

Widow/Survivors' Benefits

“Income benefits are payable under KRS 342.730 to the surviving spouse and dependents of an injured worker who dies before the end of his award. Benefits to a surviving widow or widower terminate with a lump sum upon their remarriage and benefits to children or other dependent relatives terminate upon their death, marriage, reaching the age of 18, or becoming capable of self-support.

The surviving spouse of a deceased worker who would have been entitled to Social Security old-age retirement benefits may continue to draw workers' compensation survivor benefits until he or she qualifies for Social Security widow or widower benefits. Currently, this is when the widow or widower reaches age 60 under 42 U.S.C. Section 402 (e) and (f). Each surviving spouse should check with the local Social Security office to determine the deceased worker's Social Security status and the effective date of the commencement of Social Security widow or widower benefits. Workers' compensation benefits will be terminated on the date on which the widow or widower becomes entitled to the Social Security benefit payments.” Supreme Court Case *Morsey, Inc. v. Frazier*, 245 SW3d 757 (Ky., 2008)