

9-683. APPORTIONMENT AND PAYMENT OF DEATH BENEFITS.

(A) APPORTIONMENT — IN GENERAL.

IF THERE ARE MULTIPLE DEPENDENTS ENTITLED TO DEATH BENEFITS, THE COMMISSION MAY APPORTION AN AWARD OF DEATH BENEFITS AMONG THE DEPENDENTS IN THE MANNER THAT THE COMMISSION CONSIDERS JUST AND EQUITABLE.

(B) SAME — PARTIAL AND TOTAL DEPENDENTS.

IF THERE ARE WHOLLY AND PARTLY DEPENDENT INDIVIDUALS ENTITLED TO DEATH BENEFITS, THE COMMISSION MAY:

(1) AWARD THE DEATH BENEFITS TO THE WHOLLY DEPENDENT INDIVIDUALS ONLY; OR

(2) APPORTION THE AWARD AMONG THE WHOLLY AND PARTLY DEPENDENT INDIVIDUALS IN THE MANNER THAT THE COMMISSION CONSIDERS TO BE FAIR AND EQUITABLE UNDER ALL OF THE FACTS AND CIRCUMSTANCES OF THE CASE.

(C) PAYMENT OF DEATH BENEFITS.

(1) DEATH BENEFITS SHALL BE PAID TO 1 OR MORE OF THE DEPENDENTS OF A COVERED EMPLOYEE WHO ARE ENTITLED TO DEATH BENEFITS, AS DETERMINED BY THE COMMISSION, FOR THE BENEFIT OF ALL OF THE DEPENDENTS WHO ARE ENTITLED TO DEATH BENEFITS.

(2) A DEPENDENT TO WHOM DEATH BENEFITS ARE PAID SHALL APPLY THE DEATH BENEFITS TO THE USE OF ALL OF THE DEPENDENTS WHO ARE ENTITLED TO DEATH BENEFITS:

(I) ACCORDING TO THE RESPECTIVE CLAIMS OF THE DEPENDENTS ON THE DECEASED COVERED EMPLOYEE FOR SUPPORT; AND

(II) IN COMPLIANCE WITH THE FINDINGS AND DIRECTION OF THE COMMISSION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 36(c) and (k).

In the introductory language of subsection (b) of this section, the former phrase "in its discretion" is deleted as unnecessary in light of the word "may".

In subsection (b)(2) of this section, the former phrase "in the discretion of the Commission", is deleted as unnecessary in light of the phrase "in the manner that the Commission considers to be fair and equitable under all of the facts and circumstances of the case".