

**WISCONSIN**  
  
**DWD**

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Fatal Claims

FRANK SALVI  
 Dispute Resolution Specialists  
 DWD Division of Worker's Compensation

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### Reporting a Fatality

- **CALL RIGHT AWAY!**
- Fax initial report of injury (WKC-12)
- Fax wage information (WKC-13A)
- Contact information for dependents:
  - Spouse
  - Children under 18
  - Surviving un-estranged parents

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### Fatality: Denied Claim

- Denial letter
  - Reason for denial and appeal rights
- Death certificate or autopsy report
- Police report (if applicable)
- Attorney General reviews denials

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### Death Benefits

#### Dependents

- Spouse or minor child(ren), greater of:
  - 4 x annual earnings (box #2 on WKC-13A), or
  - 200 x average weekly wage (AWW) (box #5 on WKC-13A)
- Benefits to minor children = restricted account



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### Death Benefits (cont.)

- No spouse or children, but surviving parent(s): \$6,500 (may be more if parents prove dependence)
- Prehearing if dependents from multiple partners
- If no dependents, pay into Work Injury Supplemental Benefit Fund (WISBF)
  - Five annual installments or lump sum minus interest credit: s. 102.49(5)(b)



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### Death Benefits (cont.)

- Funeral expense: Up to \$10,000
- To WISBF: \$20,000 (102.49(5)(a))



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### PPD or PTD Dies

- Death certificate or autopsy report (is death related to claim?)
- Up to date payment information (WKC-13)
  - Division will provide worksheet
  - Additional payments due? If so, to whom?
- Initiate monthly death benefit payments per 102.47(1) and 102.47(2)



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### Death Before PPD

- Final medical report via doctor's experience and review of records
- Contact information for dependents
  - Accrued PPD to estate
  - Unaccrued PPD pays funeral expense, remainder to dependents as death benefit
    - If no dependents, remainder to WISBF



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### Questions?

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