

In subsections (d)(2) and (e) of this section, the word "minor" is substituted for the former phrases "under eighteen years of age" and "under eighteen", respectively, for brevity. See Art. 1, § 24 of the Code.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that the application of this section to an award made after the death of the covered employee is unclear. A court may decide, after the death of the covered employee, that the covered employee should have been awarded compensation in a greater amount of compensation. That money arguably is "compensation that is payable ... and unpaid on the date of death" since it would go back to the initial decision. The General Assembly may wish to consider clarifying the application of this section to posthumous award of compensation.

Defined terms: "Commission" § 9-101

"Compensation" § 9-101 "Covered employee" § 9-101

9-633. RESERVED.

9-634. RESERVED.

PART V. PERMANENT TOTAL DISABILITY.

9-635. SCOPE OF PART.

A COVERED EMPLOYEE WHO IS PERMANENTLY TOTALLY DISABLED DUE TO AN ACCIDENTAL INJURY OR AN OCCUPATIONAL DISEASE SHALL BE PAID COMPENSATION IN ACCORDANCE WITH THIS PART V OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the introductory phrase of former Art. 101, § 36(1)(a) and rephrased to state the scope of application of this Part V of this subtitle.

Defined terms: "Accidental injury" § 9-101

"Compensation" § 9-101 "Covered employee" § 9-101

"Occupational disease" § 9-101

9-636. DETERMINATION OF DISABILITY; PRESUMPTION.

(A) DETERMINATION OF DISABILITY.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERMANENT TOTAL DISABILITY SHALL BE DETERMINED IN ACCORDANCE WITH THE FACTS IN EACH CASE.

(B) PRESUMPTION.

ABSENT CONCLUSIVE PROOF TO THE CONTRARY, THE LOSS OR LOSS OF USE OF ANY OF THE FOLLOWING CONSTITUTES A PERMANENT TOTAL DISABILITY: