

**7190.1020 FACTORS GOVERNING AWARD OF DEATH BENEFITS.**

Subpart 1. **Limitations.** The Pollution Control Agency shall award death benefits to presumed and established dependents until two-thirds of the claimant's wage is allocated. The agency shall adjust any award of death benefits according to the limitations of Minnesota Statutes, sections 115B.34, subdivision 1, clause (4), and 115B.36. The benefit paid to established dependents shall not exceed the actual contribution by the claimant to their support.

Subp. 2. **Initiation.** The agency shall calculate death benefits from the onset of disability leading to the death of the claimant or from the date of death, taking into consideration when the claimant's financial capability to provide reasonable support for the dependents diminished.

Subp. 3. **Determination of dependents.** The agency shall determine the eligibility of a dependent based on the facts existing on the date of the agency's decision.

Subp. 4. **Lump-sum payment.** When the agency chooses to pay death benefits in a lump sum, it shall discount benefits awarded for future years to current value based on real rates of return obtainable through conservative investment.

Subp. 5. **Installment payment.** When the agency chooses to pay death benefits in installments, it shall adjust future payments by the cost of living rate for the current year.

Subp. 6. **Collateral sources.** In calculating the total award of death benefits, the agency shall subtract from the award losses recouped by the dependents from any government survivor program to the extent that the combined total of government survivor benefits and death benefits paid under this chapter exceeds 100 percent of the wage earned by the claimant.

Subp. 7. **Cessation of compensation.** The agency shall cease compensation upon the death of any dependent or upon marriage of any dependent other than the spouse. The cessation of compensation to any dependent does not affect the compensation paid to any other dependent.

**Statutory Authority:** *MS s 115B.34*

**History:** *12 SR 1710; L 2002 c 379 art 2 s 23*

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