

(2) ON THE DATE OF DISABLEMENT FROM THE OCCUPATIONAL DISEASE THAT CAUSED THE DEATH OF THE COVERED EMPLOYEE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, §§ 36(7)(e) and 22(a) as that subsection related to providing that a dependent of a covered employee who dies from an occupational disease shall be compensated in the same manner as a dependent of a covered employee who dies from an accidental injury.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that the time for measuring dependency in the case of death from an occupational disease is unclear. In item (2) of this section, the Committee has used the date of disablement since that appears to be the most significant date in an occupational disease case and is comparable to "the time of the occurrence of the accidental injury" in an accidental injury case. The General Assembly may wish to consider whether this interpretation is correct.

Defined terms: "Accidental injury" § 9-101

"Commission" § 9-101 "Covered employee" § 9-101

"Occupational disease" § 9-101

9-680. COMPENSATION PROHIBITED.

(A) SURVIVING SPOUSE — DESERTION; MARRIAGE AFTER ACCIDENTAL INJURY OR OCCUPATIONAL DISEASE.

THE SURVIVING SPOUSE OF A COVERED EMPLOYEE WHOSE DEATH WAS CAUSED BY AN ACCIDENTAL INJURY OR AN OCCUPATIONAL DISEASE IS NOT ENTITLED TO BENEFITS UNDER THIS TITLE IF:

(1) THE SURVIVING SPOUSE DESERTS THE COVERED EMPLOYEE FOR MORE THAN 1 YEAR BEFORE THE TIME OF THE OCCURRENCE OF THE ACCIDENTAL INJURY OR THE DATE OF DISABLEMENT FROM THE OCCUPATIONAL DISEASE;

(2) THE SURVIVING SPOUSE DESERTS THE COVERED EMPLOYEE AT ANY TIME AFTER THE TIME OF THE OCCURRENCE OF THE ACCIDENTAL INJURY OR THE DATE OF DISABLEMENT FROM THE OCCUPATIONAL DISEASE; OR

(3) THE SURVIVING SPOUSE AND THE COVERED EMPLOYEE:

(I) WERE MARRIED AFTER THE TIME OF THE OCCURRENCE OF THE ACCIDENTAL INJURY OR THE DATE OF DISABLEMENT FROM THE OCCUPATIONAL DISEASE; AND

(II) DO NOT HAVE ANY DEPENDENT CHILDREN.

(B) DEPENDENCY AFTER OCCURRENCE OF OCCUPATIONAL DISEASE.