

IN THE
SUPREME COURT OF MISSOURI

GARY GERVICH (Dec.))	
Deborah Gervich (Spouse))	
Appellant/Employee,)	
)	
vs.)	Appeal No. SC91727
)	
CONDAIRE, INC.)	
)	
and)	
)	
TREASURER OF MISSOURI,)	
As Custodian of Second Injury Fund)	
Respondent/Additional Party.))	

APPEAL FROM THE
LABOR AND INDUSTRIAL RELATIONS COMMISSION

**SUBSTITUTE BRIEF OF RESPONDENT,
TREASURER OF THE STATE OF MISSOURI,
CUSTODIAN OF THE SECOND INJURY FUND**

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STATEMENT OF FACTS

This case arises from a workers' compensation claim based on an April 6, 2006, injury to Employee, Gary Gervich. (Appellant's Appendix A5).

Employee filed a workers' compensation claim based on the April 6, 2006 injury. (Appellant's Appendix A6.) In 2008, the General Assembly changed the law relating to rights of dependents upon the death of a disabled employee. Employee died on April 5, 2009, of causes unrelated to the 2006 injury. (Appellant's Appendix A7.)

From the time of Employee's injury until his death, he was married to respondent Deborah Gervich – his sole surviving dependent. (Appellant's Appendix's Appendix A7.) Before the Division of Workers Compensation, Mrs. Gervich sought to be substituted for her deceased husband. (Appellant's Appendix A7.) The ALJ allowed the substitution, found that Employee was permanently totally disabled, but declined to make an award to Mrs. Gervich (Appellant's Appendix A29.) The ALJ reasoned that in finding that Mrs. Gervich becomes the "employee" it is no longer Mr. Gervich's condition and ability to work that is controlling on the determination of further permanently totally disabled benefits but rather Mrs. Gervich's condition and ability to compete for work in the open labor market that controls, since she is now the employee. (Appellant's Appendix A29.) Further, the ALJ found there was no evidence that Mrs. Gervich was incapable of competing for

employment in the open labor market at the time she became the “employee” by operation of the statute on April 5, 2009. (Appellant s Appendix A29.)

“Since the continuance of the disability clause extinguishes the permanently totally disabled benefits that had previously been properly payable with Mr. Gervich was the employee as of the date of his death, April 5, 2009.”

(Appellant’s Appendix A30)

The Labor and Industrial Relations Commission agreed with the result of not providing ongoing benefits, but ruled it was because Mrs. Gervich did not have a vested right as a dependent until Mr. Gervich’s death on April 5, 2009, which was after the June 2008 amendment to the laws relevant to this issue. (Appellant’s Appendix A3.)

ARGUMENT

The Second Injury Fund was not liable for continuing permanent total disability benefits payable to a dependant whose claim did not vest until after the employee's death.

Mrs. Gervich seeks continued permanent total disability benefits by virtue of *Schoemehl vs. Treasurer of the State of Missouri*, 217 S. W. 3d 900 (Mo. banc 2007). She relies in effect, on the law as it stood when *Schoemehl* was decided. But the law has changed. The result in her case is different than the result in *Schoemehl* because her rights did not vest by the time the law changed.

Workers' compensation law is a creature of statute. *Pierson v. Treasurer of State*, 126 S.W.3d 386 (Mo. 2004.) Because rights under the Second Injury Fund law are statutory rights, not common law rights, they must be determined based on statutory language, not by analogy to family law or other common law doctrines.

Rather than look at the statute, the Eastern District turned to common law. But property rights as found in domestic relations does not correlate to statutory rights in workers' compensation. One illustration of the distinction is that the meaning of "dependant" in workers' compensation is broader than that in domestic relations property rights. In workers' compensation, a minor

child could be a dependant of an injured worker and continue to receive benefit into their majority, as in *Strait vs. Treasurer* where this Court awarded the children of the deceased worker ongoing benefits. *Strait vs. Treasurer*, 257 S. W. 3d 600 (Mo. banc 2008). Caselaw concerning assets and income upon dissolution of marriage that discusses workers' compensation awards relies on property rights between a husband and wife, it does not rely on workers' compensation law. *See, Seylor v. Seylor*, 201 SW. 3d 57 (Mo. App. E.D. 2006), *Pettis v. Pettis*, 129 SW. 3d 901 (Mo. App. W.D. 2004), *Pauley v. Pauley* 771 SW. 2d 105 (Mo. App. E.D. 1989.)

