



Have you lost a family member due to a work-related injury or illness?

1-866-EZE-OIEC
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If the employer had Texas workers' compensation insurance, the Office of Injured Employee Counsel (OIEC) can provide free assistance to help family members pursue benefits to which they may be entitled.

Office of Injured Employee Counsel Central Office
7551 Metro Center Drive, Suite 100, MS-50
Austin, TX 78744-1609

Local Field Offices exist throughout the State of Texas and are staffed to assist you.



The statutory authority for the Office of Injured Employee Counsel is found in the Texas Labor Code, Chapter 404.

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DEATH AND BURIAL BENEFITS

in the
Texas Workers' Compensation System

Those benefits may include both death benefits and burial benefits.

About Death Benefits

Death benefits replace a portion of lost income for the eligible family members of employees who die as a result of a work-related injury or illness. These benefits are paid by the workers' compensation insurance carrier.

Family members who might be eligible to receive death benefits include:

- surviving spouse;
- dependent child;
- dependent grandchild;
- other dependent family member (such as parent, grandparent, sibling); or
- non-dependent parents, when there are no surviving eligible spouse or dependent family members.

Filing a Claim for Death Benefits

In order to receive death benefits, a beneficiary must file a Notice of Fatal Injury or Occupational Disease and Claim for Compensation for Death Benefits (DWC Form-042) with the Texas Department of Insurance, Division of Workers' Compensation within a year after the date of death, unless good cause exists for failure to timely file a claim. Please attach a copy of the death certificate and copies of any marriage certificate(s), divorce decree(s), birth certificate(s), or other documentation that may assist in establishing the eligibility of beneficiaries.

About Burial Benefits

In addition to death benefits, the family may be entitled to burial benefits. The insurance carrier will reimburse up to \$6,000 of reasonable burial expenses for the employee. Burial benefits are paid to the person who paid the employee's burial expenses.

A person claiming burial benefits must file a request for reimbursement or payment with the insurance carrier and attach the bills showing funeral expenses and transportation costs, if any. The request for burial benefits must be sent to the insurance carrier within 12 months of the employee's death.



Contact OIEC

You may contact the workers' compensation insurance carrier to discuss death and burial benefits eligibility. In the event you have questions or concerns about death or burial benefits, please contact OIEC by calling our toll-free number at 1-866-EZE-OIEC (1-866-393-6432) and ask to speak to an OIEC Customer Service Representative.

Amount and Duration of Death Benefits

Death benefits are paid at 75 percent of the deceased employee's average weekly wage (up to a maximum amount, dependent on the date of injury). If the deceased employee's average weekly wage was \$400, death benefits would equal $\$400 \times 75\% = \300 per week. This amount would then be divided among the beneficiaries. The amount for each would depend on the number and type of beneficiaries.

A beneficiary is a family member to whom death benefits are paid when the employee dies. There are specific family members who may be beneficiaries of the death benefits. A beneficiary becomes eligible for death benefits the day after the employee's death. The length of time a family member may receive death benefits depends on the family member's relationship to the employee. For example:

Spouse. A spouse would receive death benefits for life, unless he/she remarries. If the spouse remarries, death benefits would be paid until the remarriage. The spouse would then receive a one-time lump sum payment equal to 104 weeks of death benefits.

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

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, stepparents, grandparents, or siblings.

Eligible non-dependent parent. If there are no eligible spouse, children, grandchildren or dependent family members, then the eligible non-dependent parents (including an adoptive parent or a stepparent) of a deceased employee, may receive death benefits. These benefits are limited to 104 weeks.