

(3) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE COMMISSION MAY NOT MODIFY AN AWARD UNLESS THE MODIFICATION IS APPLIED FOR WITHIN 5 YEARS AFTER THE LAST COMPENSATION PAYMENT.

(C) ESTOPPEL; FRAUD.

(1) IF IT IS ESTABLISHED THAT A PARTY FAILED TO FILE AN APPLICATION FOR MODIFICATION OF AN AWARD BECAUSE OF FRAUD OR FACTS AND CIRCUMSTANCES AMOUNTING TO AN ESTOPPEL, THE PARTY SHALL APPLY FOR MODIFICATION OF AN AWARD WITHIN 1 YEAR AFTER:

(I) THE DATE OF DISCOVERY OF THE FRAUD; OR

(II) THE DATE WHEN THE FACTS AND CIRCUMSTANCES AMOUNTING TO AN ESTOPPEL CEASED TO OPERATE.

(2) FAILURE TO FILE AN APPLICATION FOR MODIFICATION IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION BARS MODIFICATION UNDER THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 40(b) through (d).

The introductory language in subsection (b)(2) of this section, the phrase "[s]ubject to paragraph (3) of this subsection", is added to reference the limit on the authority of the Commission to modify certain compensation awards.

In subsection (b)(2) of this section, the former phrase "from time to time" is deleted as unnecessary in light of subsection (b)(1) of this section.

Also in subsection (b)(2) of this section, the former reference to "make ... changes" is deleted as unnecessary in light of the reference to "modify".

Defined terms: "Commission" § 9-101

"Compensation" § 9-101

9-737. JUDICIAL REVIEW — AUTHORIZED.

AN EMPLOYER, COVERED EMPLOYEE, DEPENDENT OF A COVERED EMPLOYEE, OR ANY OTHER INTERESTED PERSON AGGRIEVED BY A DECISION OF THE COMMISSION, INCLUDING THE SUBSEQUENT INJURY FUND AND THE UNINSURED EMPLOYERS' FUND, MAY APPEAL FROM THE DECISION OF THE COMMISSION IN ACCORDANCE WITH SUBTITLE B OF THE MARYLAND RULES.

REVISOR'S NOTE: This section is new language derived without substantive change from the first clause of the second sentence and, as it related to authorizing an appeal, the first clause of the first sentence of former Art. 101, § 56(a), and, as it related to appeals, the first sentence of § 95.