The decision in *Schoemehl* was not based on a dependent having a "property right" in an injured workers' claim, but instead was based on strict statutory construction of Chapter 287. The Court held "the "during the lifetime of the employee" clause provides that, if the worker does not recover, the "employee" is entitled to compensation during his or her lifetime. *Schoemehl* at 903 The Court then held that the dependent per the statute became the "employee" upon an injured workers' death, and thus it was the dependent's (now the "employee's") lifetime for which benefits were due. *Schoemehl*, 217 S. W. 3d at 903. Property rights played no role in the *Schoemehl* holding.

The major flaw in the Eastern District's logic is seen when you consider that its reasoning cannot be followed to the same outcome if the dependent

for workers' compensation purposes is a minor child, not a spouse. The Eastern District would hold that the spouse's right in the workers' compensation claim arose at the time of the injury following property rights. However, a minor child, who may be a "dependent" for workers' compensation purposes, would have no property right in their parent's workers' compensation claim at the time of the injury, but may be entitled to benefits under the *Schoemehl* holding, as this Court held the Strait children were in *Strait v. Treasurer*. If at the time of the employee's death a child that had been a minor at the time of the injury has reached his majority, he would no longer be a "dependant."

Under *Schoemehl* and § 287.020.1, a dependent's right to take the place of an employee for permanent total disability benefits vested upon the death of the Employee. Thus this Court ruled in *Schoemehl* that "appellant was Schoemehl's dependent at the time of his death and falls within the statutory definition of an "employee"" *Schoemehl*, 217 S. W. 3d at 902 (emphasis added). It did not matter whether Schoemehl's wife had been his dependant for an hour or for a decade, nor whether she or someone else was also his dependant at the time of the injury. No one's claim as a dependant vested until Schoemehl died. Similarly, Mrs. Gervich's claim as a dependant vested in April 2009, when Mr. Gervich died.

Contrary to this Court's statement in *Schoemehl*, Mrs. Gervich argues

that dependent's rights are determined "at the time of the injury, as if that were true of all rights under the workers' compensation law. " §287.240(4) RSMo. But a worker's rights to benefits do not vest at the time of the injury in all aspects of workers' compensation law, neither do their dependants. In fact, many rights accrue over the life of the claim; some are not vested until the final disposition; others may never accrue or vest at all.

For instance, pursuant to §287.160.1, a worker's right to temporary total disability does not vest until he misses at least three days of work due to the injury, and only then provided the disability last longer than fourteen days.

Additionally, a worker has no vested right in permanent partial disability at the time of the injury. The worker is not entitled to permanent partial disability until they reach maximum medical improvement. *Sander's vs. St. Clair, Corp.* 943 S.W. 2d 12 at 16 (Mo. App. S.D. 1997.) Even after reaching maximum medical improvement, if there is no permanent disability, the "benefit" of compensation is not awarded. Proof of the nature and extent of any permanent partial disability is an essential element required by law and is the worker's burden of proof. Absent this proof, the entire claim for permanent partial disability fails.

Other instances where there is no vested right at the time of the injury include physical rehabilitation benefits and future medical treatment.

Physical rehabilitation benefits as outlined in §287.141, may vest, if circumstances warrant; and the right to future medical benefits depends on the outcome of treatment. Neither of these “vests” at the time the injury occurs.

In 2008, well before Mrs. Gervich’s right vested, the General Assembly eliminated the right to ongoing benefits recognized in *Schoemehl*. On June 26, 2008 the Missouri legislature amended the statutes upon which *Schoemehl* relied. The purpose of those revisions was to undo the effect of the *Schoemehl* decision. The legislature specifically redefined employee, as used in section 287.200.1 to mean only the actual worker. *Roller vs. Steelman*, 297 S.W. 3d 128, 132 (Mo. App. 2009). Additionally, “the Legislature also amended sections 287.200.2 and 287.230.2 to unmistakably clarify that a deceased worker’s dependents are *not* entitled to the worker’s unaccrued permanent total disability benefits.” *Roller*, 297 S.W. 3d at 132 fn3 (emphasis included).

