

What Happens to Benefits if an Injured Worker Passes Away?

How Death Affects Workers' Comp Benefits in New York

When a New York worker gets hurt on the job, [workers' compensation](#) provides critical financial support. But what happens if the injured worker later passes away? Whether their death is related to the original injury or due to unrelated causes, families often find themselves in legal limbo, confused about what happens next, what benefits may still be available, and how to protect their rights.

This issue arises more often than many realize. Workers with long-term disabilities, occupational illnesses, or pending claims may die during treatment, surgery, or simply as a result of unrelated health issues. Unfortunately, without the right legal guidance, surviving family members are often left without the financial support the worker fought for.

If you lost a loved one who was receiving or applying for workers' compensation benefits, it's important to know what happens next—and what rights you still have.

Death Due to the Work Injury or Illness

If the worker's death was caused by the injury or illness they suffered on the job, surviving family members may be entitled to death benefits through New York workers' compensation.

This includes situations such as:

- A worker who dies from injuries sustained in a [construction accident](#)
- A healthcare worker who contracts a fatal illness through occupational exposure
- A delivery driver who is injured in a crash and later dies from complications

In these cases, surviving dependents can file for workers' compensation death benefits, including:

- Weekly cash benefits based on a percentage of the worker's average weekly wage
- Funeral expenses, up to a maximum limit set by the Workers' Compensation Board
- Potential additional benefits through special funds

To secure these benefits, the surviving family must establish that the death was causally related to the work injury. This often requires strong medical evidence, documentation, and legal representation, especially if the claim is initially denied.

What if the Worker Dies from Unrelated Causes?

When an injured worker dies from a cause unrelated to their work injury or illness (e.g., a heart attack, cancer, or another health condition), the situation becomes more complicated.

In many cases, existing benefits may stop once the injured worker passes away. However, there are important exceptions:

- Ongoing indemnity benefits (wage replacement) generally stop unless there was a formal award and an unpaid balance owed to the injured worker. In some cases, that amount may be payable to the estate.
- Medical bills incurred before death must still be paid by the workers' compensation insurer, even if the worker dies from unrelated causes.

This is why it's crucial for families to contact a New York workers' compensation attorney immediately after an injured worker passes away. There may be unpaid benefits still owed, options to pursue pending claims, or new eligibility under death benefit statutes.

Can the Worker's Estate Continue a Claim After Death?

In certain situations, the estate of the deceased worker can continue a claim for past-due benefits, even if the death was unrelated.

For example:

- If a worker had a pending hearing to determine back pay before their death, the estate may pursue that claim.
- If a worker was entitled to a permanency award (like a schedule loss of use award for a limb), that award may still be payable to the estate.
- If a Section 32 settlement was finalized by the Workers Compensation Board but not yet paid, the estate may have a legal argument to enforce that agreement, depending on timing and Board approval.

The key factor is whether the benefits were vested (legally secured) before the worker's death. If so, the estate can step in. If not, the claim may end unless dependents qualify under a different provision.

Who Qualifies for Death Benefits in New York Workers' Compensation?

Under New York law, the following individuals may qualify as dependents entitled to workers' comp death benefits:

- Surviving spouse
- Minor children (under 18, or under 23 if a full-time student)
- Disabled children of any age
- Dependent parents, siblings, or grandparents, in some cases

The Workers' Compensation Board will look at the dependency status at the time of death. For example, a spouse separated from the worker may not qualify unless there was a legal obligation to support. Children must be biologically or legally related and dependent on the worker at the time of death.

Death benefits are typically paid as weekly cash payments. The amount is based on the worker's average weekly wage and is divided among qualifying dependents. If there are no dependents, a one-time lump sum may be payable to the estate to cover funeral expenses and limited benefits.

What Happens if There Was Already a Settlement?

If the injured worker signed a Section 32 settlement agreement and it was approved by the Workers' Compensation Board before their death, that agreement is generally enforceable, even if the worker dies before receiving all payments.

In these cases:

- The remaining portion of the lump sum is usually paid to the estate
- The agreement may contain specific terms about what happens in the event of death
- Structured settlements (paid in installments) may include survivorship clauses or lump sum triggers

That's why it's important to review any proposed settlement carefully and why having legal representation can make all the difference.

How a Workers' Comp Lawyer Can Help Surviving Families

Losing a loved one is devastating, and dealing with legal and financial questions in the aftermath can feel overwhelming. At [Pasternack Tilker Ziegler Walsh Stanton & Romano LLP](#), we help New York families get the answers they need and fight for the benefits they're entitled to under the law.

We can help:

- Investigate whether the death was work-related and gather medical evidence
- File a death benefit claim on behalf of dependents
- Evaluate existing or pending benefits to determine what's still owed
- Pursue claims through the estate when benefits vested before death
- Enforce Section 32 agreements or respond to insurer objections

Our attorneys have helped thousands of injured New Yorkers and their families secure workers' compensation benefits, and we understand the challenges that arise when tragedy strikes.

Talk to a New York Workers' Compensation Attorney Today

If you lost a family member who was injured at work, you may still be entitled to benefits even if their passing wasn't clearly work-related. Don't make assumptions or rely on insurance companies to do the right thing. Let our team investigate and give you clear, compassionate guidance on your rights.

Pasternack Tilker Ziegler Walsh Stanton & Romano LLP proudly serves injured workers and families across all five boroughs and beyond. We fight for hardworking New Yorkers, and we're ready to fight for you.

[Contact us today](#) for a free, confidential consultation.