

(i) the child is wholly dependent on the deceased covered employee;
and

(ii) incapable of self-support because of mental or physical disability or other sufficient reason as determined by the Commission.

(3) The employer or its insurer shall continue to make payments to, or for the benefit of, a child who is 18 years old or older for up to 5 years after reaching the age of 18 if:

(i) the child is attending school on a full-time basis; and

(ii) the school offers an educational program or a vocational training program, that is accredited or approved by the State Department of Education.

(j) The Commission has continuing jurisdiction to:

(1) determine whether a surviving spouse or child has become wholly or partly self-supporting;

(2) suspend or terminate payments of compensation; and

(3) reinstate payments of compensation that have been suspended or terminated.

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~~(a) If there are no individuals who were totally dependent on the deceased covered employee at the time of death, but there are individuals who were partly dependent, the employer or its insurer shall pay death benefit in accordance with this section.~~

(A) THE EMPLOYER OR ITS INSURER SHALL PAY A DEATH BENEFIT IN ACCORDANCE WITH THIS SECTION IF:

(1) THERE ARE NO INDIVIDUALS WHO WERE WHOLLY DEPENDENT ON THE DECEASED COVERED EMPLOYEE AT THE TIME OF DEATH, BUT THERE ARE INDIVIDUALS WHO WERE PARTLY DEPENDENT; OR

(2) A SURVIVING SPOUSE WHO WAS WHOLLY DEPENDENT ON THE DECEASED COVERED EMPLOYEE AT THE TIME OF DEATH BECOMES PARTLY SELF-SUPPORTING.

(b) (1) The maximum weekly death benefit payable under this section shall equal two-thirds of the average weekly wage of the deceased covered employee, but may not exceed two-thirds of the State average weekly wage.

(2) The weekly death benefit payable under this section shall be the percentage of the maximum weekly death benefit under paragraph (1) of this subsection that: