

(I) THAT THE EMPLOYER OR ITS INSURER HAS NOT BEEN PREJUDICED BY THE FAILURE TO FILE THE CLAIM; OR

(II) ANOTHER SUFFICIENT REASON.

(3) NOTWITHSTANDING PARAGRAPHS (1) AND (2) OF THIS SUBSECTION, IF A COVERED EMPLOYEE FAILS TO FILE A CLAIM WITHIN 2 YEARS AFTER THE DATE OF THE ACCIDENTAL INJURY, THE CLAIM IS COMPLETELY BARRED.

(C) FILING CLAIM — IONIZING RADIATION.

IF A COVERED EMPLOYEE IS DISABLED DUE TO AN ACCIDENTAL INJURY FROM IONIZING RADIATION, THE COVERED EMPLOYEE SHALL FILE A CLAIM WITH THE COMMISSION WITHIN 2 YEARS AFTER:

(1) THE DATE OF DISABLEMENT; OR

(2) THE DATE WHEN THE COVERED EMPLOYEE FIRST KNEW THAT THE DISABLEMENT WAS DUE TO IONIZING RADIATION.

(D) 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 COVERED EMPLOYEE SHALL FILE A CLAIM 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 CEASED TO OPERATE.

(2) FAILURE TO FILE A CLAIM 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(a) and, as it related to a covered employee suffering a disability from an accidental injury, (c).

In the introductory language of subsection (a) of this section, the phrase "[e]xcept as provided in subsection (c) of this section" is substituted for the second sentence of former Art. 101, § 39(a), to reflect the organization of this section.

Defined terms: "Accidental injury" § 9-101

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

9-710. SAME — DEATH FROM ACCIDENTAL INJURY.

(A) SCOPE OF SECTION.