

STATE OF WISCONSIN



Department of Workforce Development

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# Fatal Claims

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Dispute Resolution Specialist

# Agenda

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- Initial Contact
- Denying a Fatal Claim
- Death Benefits
- Death While Receiving Benefits
- Contact Information



# Reporting a Fatality

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- **CALL RIGHT AWAY!**
- Fax First Report of Injury (WKC-12)
- Fax wage information (WKC-13A1)
- Contact information for dependents:
  - Spouse
  - Children under 18
  - Surviving un-estranged parents



Department of Workforce Development  
Division of Worker's Compensation  
Phone: (608)266-1340



# Reporting a Fatality (cont.)

- WC Claim Number, if known
- Deceased employee name, address, SSN, birth date, death date, injury date
- Dependents or contact information for next of kin
- Employer contact information
- Accident site and brief description
- Informant contact information

INITIAL FATALITY REPORT For Division Use Only			
Contact/Call Date _____		Received by _____	
WC Claim Number	Deceased Employee Name		
Employee Address			
Social Security Number	Birth Date	Death Date	Injury Date
Dependents			
Employer Name		Telephone Number ( )	
Employer Mailing Address (Street or PO Box, City, State, Zip Code)			
Accident Site			
Brief Accident Description			
Insurance Company Name _____			
Informant Name _____			
Telephone Number ( ) _____			
Original – Claims Monitoring    Copy – Division Fatal Contact Staff			



# Fatality: Denied Claim

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



# Death Benefits

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## Dependents

- Spouse or minor child(ren), greater of:
  - 4 x annual earnings (box #2 on WKC-13A1), or
  - 200 x average weekly wage (AWW) (box #5 on WKC-13A1)
  - Under age 27 on date of injury = Maximum wage
- Benefits to minor children = restricted account



# Death Benefits (cont.)

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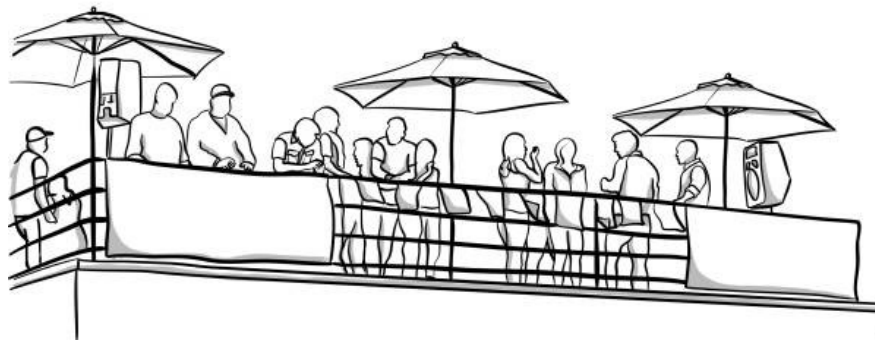
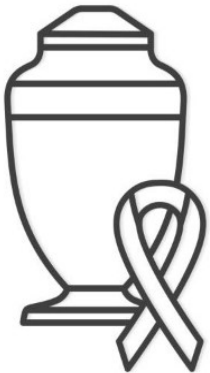
- No spouse or children, but surviving parent(s): \$6,500 (may be more if parents prove dependence)
- For multiple children, time remaining until 18
- If children from multiple partners, consider prehearing
- If no dependents, pay into Work Injury Supplemental Benefit Fund (WISBF)
  - Five annual installments or lump sum minus interest credit: s. 102.49(5)(b)



# Death Benefits (cont.)

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





# PPD or PTD Dies

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- 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) → Permanent Total Disability
  - 102.47(2) → Permanent Partial Disability



# Death Before PPD

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- Final medical report via doctor's experience and review of records
- Any PPD owed is converted to death benefit per 102.47(2)
  - Accrued PPD to estate
  - Unaccrued PPD pays funeral expense, remainder to dependents as death benefit
    - If no dependents, remainder to WISBF



# Questions?

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