

Pension: When a Worker Passes Away

Note: This information is intended for use by vocational rehabilitation counselors (VRCs) when a worker with an open referral dies.

When to report the death of a worker?

Call the claim manager (CM) immediately to report the worker's death to ensure the information is received as soon as possible. Do not send an EVOC.

When a worker's death is reported to L&I, the CM completes the following steps:

- Stop time-loss or permanent partial disability payments. Vocational services will remain open.
- Update the system with the date of death (if known) or the date we received the call.
- Complete a death notification form and send it to the Pension Unit.

The Pension Program assigns the claim to a pension adjudicator (PA). The PA completes the following steps:

- Review the circumstances of the claim for:
 - Cause of death in relationship to their workplace injury
 - Current status of treatment
 - Assigned vocational services
 - Next of kin or beneficiary information
 - Payment status
 - Legal representation
- Issue overpayment for any compensation paid beyond the date of death.
- Stop future award payments, if not already addressed.
- Remove the attorney from the claim, as they represent the worker, not the estate. If an attorney represents the estate or beneficiary, they must submit notice of representation to the claim file.
- Contact the VRC to discuss direction of vocational services and relevant information.
- Send a condolence letter, attached with an application form for benefits to the next of kin, known beneficiaries, or the estate.

Keys to success for VRC partners:

- Seek support from your firm and colleagues to take care of yourself as you navigate the loss of a client.
- Ensure timely communication with the CM, PA, and medical providers.
- Provide detailed information regarding beneficiaries or extended family that can help the PA identify possible beneficiaries.
- Engage in collaborative discussion with the PA about the questions posed to the attending providers and their engagement in the process.
- Provide a thorough report that establishes what the vocational outcome would have been for the worker.

What are the potential resolutions?

If the death is related to the claim:

- Death benefits are payable and include immediate payment and burial reimbursement.
- Since vocational services are not needed when death is related the claim, it will be closed under outcome “medically unstable” (ADM1).
- Death benefits are assessed based on wages and marital status at the time of injury.
- Surviving spouse receives 60% of wage and an additional 2% of wage for each child, up to five children.
- If no spouse, the child would receive 35% of wage. An additional 15% of wage is included for additional children, up to 65% of wage. (Child benefits end at 18 or 23 if in school full time).
- If there are no spouse or children, a dependent receives 50% of the average monthly support actually received from the deceased.
- Immediate payment is issued at 100% of the state’s average wage.
- Burial reimbursement is issued for up to 200% of the state’s average wage.

If the death is *unrelated* to the claim:

- And if there are no beneficiaries to receive any unpaid benefits, vocational services are not needed and the claim will be closed under outcome code ADM1. This may be unknown for some time after the VRC has continued to work on the claim. The PA will notify the VRC if vocational services are closed.
- If there are beneficiaries, the PA will work with the VRC to answer the necessary questions to adjudicate the claim. These questions will establish what the vocational outcome would have been, had it not been for the worker’s untimely death.
- The VRC will likely need to ask the attending medical provider about the worker’s ability to work and/or their ability to benefit from retraining if they lacked transferable skills. If retraining would have been necessary, providing the goal, training location and supportive labor market is necessary.
- The VRC submits a closing report and thorough supporting documentation.

Resources:

- Main Pension Phone: (360) 902-5119
- Revised Code of Washington (**RCW**) **51.08.050 – Death Benefits**
- Pensions – Permanent Total Disability
- Beneficiary Application for Claim Benefits