The Fund does not seek retroactive application of the 2008 statutory amendments. It does not need to: because Mrs. Gervich’s rights did not vest prior to 2008, there is no question of retrospective law. Because the correct time to determine if dependant Gervich is entitled to benefits under *Schoemehl* is at the time of the injured worker’s death, and because at that time the 2008 amendment was in place, and it is only the injured worker’s

lifetime for which benefits are now payable, Mrs. Gervich is not entitled to the continuation of those benefits.¹

¹ The Fund does not suggest that Mrs. Gervich's rights are "divested," the concept that occupies pages 14-16. Rather, that they never vested. That she did not divorce, remarry or die does not impact this case. Because she never "vested" there is nothing to "divest," §287.240.4 is simply inappropriate.

CONCLUSION

For the above stated reasons, the Second Injury Fund respectfully requests the Court affirm the Commission's Award.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE AND SERVICE

I hereby certify:

1. That the attached brief complies with the limitations contained in Local Rule 360 of this Court and contains 1827 words, excluding the cover, this certification and the appendix, as determined by Microsoft Word 2007 software; and

2. That the CD-Rom filed with this brief, containing a copy of this brief, has been scanned for viruses and is virus-free; and

3. That a true and correct copy of the attached brief, and a CD-Rom containing a copy of this brief, were mailed, postage prepaid, this 22nd day of August, 2011, to:

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§287.141 RSMo. (Supp. 2008)A1

§287.160 RSMo. (Supp. 2008)A4

§287.240 RSMo. (Supp. 2005)A6

**287.141. Physical rehabilitation, defined, division of workers' compensation
to administer--procedure**

1. The purpose of this section is to restore the injured person as soon as possible and as nearly as possible to a condition of self-support and maintenance as an able-bodied worker by physical rehabilitation. The provisions of this chapter relating to physical rehabilitation shall be under the control of and administered by the director of the division of workers' compensation. The division of workers' compensation shall make such rules and regulations as may be necessary to carry out the purposes of this section, subject to the approval of the labor and industrial relations commission of Missouri.

2. The division of workers' compensation shall continuously study the problems of physical rehabilitation and shall investigate all rehabilitation facilities, both private and public, and upon such investigation shall approve as qualified all such facilities, institutions and physicians as are capable of rendering competent physical rehabilitation service for seriously injured industrial workers. Rehabilitation facilities shall include medical, surgical, hospital and physical restoration services. No facility or institution shall be considered as qualified unless it is equipped to provide physical rehabilitation services for persons suffering either from some specialized type of disability or general type of disability within the field of industrial injury, and unless such facility or institution is operated under the supervision of a physician qualified to render physical rehabilitation service and is staffed with trained and qualified personnel and has received a certificate of qualification from the division of workers' compensation. No physician shall be considered as qualified unless he has had the experience prescribed by the division.

3. In any case of serious injury involving disability following the period of rendition of medical aid as provided by subsection 1 of section 287.140, where physical rehabilitation is necessary if the employer or insurer shall offer such physical rehabilitation to the injured employee and such physical rehabilitation is accepted by the employee, then in such case the director of the division of workers' compensation shall be immediately notified thereof and thereupon enter his approval to such effect, and the director of the division of workers' compensation shall requisition the payment of forty dollars per week benefit from the second injury fund in the state treasury to be paid to the employee while he is actually being rehabilitated, and shall immediately notify the state treasurer thereof by furnishing him with a copy

of his order. But in no case shall the period of physical rehabilitation extend beyond twenty weeks except in unusual cases and then only by a special order of the division of workers' compensation for such additional period as the division may authorize.

4. In all cases where physical rehabilitation is offered and accepted or ordered by the division, the employer or insurer shall have the right to select any physician, facility, or institution that has been found qualified by the division of workers' compensation as above set forth.

5. If the parties disagree as to such physical rehabilitation treatment, where such treatment appears necessary, then either the employee, the employer, or insurer may file a request with the division of workers' compensation for an order for physical rehabilitation and the director of the division shall hear the parties within ten days after the filing of the request. The director of the division shall forthwith notify the parties of the time and place of the hearing, and the hearing shall be held at a place to be designated at the discretion of the division. The director of the division may conduct such hearing or he may direct one of the administrative law judges to conduct same. Such hearing shall be informal in all respects. The director of the division shall, after considering all evidence at such hearing, within ten days make his order in the matter, either denying such request or ordering the employer or insurer within a reasonable time, to furnish physical rehabilitation, and ordering the employee to accept the same, at the expense of the employer or insurer. When the order requires physical rehabilitation, it shall also include an order to requisition the payment of forty dollars per week out of the second injury fund in the state treasury to the injured employee during such time as such employee is actually receiving physical rehabilitation.

