

THIS SECTION DOES NOT APPLY TO A CLAIM FOR DEATH DUE TO AN ACCIDENTAL INJURY FROM IONIZING RADIATION.

(B) FILING CLAIM.

IF A COVERED EMPLOYEE DIES FROM AN ACCIDENTAL INJURY, THE DEPENDENTS OF THE COVERED EMPLOYEE OR AN INDIVIDUAL ON THEIR BEHALF SHALL, WITHIN 18 MONTHS AFTER THE DATE OF DEATH, FILE WITH THE COMMISSION:

- (1) A CLAIM APPLICATION FORM;
- (2) PROOF OF DEATH;
- (3) CERTIFICATES OF ANY PHYSICIAN WHO ATTENDED THE COVERED EMPLOYEE; AND
- (4) ANY OTHER PROOF THAT THE COMMISSION MAY REQUIRE BY REGULATION.

(C) ESTOPPEL OR FRAUD.

(1) IF IT IS ESTABLISHED THAT A FAILURE TO FILE A CLAIM IN ACCORDANCE WITH THIS SECTION WAS CAUSED BY FRAUD OR BY FACTS AND CIRCUMSTANCES AMOUNTING TO AN ESTOPPEL, THE DEPENDENTS OF THE COVERED EMPLOYEE OR AN INDIVIDUAL ON THEIR BEHALF SHALL FILE A CLAIM APPLICATION WITH THE COMMISSION WITHIN 1 YEAR AFTER:

- (I) THE DATE OF THE DISCOVERY OF THE FRAUD; OR
 - (II) THE DATE WHEN THE FACTS AND CIRCUMSTANCES THAT AMOUNT TO ESTOPPEL CEASE TO OPERATE.
- (2) FAILURE TO FILE A CLAIM APPLICATION IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION BARS A CLAIM UNDER THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 39(b) and, as it related to the dependents of a covered employee who dies from an accidental injury, (c).

In the introductory language of subsection (b) of this section, the reference to "the dependents of the covered employee" is substituted for the former reference to "the parties entitled to compensation under this article", for clarity and to reflect that only a dependent of a covered employee may receive death benefits for the death of the covered employee.

In the introductory language of subsection (c)(1) of this section, the reference to "an individual on their behalf" is added to conform to subsection (b) of this section.