

DEATH CLAIMS:
A STRATEGY FOR DETERMINING DEPENDENCY BENEFITS

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INTRODUCTION

According to the Bureau of Labor Statistics Census of Fatal Occupational Injuries (“CFOI”), in 2010, a total of 4,690 workers died from work-related injuries. One U.S. worker died every two hours from a work-related injury.¹ Once compensability of a death claim is established, the next issue is to determine whether the deceased worker had any dependents.

The Georgia Workers’ Compensation Act (the “Act”) provides that the employee’s dependents may be entitled to workers’ compensation benefits when an employee dies as the result of a compensable work-related injury. While determining dependency appears to be a relatively simple matter, in reality, it is perhaps the most complex issue to address when handling a death claim.

Human relationships are by nature complex. While the Act is fairly specific, it simply cannot address every possible relationship that could potentially result in dependency. Further complicating matters is a shortage of case law dealing with dependency issues. Because of the high stakes involved the parties rarely risk the uncertainty of a trial and generally settle these claims.

I. DETERMINING DEPENDENCY: QUESTIONS TO BE ANSWERED

Before commencing settlement negotiations in a death claim, it is necessary to identify *all* the potential dependents of the decedent. **Perhaps the best approach is to ask yourself the following questions:**

- 1) What was the marital status of the decedent at the time of death?**
- 2) Did the decedent have any children as defined by the Act?**
- 3) Who are the decedent’s potential dependents?**

The governing statute O.C.G.A. §34-9-13 defines those persons presumed to be next of kin, apportionment of payments among partial and total dependents, and termination of dependency. For example, **pursuant to O.C.G.A. §34-9-13(b):**

The following persons shall be conclusively presumed to be the next of kin wholly dependent for support upon the deceased employee:

¹ United States Department of Labor website (http://www.bls.gov/iif/oshwc/cfoi/worker_memorial.htm).

(1) A wife or husband, except that if the wife and husband were living separately for a period of 90 days immediately prior to the accident which resulted in the death of the deceased employee the presumption of total dependence shall be rebuttable; and

(2) A child of the employee if:

(A) The child is under 18 or enrolled full-time in high school;

(B) The child is over 18, and is physically or mentally incapable of earning a livelihood; or

(C) The child is under the age of 22 and is a full-time student or the equivalent in good standing enrolled in a postsecondary institution of higher learning.

According to the Act, a “child” includes dependent stepchildren, legally adopted children, posthumous children, and acknowledged children born out of wedlock. However, it does not include married children, even those who are under 18 years of age.² The Act defines “parents” to include stepparents and parents by adoption.³ Thus, the parent/child relationship is not limited by biology.

Thus, we can state for certain that, provided they meet the above established criteria, both surviving spouses and children are statutorily defined as dependents of a deceased employee. In fact, spouses and children are categorized as ***primary beneficiaries***.

A. PRIMARY BENEFICIARIES

Primary beneficiaries include *only* the surviving spouse of the decedent and/or the decedent’s children as defined by the Act. These primary beneficiaries are conclusively presumed to be total dependents. Primary beneficiaries are entitled to recover all of the weekly dependency benefits. Secondary beneficiaries are not entitled to any portion of the recovery unless the primary beneficiary waives his rights to benefits.⁴ If there are additional primary beneficiaries, the total amount of dependency benefits would be divided equally.⁵ Waiver by the primary beneficiary does not have to be explicit, but it can also be implicit.

For example, where a primary beneficiary, the wife, simply failed to file a claim for dependency benefits within the one year statute of limitations, she was deemed by

² O.C.G.A. § 34-9-13(a)(1).

³ O.C.G.A. § 34-9-13(a)(2).

⁴ O.C.G.A. § 34-9-13(d); *O’Steen v. Florida Ins. Exch.*, 118 Ga. App. 562, 164 S.E.2d 334 (1968).

⁵ *Georgia Forestry Comm’n v. Harrell*, 98 Ga. App. 238, 105 S.E.2d 461 (1958).

the court to have waived her right to dependency benefits. Thus, a secondary beneficiary, the mother of the deceased worker, who was totally dependent on him, sought and was awarded dependency benefits.⁶ It is important to note that the Georgia Court of Appeals held that the one-year death claim statute of limitations applies only to primary beneficiaries and not to secondary beneficiaries who are only contingently entitled to dependency benefits.⁷

In some cases, a waiver by a primary beneficiary can significantly increase the total potential exposure of a claim. For example, if the only potential primary beneficiary is the surviving spouse, the total potential exposure is the statutory cap of \$150,000.00.⁸ However, if the surviving spouse has legal custody of a minor grandchild, and elects to waive his primary beneficiary status, then the grandchild, who is a secondary beneficiary, could seek dependency benefits. The statutory cap would not apply, and the total potential exposure would be based solely on the grandchild's age. If fact, since the minor grandchild is a totally dependent *secondary beneficiary*, the argument could be made that she is entitled to a lifetime of weekly benefits!