6. In every case where physical rehabilitation shall be ordered, the director of the division may, in his discretion, order the employer or insurer to furnish transportation to the injured employee to such rehabilitation facility or institution.

7. As used in this section, the term “**physical rehabilitation**” shall be deemed to include medical, surgical and hospital treatment in the same respect as required to be furnished under subsection 1 of section 287.140.

8. An appeal from any order of the division of workers' compensation hereby created to the appellate court may be taken and governed in all respects in

the same manner as appeals in workers' compensation cases generally under section 287.495.

CREDIT(S)

(L.1951, p. 613, § 1. Amended by L.1969, p. 391, § 1; L.1971, H.B. No. 59, p. 306, § 1; L.1974, S.B. No. 417, p. 853, § 1; L.1975, H.B. No. 941, p. 285, § 1; L.1978, H.B. No. 1260, p. 582, § 1; L.1979, H.B. No. 496, p. 452, § 1; L.1980, H.B. No. 1396, p. 364, § 1; L.1983, p. 549, H.B. Nos. 243 & 260, § 1.)

HISTORICAL AND STATUTORY NOTES

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287.160. Waiting period--compensation, how paid--interest, how computed--timeliness of payment report--not credit to employer for wages or benefits paid, exception

1. Except as provided in section 287.140, no compensation shall be payable for the first three days or less of disability during which the employer is open for the purpose of operating its business or enterprise unless the disability shall last longer than fourteen days. If the disability lasts longer than fourteen days, payment for the first three days shall be made retroactively to the claimant.

2. Compensation shall be payable as the wages were paid prior to the injury, but in any event at least once every two weeks. If an injured employee claims benefits pursuant to this section, an employer may, if the employee agrees in writing, pay directly to the employee any benefits due pursuant to section 287.170. The employer shall continue such payments until the insurer starts making the payments or the claim is contested by any party. Where the claim is found to be compensable the employer's workers' compensation insurer shall indemnify the employer for any payments made pursuant to this subsection. If the employee's claim is found to be fraudulent or noncompensable, after a hearing, the employee shall reimburse the employer, or the insurer if the insurer has indemnified the employer, for any benefits received either by a:

(1) Lump sum payment;

(2) Refund of the compensation equivalent of any accumulated sick or disability leave;

(3) Payroll deduction; or

(4) Secured installment plan.

If the employee is no longer employed by such employer, the employer may garnish the employee's wages or execute upon any property, except real estate, of the employee. Nothing in this subsection shall be construed to require any employer to make payments directly to the employee.

3. Where weekly benefit payments that are not being contested by the employer or his insurer are due, and if such weekly benefit payments are made more than thirty days after becoming due, the weekly benefit payments

that are late shall be increased by ten percent simple interest per annum. Provided, however, that if such claim for weekly compensation is contested by the employee, and the employer or his insurer have not paid the disputed weekly benefit payments or lump sum within thirty days of when the administrative law judge's order becomes final, or from the date of a decision by the labor and industrial relations commission, or from the date of the last judicial review, whichever is later, interest on such disputed weekly benefit payments or lump sum so ordered, shall be increased by ten percent simple interest per annum beginning thirty days from the date of such order. Provided, however, that if such claims for weekly compensation are contested solely by the employer or insurer, no interest shall be payable until after thirty days after the award of the administrative law judge. The state of Missouri or any of its political subdivisions, as an employer, is liable for any such interest assessed against it for failure to promptly pay on any award issued against it under this chapter.

4. Compensation shall be payable in accordance with the rules given in sections 287.170, 287.180, 287.190, 287.200, 287.240, and 287.250.

5. The employer shall not be entitled to credit for wages or such pay benefits paid to the employee or his dependents on account of the injury or death except as provided in section 287.270.

