cases, the dependents of the deceased employee may be awarded on-going weekly benefits. Again, it is recommended that an attorney be consulted in such cases.

How to Claim Benefits

Often, the employer of the deceased employee or the employer's workers' compensation insurance company will contact the family and begin paying benefits. If this has not occurred and you believe you are entitled to survivors' benefits, contact the employer and the insurance company. You may also contact the Division of Workers' Compensation

Dispute Management Unit (*see back for contact information*). If you have not been notified of your rights or been made aware of the potential benefits for which you could be eligible, contact the Division as soon as possible (*see back for contact information*).

Frequently, the survivor(s) also should file a "Claim for Compensation" (Form WC-21-A). The claim form can be found by visiting labor.mo.gov/DWC. It may be advisable to consult an attorney before filing a claim. Note that there is a legal deadline on filing the "Claim for Compensation," which may be as short as two years from the date of injury.



Additional Benefits for Those Killed in the Line of Duty

Benefits are available for survivors of air ambulance pilots, air ambulance registered nurses, emergency medical technicians, firefighters, law enforcement officers, volunteer firefighters, air ambulance registered respiratory therapists, flight crew members, and public safety officers who are killed in the line of duty when:

- death was caused by an accident, illness, or the willful act of violence of another;
- the deceased person was in the active performance of his or her duties in his or her respective profession and there is a relationship between the accident, illness, or commission of the act of violence and the performance of the duty, even if the individual was off duty; the deceased person was traveling to or from employment; or the deceased person was taking any meal break or other break which took place while that individual was on duty;
- death was the natural and probable consequence of the injury or illness
- death occurred within three hundred weeks from the date the injury was received or illness was contracted;
- “Death in the line of duty” does not include death resulting from willful misconduct or intoxication of the deceased person.

Benefits

A \$100,000 death benefit shall be awarded to the survivors of the individual killed in the line of duty. This death benefit is in addition to any other pension rights, death benefits, or other compensation to which



the claimant may otherwise be entitled by law. To claim benefits, the survivors of the deceased must file a Claim for Compensation for Line of Duty Benefits (Form WCLoD) with the Division within two years from the date of death.

Benefits are paid according to a statutorily created hierarchy of distribution as follows: the surviving spouse if there is no child under age 18 (or a fulltime student under age 22 or child over 18 and disabled); 50% is paid to the surviving child or children in equal shares and 50% to the surviving spouse if there is at least one child; to the surviving child or children in equal shares if there is no surviving spouse; if there is no surviving spouse and no surviving child, the benefits are distributed to the surviving individual or individuals in shares that have been designated as beneficiaries by the decedent or based upon the decedent's most recently executed life insurance policy. If there is no other individual that qualifies, then the distribution is to the surviving parent or parents in equal shares or to the surviving individuals who would qualify under the definition of “child” but for their age.

Contact Information

Missouri Division of Workers' Compensation

P.O. Box 58
Jefferson City, MO 65102
Phone: 800-775-2667
Website: labor.mo.gov/DWC

Dispute Management Unit

P.O. Box 58
Jefferson City, MO 65102
Phone: 800-775-2667
Fax: 573-526-4960

Line of Duty Compensation Program

P.O. Box 58
Jefferson City, MO 65102
Phone: 573-522-6960

Fraud and Noncompliance Unit

P.O. Box 1009
Jefferson City, MO 65102
Phone: 800-592-6003

If you have served on active duty in the Armed Forces of the United States and would like information about veterans' services and benefits, please complete the survey here: mve.dps.mo.gov/MoVeteransInformation/Survey/DOLIR.

Missouri Division of Workers' Compensation is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.
TDD/TTY: 800-735-2966
Relay Missouri: 711

**MISSOURI
DEPARTMENT OF LABOR
& INDUSTRIAL RELATIONS**

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Survivors' Benefits

*For Family Members
of Missouri's Fallen
Workforce*



**Know your rights under
Missouri law so that you
and your family get the
benefits you deserve.**

