

(E) DISPOSITION.

(1) IF THE COURT DETERMINES THAT THE COMMISSION ACTED WITHIN ITS POWERS AND CORRECTLY CONSTRUED THE LAW AND FACTS, THE COURT SHALL CONFIRM THE DECISION OF THE COMMISSION.

(2) IF THE COURT DETERMINES THAT THE COMMISSION DID NOT ACT WITHIN ITS POWERS OR DID NOT CORRECTLY CONSTRUCT THE LAW AND FACTS, THE COURT SHALL REVERSE OR MODIFY THE DECISION OR REMAND THE CASE TO THE COMMISSION FOR FURTHER PROCEEDINGS.

REVISOR'S NOTE: This section is new language derived without substantive change from the fourth, fifth, and eighth sentences and the second clause of the first sentence of former Art. 101, § 56(a) and the second sentence of (c).

Defined terms: "Accidental injury" § 9-101

"Occupational disease" § 9-101

9-746. COURT COSTS AND ALLOWANCES FOR WITNESSES.

COURT COSTS AND ALLOWANCES FOR WITNESSES SHALL BE PAID AS IN OTHER CIVIL CASES.

REVISOR'S NOTE: This section is new language derived without substantive change from the eleventh sentence of former Art. 101, § 56(a).

The former clause "[i]f the decision of the Commission shall be confirmed, reversed, modified, or remanded to the Commission for further proceedings" is deleted as unnecessary, since that clause described all possible dispositions.

9-747. COPY OF DOCKET ENTRIES AND JUDGMENT FOR COMMISSION.

THE CLERK OF THE COURT TO WHICH AN APPEAL FROM THE COMMISSION IS TAKEN SHALL SEND PROMPTLY TO THE COMMISSION A CERTIFIED COPY OF EACH DOCKET ENTRY AND JUDGMENT IN THE APPEAL.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, §§ 56(d) and 60.

The former word "duly" is deleted as surplusage.

The phrase "under § 59", which formerly modified the word "appeal" in former Art. 101, § 60, is deleted as unnecessary, since the word "appeal" is not otherwise limited to exclude appeal under § 59.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that it is unclear whether the Commission has jurisdiction to make another award on receipt of a judgment in an appeal if a further appeal is pending in the Court of Special Appeals or