

## COUNTY LOCAL LAWS

result of injuries sustained in the line of duty or was directly attributable to the inherent hazards of the duties performed by such member, and the County Personnel Board decides his death was not caused by willful negligence on his part, payments will be made as follows:

(1) a spouse's benefit of an amount not to exceed one hundred twenty-five dollars (\$125) per month until death or remarriage; plus

(2) a child's benefit of an amount not to exceed twenty-five dollars (\$25.00) per month until age eighteen (18) or for life if the child is disabled and incapable of self-support;

(3) any amount that would be payable to such spouse or children upon application under the Social Security Act, except the Social Security lump sum death benefit.

(f) If the member was a member of the Employees' Retirement System of the State of Maryland as of August 15, 1965, and became a member of the Employees' Retirement System of Montgomery County on or before December 31, 1966, or such later agency entrance date approved by the County Personnel Board, without a break in service, fifty percent (50%) of his average final earnings. (See Section 94-69(f), title "Leave of Absence.")

Notwithstanding the above provisions, in any case where the spouse and children's benefits of a member whose death is service connected do not equal the death benefits that would otherwise have been payable to the member if his death was not service connected in accordance with the provisions of Section 94-70(a)(1), and if qualified, the benefits provided in Section 94-70(a)(2), the designated beneficiary or the estate of such member shall be entitled to receive the difference, if any, after the death of the spouse, and any surviving eligible children, if any.

(e) Spouse's Benefits.

(1) Spouse's benefit in the event of the death of an active member after his normal retirement date.

a. A surviving spouse who is the