

the case warrant it, convert the compensation to be paid in a partial or total lump sum, without discount. Lump-sum payments may also be made by the Commission for the purposes provided for in § 57 of this article. If a lump sum is granted under § 36(1)(a) or [~~§ 36(8)~~] -~~§ 36(7)~~- (7) of this article or in any case involving payments under an award of permanent total disability or death by an employer or its insurance carrier or by the Subsequent Injury Fund, whether the lump sum is granted under this section or for the purposes provided in § 57 of this article, the Commission shall reduce the weekly rate of compensation until the amount of the lump sum granted would have been paid if that sum had been paid in weekly payments. When payments are made in permanent total disability or death cases under this section, the Workmen's Compensation Commission shall determine in its award, both the dollar amount and the precise number of weeks to be paid by the employer or its insurance carrier at the reduced weekly rate, and when Subsequent Injury Fund payments apply, the dollar amount and the precise number of weeks to be paid by the Subsequent Injury Fund at the reduced weekly rate. The provisions of this section shall also apply to payments made under § 57 of this article.

DRAFTER'S NOTE:

Error: Erroneous cross-reference in Article 101, § 49.

Occurred: Ch. 591, Acts of 1987 renumbered Article 101, § 36(8) to be § 36(7) of that article.

56.

(a) Any employer, employee, beneficiary or person feeling aggrieved by any decision of the Commission affecting his interests under this article, may have the same reviewed by a proceeding in the nature of an appeal and initiated in the circuit court of the county having jurisdiction over the place where the accident occurred or over the person appealing from such decision, and the court shall determine whether the Commission has justly considered all the facts concerning the injury, whether it has exceeded the powers granted it by the article, and whether it has misconstrued the law and facts applicable in the case decided. For the purposes of this section the word "person" shall be deemed to include the Subsequent Injury Fund as created by § 66 of this article and no award shall be made against such fund by the Commission or by any court unless the fund is a party to the proceeding and is represented by counsel. In the event that an appeal shall be taken to court other than the circuit court of the county having jurisdiction over the place where the accident occurred or over the person appealing from such decision, the court shall on motion of either party transfer such appeal to the proper tribunal, so that the said appeal may be heard on its merits in the court having