

Death and Burial Benefits

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Information for Beneficiaries from the Division of Workers' Compensation

Death and Burial Benefits

[Tex. Labor Code §§408.181 – 408.187, Tex. Admin. Code §§132.1 – 132.17]

Death benefits pay a portion of lost family income for dependent family members of employees who die because of a work-related injury or illness. Death benefits are also payable to employees' parents when there are no surviving eligible dependent family members.

Burial benefits pay for some of the deceased employee's funeral expenses to the person who paid the funeral expenses.

Payment of death benefits can be made to the beneficiary by:

- (1) check, or
- (2) electronic fund transfer (EFT).

To be eligible for electronic funds transfer, the beneficiary must be expected to receive benefits for at least eight (8) weeks. To receive payment by electronic funds transfer the beneficiary must make the request in writing to the insurance carrier and provide:

- the name of the financial institution;
- the type of account (checking or savings);
- the routing/transit number; and
- the account number the beneficiary wants benefits electronically transferred to.

When Death Benefits Begin and End

A beneficiary becomes eligible for death benefits the day after the employee's death. Death benefits end depending on the beneficiary's qualifications.

Death benefits may be paid if there is an eligible:

- surviving spouse;
- dependent child;
- dependent grandchild;
- other dependent family member; or
- parents, when there are no surviving eligible dependent family members

of an employee who dies because of a work-related injury or illness. Except for the spouse and minor children, other

dependent family members must have been at least 20 percent dependent on the deceased employee's income to receive death benefits.

Eligible Beneficiaries

A spouse is eligible to receive death benefits for life unless he/she remarries. Upon remarriage, the insurance carrier will pay a two (2) year (104 weeks) lump sum payment. If there are minor children, the benefit is divided between the spouse and the minor children. One half is paid to the spouse and the other half is divided equally among the children.

Eligible children can receive death benefits until age eighteen (18) or twenty-five (25) if enrolled as a full time student in an accredited college. If there is more than one minor child, as a child loses eligibility the benefits are re-distributed among the other eligible children.

A dependent child, such as a stepchild or dependent child, over the age of 18, is only entitled to benefits for 364 weeks unless the child has a physical or mental disability. In this instance, benefits are paid until the child no longer has a disability.

If the grandchild is a minor at the time of death, benefits are paid until the child is no longer a minor. If the grandchild is not a minor, but a dependent of the deceased at the time of death, the benefits are limited to 364 weeks.

Dependent Child, Grandchild and Other Dependent Family Members

These benefits are limited to 364 weeks and the beneficiaries must show at least 20 percent dependency on the deceased employee's income. This includes dependent parents or stepparents of the deceased, a brother, sister, or grandparent. If at any time there are no eligible beneficiaries, or the eligible beneficiaries are no longer eligible and at least 364 weeks have not been paid by the insurance carrier, the remaining benefits are paid to

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1-800-252-7031

or visit

www.tdi.state.tx.us

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the Subsequent Injury Fund administered by the Texas Department of Insurance, Division of Workers' Compensation.

Amount of Death and Burial Benefits

Death benefits equal 75 percent of the deceased employee's average weekly wage. For example, if the deceased employee's average weekly wage were \$500, death benefits would equal \$375 per week:

75 percent of \$500 (.75 x 500) equals \$375

Burial Benefits

Burial benefits are paid to the person who paid the deceased employee's burial expenses. The maximum burial benefit allowed is \$6,000.

DEATH BENEFITS EXAMPLE SCENARIO AND TIMELINE

An employee dies because of a work-related injury or illness. The employee was married with two children; one child was 1 year old and the other child was 3 years old.

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Day after death benefits begin— Half to widow and half to 1-year-old and 3-year-old minor children.	3 years later— Widow remarries insurance carrier pays 104 weeks in a lump sum payment to widow; children continue to receive half of benefits.	2 years later (104 weeks)—Insurance carrier begins to pay the mother's half of the benefits to the two minor children. (The insurance carrier continues to pay the entire benefit to the minor children)	Oldest child turns eighteen (18) and does not enroll in college— Eligibility for the oldest child stops and the insurance carrier continues to pay the entire benefit to the remaining minor child, until the remaining children are no longer eligible.