

Death Benefits - For deaths occurring January 1, 1995 through December 31, 1995

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 \$368, which is 90% of the State's Average Weekly Wage of \$409.

The following chart is an **EXAMPLE**. It represents the weekly income benefits payable to beneficiaries using the maximum permanent total disability (PTD) rate of \$368.

	Spouse only: Surviving spouse 50% x \$409 =	\$204.50
	Spouse and one (1) child:	
	Surviving spouse: 50% x \$409 =	\$204.50
	Child: 15% x \$409 = \$61.35
		<u>\$265.85</u>
3.	Spouse and two (2) children:	
	Surviving spouse: 50% x \$409 =	\$204.50
	Child # 1: 15% x \$409 =	\$61.35
	Child # 2: 15% x \$409 =	<u>\$61.35</u>
		\$327.20
4.	Spouse and three (3) or more children:	
	Surviving spouse: 50% x \$409 =	\$204.50
	Children: \$368 - \$204.50 = Total allowable benefits for children	<u>\$163.50</u>
		\$368.00
	(\$163.50 ÷ number of children = Benefits per child)	
5.	No spouse, one (1) child: 35% x \$409 =	\$143.15
6.	No spouse, two (2) children: 50% x \$409 =	\$204.50
	(\$204.50 ÷ 2 = \$102.25 per child)	
7.	No spouse, three (3) children: 65% x \$409 =	\$265.85
	(\$265.85 ÷ 3 = \$88.62 each for two children and \$88.61 for one child)	
8.	No spouse, four (4) children: 80% x \$409 =	\$327.20
	(\$327.20 ÷ 4 = \$81.80 per child)	
9.	No spouse, five (5) or more children:	
	95% x \$409 = \$388.55 which exceeds \$368, so total allowable benefits	
	for children equals the maximum permanent total disability rate	\$368.00
	(\$368.00 ÷ number of children = Benefits per child)	
10.	Mother or Father only dependent: 25% x \$409 =	\$102.25
	Mother and Father dependent: 50% x \$409 =	\$204.50
	(\$204.50 ÷ 2 = \$102.25 per parent)	
12.	Brothers, sisters, grandparents and grandchildren, if dependent: 25% of the deceased worker's average weekly wage (if more than one dependent, divided equally, subject to the maximum of \$368).	

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.