

twenty-five dollars per week at the time of the injury, in which event he shall receive compensation equal to his full wages. This subsection, to the extent of any inconsistency, prevails over subsection (subsections) (3) and (4); but otherwise subsections (3) and (4) apply to persons covered by this subsection. Provided, however, that any additional compensation for permanent partial disability on a petition to reopen shall not increase the amount of compensation previously awarded and actually paid.

(5) (a) In all claims for compensation for hernia, compensation may be allowed only upon definite proof to the satisfaction of the Commission.

First. That there was an accidental injury causing hernia, arising out of and in the course of the employee's employment; or that the claimant sustained a hernia resulting from a strain arising out of and in the course of his or her employment.

Second. That the hernia did not exist prior to the injury or strain for which compensation is claimed; provided that if as the result of an accidental injury, or as the result of a strain, arising out of and in the course of the employee's employment a pre-existing hernia becomes so strangulated, incarcerated or becomes so aggravated that an immediate operation is necessary, the provision of this subparagraph requiring proof that hernia did not exist prior to the injury for which compensation is claimed shall not apply.

Third. That, anything in this article respecting notice to the contrary notwithstanding, such injury or strain was reported to the employer within thirty days next following its occurrence.

(b) All hernia, inguinal, femoral or otherwise, so proven to be the result of such injury or strain, shall be treated in a surgical manner by operation whenever practicable. If death results from such operation, the death shall be considered as a result of the injury or strain, and compensation paid in accordance with the provisions of this section. In nonfatal cases, time loss only shall be compensated, provided, however, that in computing lost time there shall not be included any time lost from delay in the holding of a hearing when such delay shall have been occasioned at the request, or by the fault, of the claimant, unless it is shown by special examination that the injured employee has a permanent partial or permanent total or temporary total disability resulting from the operation. If so, compensation shall be paid in accordance with the provisions of this article, with