



August 2026

Honorable Kathy Hochul, Governor
Executive Chamber, State Capitol
Albany, NY 12224

RE: Disability Payments in the Event of Death

Dear Governor Hochul,

As a member of the New York State Public Employees Federation (PEF), I urge you to approve legislation recently passed by both houses of the State Legislature to provide the payment of disability awards in the event the injured worker dies (S.8131 by Sen. Ramos/A.8480 by Asm. Bronson).

This bill amends the Workers' Compensation Law to include, but not limit, non-schedule awards as an entitlement payable even in cases where the claimant has died for reasons other than the worksite injury. This change is important to codify existing case law and to support a surviving spouse, children or other dependents.

The Workers' Compensation Law outlines two categories of awards for injuries resulting in permanent partial disability. A "schedule loss of use" award is designed to compensate for loss of earning power, rather than the time that an employee actually loses from work or the injury itself. The "non-schedule" award seeks to reimburse a claimant for earnings lost due to injury. Typically, the courts have awarded posthumous benefits for schedule awards but not for non-schedule awards.

This legislation is needed to codify the award of non-schedule awards benefits, as determined in *Green v. Dutchess County BOCES*, 2022, authorizing unaccrued portions to be payable to and for the benefit of the claimant's spouse, children, and/or estate as specified under applicable provisions of the Workers' Compensation Law.

It is for these reasons that I urge you to sign this legislation into law.

Sincerely,

Name: _____

Address: _____

Signature: _____