

Additional Benefits for Those Killed in the Line of Duty

Benefits are available for survivors of firefighters, volunteer firefighters, law enforcement officers, air ambulance pilots, air ambulance registered professional nurses, and emergency medical technicians who are killed in the line of duty when:

- death is caused by an accident or willful act of violence of another
- the individual is in the active performance of his/her duties and there is a relationship between the accident or commission of the act of violence and the performance of the duty, even when off duty
- the individual is traveling to or from employment; or the individual is taking a meal break or other break while on duty
- death is the natural and probable consequence of the injury
- death occurs within three hundred weeks from the date of injury



Benefits

A \$25,000 death benefit shall be awarded to the estate of the individual killed in the line of duty. The 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 estate of the deceased must file a Claim for Compensation with the Division within one year from the date of death.



Contact Information

Missouri Division of Workers' Compensation

P.O. Box 58

Jefferson City, MO 65102

Phone: 800-775-2667

Website: www.labor.mo.gov/DWC

Dispute Management Unit

P.O. Box 58

Jefferson City, MO 65102

Phone: 800-775-2667

Fax: 573-526-4960

Fraud and Noncompliance Unit

P.O. Box 1009

Jefferson City, MO 65102

Phone: 800-592-6003

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**

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.



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 a worker who has suffered a compensable work injury, surviving individuals may become entitled to benefits. These are paid for through the workers' compensation coverage employers provide for their employees. Survivors or successors can be eligible for benefits when:

- the worker dies as a result of the work-related injury
- the worker has suffered a compensable permanent partial disability at work and then dies from a cause unrelated to the work injury, or
- the worker suffers permanent total disability from a work-related injury and then dies from a cause unrelated to the work injury

Survivors Entitled to Weekly Benefits:

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 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 he/she no longer is incapacitated.

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.

Benefits Available

Worker 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.

Worker 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.

Worker 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 worker's weekly benefits if the deceased workers' 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 worker.

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 Workers' Compensation Claim. A claim form can be found by visiting www.labor.mo.gov/DWC. It may be advisable to consult an attorney before filing a claim.