Finally, the number of primary beneficiaries does not increase nor decrease the total amount of weekly dependency benefits to be paid.⁹ In *Harrell*, the deceased employee left behind four primary beneficiaries, a wife and three children. When the wife remarried, which resulted in the termination of her dependency benefits, the employer was not permitted to reduce the amount of benefits by one fourth. Instead, the Employer/Insurer paid the same weekly benefits as before, but each child now received a one-third share. The total amount of the weekly dependency benefits remained the same.

B. SECONDARY BENEFICIARIES

Where there are no primary beneficiaries, or where primary beneficiaries waive their right to recover dependency benefits, the decedent's ***secondary beneficiaries*** become eligible to recover weekly dependency benefits.¹⁰ A secondary beneficiary is any dependent who is not a child of the deceased employee or the decedent's spouse. Thus, a secondary beneficiary does not have to have a biological connection to the deceased employee.¹¹ However, a secondary beneficiary must prove whether he is wholly or partially dependent on the decedent.¹²

⁶ *Zachery v. Royal Indem. Co.*, 80 Ga. App. 659, 56 S.E.2d 812 (1949), *overruled on other grounds*; *Freeman Decorating Co. v. Subsequent Injury Trust Fund*, 175 Ga. App. 369, 333 S.E.2d 204 (1985).

⁷ *Bituminous Cas. Corp. v. Johnson*, 79 Ga. App. 105, 53, S.E.2d 119 (1949).

⁸ O.C.G.A. § 34-9-265(d).

⁹ *Georgia Forestry Comm'n v. Harrell*, 98 Ga. App. 238, 105 S.E.2d 461 (1958).

¹⁰ O.C.G.A. § 34-9-13(c); *Zachery v. Royal Indem. Co.*, 80 Ga. App. 659, 56 S.E.2d 812 (1949), *overruled on other grounds*; *Freeman Decorating Co. v. Subsequent Injury Trust Fund*, 175 Ga. App. 369, 333 S.E.2d 204 (1985).

¹¹ *Glens Falls Indem. Co. v. Jordan*, 56 Ga. App. 449, 193 S.E. 96 (1937); *Wallace v. American Mut. Liab. Ins. Co.*, 73 Ga. App. 869, 38 S.E.2d 624 (1946).

¹² *O'Steen v. Florida Ins. Exch.*, 118 Ga. App. 562, 164 S.E.2d 334 (1968); *See*, O.C.G.A. §34-9-13(d).

Georgia case law defines a dependent as someone who looks to another person for financial support or depends on another person for the ordinary necessities of life to which that person has become accustomed.¹³ The dependent must have relied upon the decedent to maintain his “standard of living” in order to be a dependent.¹⁴ A determination of dependency is not based upon the potential dependent’s ability support himself without the contribution of the deceased employee.¹⁵ Dependency is determined by the facts and circumstances of each case. Furthermore, the amount and frequency of the support is irrelevant to a determination of dependency.¹⁶

However, in order to be entitled to dependency benefits, a secondary beneficiary must prove that he or she was dependent on the deceased employee *at the time of the accident* and any such dependency must have existed for a period of at least three months prior to the decedent’s accident.¹⁷ Finally, secondary beneficiaries remain entitled to weekly disability benefits “only during the dependency.”¹⁸

1. TOTALLY DEPENDENT SECONDARY BENEFICIARIES

A secondary beneficiary who is able to prove that she was totally dependent in fact upon the decedent at the time of the employee’s accident, will remain potentially eligible for lifetime weekly dependency benefits.¹⁹ On the other hand, once the totally dependent secondary beneficiary dies, the right to weekly dependency benefits dies with her because her estate has no right to recover dependency benefits after her death.²⁰ Keep in mind, the death of such a dependent will not diminish the amount of the weekly dependency benefits to which any remaining total dependents may be entitled.²¹

2. PARTIALLY DEPENDENT SECONDARY BENEFICIARIES

Once there are no longer any primary beneficiaries (i.e., spouse or children), or totally dependent secondary beneficiaries, only then can individuals who were partially

¹³ *Glens Falls Indem. Co. v. Jordan*, 56 Ga. App. 449, 193 S.E. 96 (1937).

