

which shall be paid by the injured employee and/or his dependents, and the employer, insurance company, association or State Accident Fund in the proportion that the amount received by each shall bear to the whole amount paid in settlement of any claim or satisfaction of any judgment obtained in the case, and the balance in excess of these items shall enure to the injured employee, or in case of death, to his dependents, and the amount thus received by the injured employee or in case of death by his dependents shall be in lieu of any award that might otherwise have been made thereafter in the same case under the provisions of this Article and said case shall thereupon be deemed to have been finally settled and closed [.] *unless the amount thus received by the injured employee or his dependents from such other person shall be less than the injured employee or his dependents would be otherwise entitled to receive under the provisions of this Article, in which event he or his dependents shall have the right to reopen the claim for compensation under this Article to recover the difference between the amount thus received by the injured employee or his dependents and the full amount of compensation which would be otherwise payable under this Article.*

WHEN ANY EMPLOYEE HAS A RIGHT OF ACTION UNDER THIS SECTION AGAINST A THIRD PARTY, THE PERIOD OF LIMITATIONS FOR SUCH ACTION, AS TO SUCH EMPLOYEE, SHALL NOT BEGIN TO RUN UNTIL TWO MONTHS AFTER THE FIRST AWARD OF COMPENSATION MADE TO SUCH EMPLOYEE UNDER THIS ARTICLE, AND THIS SECTION SHALL APPLY TO PASSED AND FUTURE RIGHTS OF ACTION UNDER THIS SECTION.

65. In any proceeding for the enforcement of a claim for compensation under this Article, it shall be presumed in the absence of substantial evidence to the contrary:

- (a) That the claim comes within the provisions of this Article.
- (b) That sufficient notice thereof was given.
- (c) That the injury was not occasioned by the wilful intention of the injured employee to bring about the injury or death of himself or of another.
- (d) That the injury did not result solely from the intoxication of the injured employee while on duty.
- (e) That there has been no prejudice caused by failure to file claim within [thirty (30)] *sixty (60)* days.

66. In any proceeding for the enforcement of a claim for compensation under this Article on behalf of any employee, if the State Accident Fund or the insurance carrier, as the case may be, has accepted *or is entitled to receive* from his employer a premium or premiums on compensation insurance (either alone or in connection with other insurance) with respect to such employee, such Fund or carrier shall be estopped from asserting, as a defense to such claim, that such employee was a casual employee or was not engaged in an extra-hazardous employment or that the employment is excluded from the provisions of this Article or was not carried on for pecuniary gain.