

## 勞保給付－失蹤津貼常見問答

### Labor Occupational Accident – FAQ of Missing Allowance

序號	問題	回答
1	被保險人失蹤，可否請領保險給付？	<p>1. 被保險人如為漁業生產勞動者或航空、航海員工或坑內工，於漁業、航空、航海或坑內作業中，遭遇意外事故致失蹤時，自失蹤之日起，按其平均月投保薪資 70% 給付失蹤津貼；於每滿 3 個月之期末給付 1 次，至生還之前 1 日或失蹤滿 1 年之前 1 日或依法宣告死亡之前 1 日為止。其家屬於請領失蹤津貼滿 1 年後，可依民法第 8 條規定，向戶籍所在地管轄法院聲請死亡之宣告，再向本局請領職業傷害死亡給付。如經法院裁定於失蹤滿 7 年才宣告死亡，則可檢具法院裁定書繼續請領失蹤津貼至宣告死亡前 1 日止。</p> <p>1. If the insured is a fishery production worker or an aviation, navigating, or pit worker, and is missing due to an accident during fishing, aviation, navigating or in-pit operations, from the date of disappearance, the average monthly 70% of the insured salary will be paid as a missing allowance; it will be paid once at the end of every 3 months until the day before the surviving, the 1 day before the disappearance for 1 year, or the 1 day before the legal declaration of death. One year after the family member has applied for the missing allowance, he or she may, in accordance with Article 8 of the Civil Law, apply for a declaration of death to the court with jurisdiction where the household is registered, and then apply to the Bureau for occupational injury death benefit. If the court has ruled that the person is not declared dead until 7 years after the disappearance, the person can continue to apply for the missing allowance with the court ruling until 1 day before the declaration of death.</p> <p>2. 被保險人非因上述情形於保險有效期間失蹤，家屬不得請領失蹤津貼，嗣經法院宣告死亡，遺屬得於被保險人受死亡宣告判決確定死亡之日起，按退保當時之保險年資及平均月投保薪資，依受死亡宣告判決確定死亡時之規定，請領死亡給付。惟基於社會保險給付不重複保障原則，被保險人同時符合國民年金保險給付條件時，僅得擇一請領。</p> <p>2. If the insured disappears during the effective period of the insurance other than the above-mentioned circumstances, the family members shall not apply for</p>

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		<p>the missing allowance. If the insured person is declared dead by the court, the survivors may, from the date when the insured person is confirmed to be dead by the death declaration judgment, be paid according to the insurance at the time of withdrawal of the insurance. The seniority and the average monthly insured salary shall be subject to the death benefit according to the provisions when the death is determined by the death declaration judgment. However, based on the principle of non-repetitive protection of social insurance payments, when the insured meets the national pension insurance payment conditions at the same time, only one of them can be claimed.</p>
2	<p>申請失蹤津貼要準備哪些文件？ What documents do I need to prepare to apply for missing allowance?</p>	<p>1. 失蹤津貼申請書及給付收據。 1. Application for missing allowance and receipt of benefits payment.</p> <p>2. 被保險人全戶戶籍謄本；受益人與被保險人非同戶籍者，應同時提出各該戶籍謄本。 2. The transcript of household registration of the whole family of the insured and the present transcript of household registration of beneficiaries with the date of disappearance listed (1 copy is required if the insured and the beneficiaries are registered in the same household).</p> <p>3. 災難報告書或其他相關事故證明。 3. Disaster report or other disaster certificate (exempted for those without a certificate).</p>
3	<p>請領失蹤津貼的請求時間為何？ What is the time limit for claiming missing allowance?</p>	<p>領取失蹤津貼之請求權，自得請領之日（滿3個月之期末）起，因5年間不行使而消滅。 The right to claim missing allowance shall be extinguished due to non-exercise within 5 years from the date of claim (the end of the 3-month period).</p> <p>【說明】：101年12月19日總統華總一義字第10100279771號令公布修正「勞工保險條例第30條」條文，依中央法規標準法第13條規定，自101年12月21日起生效施行。另依行政院勞工委員會101年12月25日勞保2字第1010140557號函示略以： [Explanation]: On December 19, 101, President Hua Zongyi Zi No. 10100279771 announced the amendment to the provisions of "Article 30 of the Labor Insurance Regulations". According to the provisions of Article 13 of the Central Regulations and Standards Law, it will come into force on December 21, 101. . In addition,</p>

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		<p>according to the Letter No. 1010140557 dated December 25, 101, by the Labor Committee of the Executive Yuan, the following is omitted:</p> <p>(1) 上開條文修正生效後發生之保險給付請求權，應依修正後之規定辦理，其請求權時效為 5 年。 (1) Claims for insurance benefits arising after the amendments to the above-mentioned provisions come into effect shall be handled in accordance with the amended provisions, and the limitation period for the claims shall be 5 years.</p> <p>(2) 101 年 12 月 21 日條文修正生效時，保險給付請求權時效尚未逾 2 年者，為保障請領人請領保險給付之權益，依修正後之規定，其請求權時效自得請領之日起因 5 年間不行使而消滅。 (2) When the amendment to the provisions of December 21, 101 came into effect, if the limitation period for the right to claim insurance benefits has not exceeded 2 years, in order to protect the claimant's right to claim insurance benefits, according to the revised regulations, the limitation period for the right to claim insurance benefits can be claimed by itself. It will be extinguished due to non-exercise for 5 years from the date.</p>
4	<p>可以請領失蹤津貼的期限為何？ What is the period for which I can claim missing allowance?</p>	<p>失蹤 1 年應向法院聲請死亡宣告後申請死亡給付，若法院判決為普通災難，得檢具法院裁定書，繼續申請失蹤津貼至滿 7 年止。 An insured person who had been declared missing for 1 year should apply for a declaration of death from the court before applying for survivor benefits payment. If it was declared by the court to be an ordinary missing case, a written court decision shall be obtained to continue applying for missing allowance until 7 full years.</p>