CREDIT(S)

(R.S.1939, § 3702. Amended by L.1947, V. II, p. 446; L.1951, p. 620, § 1; L.1953, p. 530, § 1; L.1957, p. 560, § 1; L.1959, S.B. No. 167, § 1; L.1961, p. 423, § 1; L.1965, p. 414, § 1; L.1967, p. 384, § 1; L.1969, p. 393, § 1; L.1971, H.B. Nos. 25 & 364, p. 307, § 1; L.1974, S.B. No. 417, p. 853, § 1; L.1978, H.B. No. 1260, p. 583, § 1; L.1979, H.B. No. 496, p. 452, § 1; L.1980, H.B. No. 1396, p. 365, § 1; L.1981, H.B. No. 324, p. 401, § 1; L.1983, H.B. Nos. 243 & 260, p. 550, § 1; L.1984, H.B. No. 1106, p. 414, § 1; L.1990, S.B. No. 751, § A; L.1992, H.B. No. 975, § A; L.1993, S.B. No. 251, § A; L.1998, H.B. Nos. 1237, 1409, 1166, 1154 & 1491, § A.)

HISTORICAL AND STATUTORY NOTES

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287.240. Death benefits and burial expenses, amount, to whom paid and when paid--dependent defined--death benefits, how distributed--record of dependents, employer to keep--dependents to report to division, procedure

If the injury causes death, either with or without disability, the compensation therefor shall be as provided in this section:

(1) In all cases the employer shall pay direct to the persons furnishing the same the reasonable expense of the burial of the deceased employee not exceeding five thousand dollars. But no person shall be entitled to compensation for the burial expenses of a deceased employee unless he has furnished the same by authority of the widow or widower, the nearest relative of the deceased employee in the county of his death, his personal representative, or the employer, who shall have the right to give the authority in the order named. All fees and charges under this section shall be fair and reasonable, shall be subject to regulation by the division or the commission and shall be limited to such as are fair and reasonable for similar service to persons of a like standard of living. The division or the commission shall also have jurisdiction to hear and determine all disputes as to the charges. If the deceased employee leaves no dependents, the death benefit in this subdivision provided shall be the limit of the liability of the employer under this chapter on account of the death, except as herein provided for burial expenses and except as provided in section 287.140; provided that in all cases when the employer admits or does not deny liability for the burial expense, it shall be paid within thirty days after written notice, that the service has been rendered, has been delivered to the employer. The notice may be sent by registered mail, return receipt requested, or may be made by personal delivery;

(2) The employer shall also pay to the total dependents of the employee a death benefit based on the employee's average weekly earnings during the year immediately preceding the injury that results in the death of the employee, as provided in section 287.250. The amount of compensation for death, which shall be paid in installments in the same manner that compensation is required to be paid under this chapter, shall be computed as follows:

(a) If the injury which caused the death occurred on or after September 28, 1983, but before September 28, 1986, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the employee's average weekly earnings during the year immediately preceding the injury; provided

that the weekly compensation paid under this paragraph shall not exceed an amount equal to seventy percent of the state average weekly wage, as such wage is determined by the division of employment security, as of the July first immediately preceding the date of injury. If there is a total dependent, no death benefits shall be payable to partial dependents or any other persons except as provided in subdivision (1) of this section;

(b) If the injury which caused the death occurred on or after September 28, 1986, but before August 28, 1990, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the employee's average weekly earnings during the year immediately preceding the injury; provided that the weekly compensation paid under this paragraph shall not exceed an amount equal to seventy-five percent of the state average weekly wage, as such wage is determined by the division of employment security, as of the July first immediately preceding the date of injury. If there is a total dependent, no death benefit shall be payable to partial dependents or any other persons except as provided in subdivision (1) of this section;

(c) If the injury which caused the death occurred on or after August 28, 1990, but before August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this paragraph shall not exceed an amount equal to one hundred percent of the state average weekly wage;

(d) If the injury which caused the death occurred on or after August 28, 1991, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average weekly earnings as of the date of the injury; provided that the weekly compensation paid under this paragraph shall not exceed an amount equal to one hundred five percent of the state average weekly wage;

(e) If the injury which caused the death occurred on or after September 28, 1981, the weekly compensation shall in no event be less than forty dollars per week;

(3) If there are partial dependents, and no total dependents, a part of the death benefit herein provided in the case of total dependents, determined by the proportion of his contributions to all partial dependents by the employee at the time of the injury, shall be paid by the employer to each of the dependents proportionately;

