

(3) THE COMPUTATION OF AN ADDITIONAL BENEFIT PAYABLE UNDER PARAGRAPH (2) OF THIS SECTION SHALL BE DONE AT THE TIME OF THE INITIAL AWARD AND MAY NOT INCLUDE ANY COST OF LIVING ADJUSTMENT AFTER THE INITIAL AWARD.

(B) COVERED EMPLOYEE OF MILITARY DEPARTMENT OF STATE.

(1) IF FEDERAL LAW PROVIDES BENEFITS FOR AN INDIVIDUAL WHO IS A COVERED EMPLOYEE OF THE MILITARY DEPARTMENT OF THE STATE UNDER § 9-215 OF THIS TITLE THAT ARE EQUAL TO OR GREATER THAN THE BENEFITS PROVIDED BY THIS TITLE, THE COVERED EMPLOYEE IS NOT ENTITLED TO BENEFITS UNDER THIS TITLE.

(2) IF FEDERAL LAW PROVIDES BENEFITS FOR A COVERED EMPLOYEE OF THE MILITARY DEPARTMENT OF THE STATE THAT ARE LESS THAN THE BENEFITS PROVIDED BY THIS TITLE, THE STATE AND ITS INSURER SHALL PROVIDE AN ADDITIONAL BENEFIT THAT EQUALS THE DIFFERENCE BETWEEN THE BENEFIT PROVIDED BY FEDERAL LAW AND THE SIMILAR BENEFIT PROVIDED BY THIS TITLE.

(C) POWERS OF COMMISSION.

(1) THE COMMISSION MAY:

(I) DETERMINE WHETHER ANY BENEFIT PROVIDED BY THE EMPLOYER IS EQUAL TO OR GREATER THAN ANY BENEFIT PROVIDED FOR IN THIS TITLE; AND

(II) MAKE AN AWARD AGAINST THE EMPLOYER OR THE SUBSEQUENT INJURY FUND OR BOTH TO PROVIDE AN ADDITIONAL BENEFIT THAT EQUALS THE DIFFERENCE BETWEEN THE BENEFIT PROVIDED BY THE EMPLOYER AND THE BENEFITS REQUIRED BY THIS TITLE.

(2) A CLAIM THAT COMES UNDER THIS SECTION IS SUBJECT TO THE CONTINUING POWERS AND JURISDICTION OF THE COMMISSION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 33(e), the second and third sentences of (a), the first, second, and, except as it provided for retroactive effect, the third sentence of (d).

In subsection (a)(1) of this section, the reference to a "governmental unit or a quasi-public corporation that is an employer" is substituted for the former reference to "employers" for clarity, since former Art. 101, § 21(a)(2) covered governmental units and quasi-public corporations.

Also in subsection (a) of this section, the phrase "to the extent of the payment" is substituted for the former phrase "pro tanto or in full as the case may be", for brevity and clarity.