

Death Benefits - For deaths occurring November 1, 1996 through October 31, 1997

Weekly death benefits for beneficiaries are computed as percentages of the deceased's average weekly wage, which shall be taken as not more than the State's Average Weekly Wage. The maximum weekly income benefits payable to all beneficiaries shall not exceed the weekly amount the deceased would have received for permanent total disability (PTD). The PTD rate is computed at 70% of the deceased's average weekly wage, up to a maximum of \$426, which is the State's Average Weekly Wage.

The following chart is an **EXAMPLE**. It represents the weekly income benefits payable to beneficiaries using the maximum permanent total disability (PTD) rate of \$426.

| | | |
|---|--|-----------------|
| 1. Spouse only: | Surviving spouse: 50% x \$426 | \$213.00 |
| 2. Spouse and one (1) child: | Surviving spouse: 50% x \$426 | \$213.00 |
| | Child 15% x \$426 | \$63.90 |
| | <i>Total Benefits:</i> | \$276.90 |
| 3. Spouse and two (2) children: | Surviving spouse: 50% x \$426 | \$213.00 |
| | Child #1: 15% x \$426 | \$63.90 |
| | Child #2: 15% x \$426 | \$63.90 |
| | <i>Total Benefits:</i> | \$340.80 |
| 4. Spouse and three (3) children: | Surviving spouse: 50% x \$426 | \$213.00 |
| | Child #1: 15% x \$426 | \$63.90 |
| | Child #2: 15% x \$426 | \$63.90 |
| | Child #3: 15% x \$426 | \$63.90 |
| | <i>Total Benefits:</i> | \$404.70 |
| 5. Spouse and four (4) or more children: | Surviving spouse: 50% x \$426 | \$213.00 |
| | Children: $(\$426 - \$213) \div (\# \text{ of children}) = \text{Total allowable benefits for children}$ | |
| 6. No spouse, one (1) child: | 35% x \$426 | \$149.10 |
| 7. No spouse, two (2) children: | $(50\% \times \$426) \div (2) = \106.50 per child | \$213.00 |
| 8. No spouse, three (3) children: | $(65\% \times \$426) \div (3) = \92.30 per child | \$276.90 |
| 9. No spouse, four (4) children: | $(80\% \times \$426) \div (4) = \85.20 per child | \$340.80 |
| 10. No spouse, five (5) children: | $(95\% \times \$426) \div (5) = \80.94 per child | \$404.70 |
| 11. No spouse, six (6) or more children: | $(\$426 \div \# \text{ of children}) = \text{Benefits per child}$ | \$426.00 |
| 12. Mother or Father only dependent: | 25% x \$426 | \$106.50 |
| 13. Mother and Father dependent: | 50% x \$426 | \$213.00 |
| 14. Brothers, sisters, grandparents and grandchildren, if dependent: | 25% of deceased worker's average weekly wage (if more than one dependent, divided equally, subject to the maximum of \$426). | |

Lump Sum Death Benefits are payable as follows:

1. **Spouse:** \$20,000
2. **Spouse and one (1) child:** Spouse: \$20,000
Child: \$5,000 to be placed in trust at the Court's discretion.
3. **Spouse and two (2) or more children:** Spouse: \$20,000
Children: Divide \$10,000 equally to be placed in trust for each child at the Court's discretion.
4. **No spouse, one or more children:** Children: Divide \$10,000 equally to be placed in trust for each child at the Court's discretion.
5. **Heirs-at-law suffering a pecuniary loss:** An aggregate maximum of \$5,000.
6. **No dependents or heirs-at-law:** A maximum of \$5,000 for funeral expenses.
7. **Spouse, upon remarriage:** Two (2) years' indemnity benefit.

Revised: 01/02