(4) The word “**dependent**” as used in this chapter shall be construed to mean a relative by blood or marriage of a deceased employee, who is actually dependent for support, in whole or in part, upon his or her wages at the time of the injury. The following persons shall be conclusively presumed to be totally dependent for support upon a deceased employee, and any death benefit shall be payable to them to the exclusion of other total dependents:

(a) A wife upon a husband with whom she lives or who is legally liable for her support, and a husband upon a wife with whom he lives or who is legally liable for his support; provided that on the death or remarriage of a widow or widower, the death benefit shall cease unless there be other total dependents entitled to any death benefits under this chapter. In the event of remarriage, a lump sum payment equal in amount to the benefits due for a period of two years shall be paid to the widow or widower. Thereupon the periodic death benefits shall cease unless there are other total dependents entitled to any death benefit under this chapter, in which event the periodic benefits to which such widow or widower would have been entitled had he or she not died or remarried shall be divided among such other total dependents and paid to them during their period of entitlement under this chapter;

(b) A natural, posthumous, or adopted child or children, whether legitimate or illegitimate, under the age of eighteen years, or over that age if physically or mentally incapacitated from wage earning, upon the parent legally liable for the support or with whom he, she, or they are living at the time of the death of the parent. In case there is a wife or a husband mentally or physically incapacitated from wage earning, dependent upon a wife or husband, and a child or more than one child thus dependent, the death benefit shall be divided among them in such proportion as may be determined by the commission after considering their ages and other facts bearing on the dependency. In all other cases questions of total or partial dependency shall be determined in accordance with the facts at the time of the injury, and in such other cases if there is more than one person wholly dependent the death benefit shall be divided equally among them. The payment of death benefits to a child or other dependent as provided in this paragraph shall cease when the dependent dies, attains the age of eighteen years, or becomes physically and mentally capable of wage earning over that age, or until twenty-two years of age if the child of the deceased is in attendance and remains as a full-time student in any accredited educational institution, or if at eighteen years of age the dependent child is a member of the armed forces of the United States on active duty; provided, however, that such dependent child

shall be entitled to compensation during four years of full-time attendance at a fully accredited educational institution to commence prior to twenty-three years of age and immediately upon cessation of his active duty in the armed forces, unless there are other total dependents entitled to the death benefit under this chapter;

(5) The division or the commission may, in its discretion, order or award the share of compensation of any such child to be paid to the parent, grandparent, or other adult next of kin or conservator of the child for the latter's support, maintenance and education, which order or award upon notice to the parties may be modified from time to time by the commission in its discretion with respect to the person to whom shall be paid the amount of the order or award remaining unpaid at the time of the modification;

(6) The payments of compensation by the employer in accordance with the order or award of the division or the commission shall discharge the employer from all further obligations as to the compensation;

(7) All death benefits in this chapter shall be paid in installments in the same manner as provided for disability compensation;

(8) Every employer shall keep a record of the correct names and addresses of the dependents of each of his employees, and upon the death of an employee by accident arising out of and in the course of his employment shall so far as possible immediately furnish the division with such names and addresses;

(9) Dependents receiving death benefits under the provisions of this chapter shall annually report to the division as to marital status in the case of a widow or widower or age and physical or mental condition of a dependent child. The division shall provide forms for the making of such reports.

CREDIT(S)

(R.S.1939, § 3709. Amended by L.1943, p. 1073; L.1943, p. 1076; L.1947, V. II, p. 438; L.1951, p. 620, § 1; L.1953, p. 530, § 1; L.1957, p. 560, § 1; L.1959, S.B. No. 167, § 1; L.1961, p. 423, § 1; L.1965, p. 397, § 1; L.1965, p. 414, § 1; L.1967, p. 384, § 1; L.1969, p. 393, § 1; L.1971, H.B. No. 25 & 364, p. 307, § 1; L.1974, S.B. No. 417, p. 853, § 1; L.1975, H.B. No. 941, p. 285, § 1; L.1976, S.B. No. 708, p. 703, § 1; L.1978, H.B. No. 1260, p. 586, § 1; L.1979, H.B. No. 496, p. 454, § 1; L.1980, H.B. No. 1396, p. 371, § 1; L.1981, H.B. No. 324, p. 405, § 1; L.1983, S.B. Nos. 44 & 45, p. 819, § 1; L.1983, H.B. Nos. 243 & 260,

p. 553, § 1; L.1990, S.B. No. 751, § A.)

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