

4123-3-07

Applications for death benefits.

Where the death of an employee is the result of an industrial injury or occupational disease, ~~his~~ the employee's dependents may file an application for death benefits. To be considered a "dependent", a person must be a member of the family of the deceased employee, or bear to ~~him~~ the employee the relation of surviving spouse, lineal descendant, ancestor, or brother or sister. Generally, lineal descent is descent in a direct or right line, as from father or grandfather to son or grandson, etc. to the remotest degree. An application signed by a person claiming to be a dependent, as described herein, shall be accepted for filing and shall be sufficient to initiate proceedings for workers' compensation benefits and to obtain a ruling on the validity of the claim. If there are no dependents, the application may be filed by the estate of the deceased employee, the attending physician, the funeral director, by a volunteer paying the funeral bill, by a person who authorized the burial and funeral expenses or by the employer, for services rendered because of the injury or occupational disease causing the employee's death.

(A) ~~State insurance fund~~ The "First Report of Injury" form ("FROI-1") should be used for filing all applications for death benefits. This form should be used whether the employer is a public employer, a private employer contributing to the state insurance fund, an amenable but noncomplying employer, or a self-insuring employer.

~~(1) In cases of death of public employees and employees of employers contributing to the private fund, the eligible applicants, as described above, shall make application for benefits on Form C-2.~~

~~(2) Where the death is the result of an occupational disease, such application shall be filed on Form OD-2.~~

(B) ~~Self-insuring employers~~ In the event of disagreement between the applicant(s) and the self-insuring employer on the question of compensability of the death benefits, the procedure provided in rule 4121-3-13 of the Administrative Code shall be followed .

~~In cases of death of employees of self-insuring employers the eligible applicants, as described above, filing an application with the bureau shall file such application on form C-58 in injury claims, and on form OD-58 in occupational disease claims. In the event of disagreement between the applicant (or applicants) claiming benefits and the self-insuring employer on the question of compensability of the death claim and in all cases raising a question of apportionment of death benefits, the procedure provided in rule 4123-3-13 of the Administrative Code shall be followed.~~

~~(C) Amenable but noncomplying employers.~~

~~In cases of death of employees of employers amenable to the workers' compensation law but not complying therewith by the payment of premium into the state insurance fund, the eligible applicants shall make application for such benefits~~

~~on form C-69 in cases where the death is the result of injury and in cases where the death is the result of an occupational disease.~~

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Certification

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