

An. Code, 1924, sec. 54. 1912, sec. 54. 1914, ch. 800, sec. 53. 1931, ch. 342. 1935, ch. 236. 1939, ch. 465, sec. 54.

66. The powers and jurisdiction of the Commission over each case shall be continuing, and it may, from time to time, make such modifications or changes with respect to former findings or orders with respect thereto as in its opinion may be justified; provided, however, that no modification or change of any final award of compensation shall be made by the Commission unless application therefor shall be made to the Commission within three years next following the last final award of compensation, but no award shall be considered a final award under this Section unless it shall have been so designated on the award by the Commission. In cases where no final award shall have been made by the Commission, but an award not designated as a final award shall have been made by the Commission, no additional award or awards of compensation shall be made by the Commission unless application therefor be made to the Commission within three years next following the last payment of compensation under such award or awards not designated by the Commission as final. However, in all occupational disease cases application to the Commission for a modification or change in any final award must be made within one year thereafter.

The State Industrial Accident Commission shall not pass any order or make any award designated as a final order or award, except after a hearing, or unless the parties shall have been afforded an opportunity to ask for a hearing or unless the parties shall consent to the passage of such final order or award.

This section referred to in construing Sec. 63. *Victory, etc., Co. v. Saxton*, 170 Md. 452.

The powers conferred on the Commission to make modifications or changes in former orders not limited by Sec. 55, but refusal to reopen case for reconsideration of question previously determined is not appealable. *Stevenson v. Hill*, 170 Md. 676.

Ch. 236, 1935, extending from one to three years' time for application to Commission for modification, etc., of final award and that award shall not be considered final unless so designated, is not retroactive so as to permit reopening of claim once closed under one year limitation of previous act. *Dashiell v. Candy Shops*, 171 Md. 72.

If case is remanded, Commission may pass new order adopting the amounts fixed in earlier award or ascertaining new amounts. *Emmitsburg R. Co. v. Lowe*, 157 Md. 50.

This section referred to in construing secs. 55 and 70. *Gold Dust Corp. v. Zabawa*; 159 Md. 667.

Where amputation of leg due to injury, award of temporary total disability was made and weekly sum for permanent partial disability to begin after expiration of total partial disability, and employee died as result of injury while totally disabled, Commission properly rescinded award for permanent partial disability and awarded widow compensation for his death under authority of this section. *Gratz v. Bethlehem Steel Co.*, 162 Md. 34.

The amendment to this section by ch. 342, 1931, providing that application for modification of final award must be made within one year, held to apply to awards made prior to June 1, 1931, as well as those made thereafter, as it affected procedure and not substantial rights. *Ireland v. Shipley*, 165 Md. 96.

This section referred to in construing sec. 70. *Saf-T-Cab Service v. Terry*, 167 Md. 48. Cited but not construed in *Balto. Pub. Co. v. Hendricks*, 156 Md. 80.

This section does not authorize commission to abate, upon her marriage, benefits awarded to sister of decedent. The question of whether commission may, under this section and sec. 62, change its award for purpose of reapportioning the compensation among the dependents, not passed on. *Adleman v. Ocean Accident & G. Cor.*, 130 Md. 573. And see *Accident Fund v. Jacobs' Admr.*, 140 Md. 627.

This section referred to in holding that an order of commission denying a motion to reopen a case is appealable. *Bethlehem Corp. v. Simmons*, 143 Md. 509.

This section referred to in construing sec. 48—see notes thereto: *Accident Fund v. Jacobs' Admr.*, 140 Md. 627.