¹⁴ *Insurance Co. of No. Am. v. Cooley*, 118 Ga. App. 46, 162 S.E.2d 821 (1968).

¹⁵ *Glens Falls Indem. Co. v. Jordan*, 56 Ga. App. 449, 193 S.E. 96 (1937); *Neese v. Subsequent Injury Trust Fund*, 164 Ga. App. 136, 296 S.E.2d 427 (1982).

¹⁶ *Georgia Power & Light Co. v. Patterson*, 46 Ga. App. 7, 166 S.E.2d 255 (1932).

¹⁷ O.C.G.A. § 34-9-13(c) and (d); *Maryland Cas. Co. v. Bartlett*, 37, Ga. App. 777, 142 S.E. 189 (1928) (holding that evidence that the decedent was employed for a period of less than three months prior to the accident does *not* affirmatively disprove the fact of dependency for three months as required under O.C.G.A. 34-9-13(c). *See also*, *Glenn Falls Indem. Co. v. Jordan*, 56 Ga. App. 449, 193 S.E. 96 (1937) (holding that the statutory prerequisite was fulfilled where contributions were actually made by the decedent to the claimants, during the three months prior to the decedent’s death, and such contributions were used by the claimants for their support, despite the fact the contributions were in irregular amounts at irregular intervals since the lapse was not the result of the decedent’s intent to refuse further support).

¹⁸ O.C.G.A. § 34-9-265(c).

¹⁹ O.C.G.A. § 34-9-265(c) and O.C.G.A. § 34-9-13(e).

²⁰ *Georgia Forestry Comm’n v. Harrell*, 98 Ga. App. 238, 105 S.E.2d 461 (1958).

²¹ *Id.*

dependent upon the deceased employee seek to recover partial dependency benefits.²² If there is more than one partially dependent secondary beneficiary, they will each share in the weekly benefits according to the relative extent of their dependency.²³ However, if partial dependency stems from a meretricious relationship, then the partially dependent secondary beneficiary is not entitled to recover any partial dependency benefits.²⁴

In order to establish partial dependency, a claimant does not have to prove that he had no other income.²⁵ Moreover, the claimant may establish partial dependency even where contributions by the decedent were made at irregular intervals and in irregular amounts.²⁶ It is also important to note that if the decedent contributed his entire wages to the partially dependent claimant, then such a dependent may be entitled to weekly temporary total disability (“TTD”) benefits based upon the entire amount of the decedent’s pre-injury average weekly wage (“AWW”).

However, where the decedent contributed only a part of his pre-injury wages to the partial dependent, dependency benefits are paid based on the relative extent of each partial dependent’s dependency based on the decedent’s AWW. For example, if the decedent’s AWW was \$600.00 per week, and he left behind no dependents other than his mother, to whom he contributed \$150.00 per week for her support, the decedent’s mother would be entitled to \$100.00 per week in partial dependency benefits (i.e., $\$150 \div \$600 \times \$400 = \100).²⁷

II. AMOUNT & TERMINATION OF DEPENDENCY BENEFITS

This is perhaps one of the most complex areas of the law. Therefore, we will address the most straightforward scenario first: the sole surviving spouse.

A. PRIMARY BENEFICIARIES

1. SOLE SURVIVING SPOUSE

Where there is a dependent spouse, but no dependent children for more than one year after the employee’s death, the sole surviving spouse is entitled to receive the full benefit up to the statutory cap of \$150,000.00.²⁸ However, dependency of such a spouse will terminate with remarriage or cohabitation in a meretricious relationship.²⁹ A meretricious relationship is defined as a relationship in which persons of the opposite

²² O.C.G.A. § 34-9-13(c).

²³ O.C.G.A. § 34-9-13(d).

²⁴ *Williams v. Corbett*, 195 Ga. App. 85, 392 S.E.2d 310 (1990).

²⁵ *Glens Falls Indem. Co. v. Jordan*, 56 Ga. App. 449, 193 S.E. 96 (1937).

²⁶ *Id.*

²⁷ *Georgia State Board of Workers’ Compensation Procedure Manual* (July 2011), at 2-4.

²⁸ O.C.G.A. § 34-9-265(d).

²⁹ O.C.G.A. § 34-9-13(e).

sex live together continuously and openly in a relationship similar or akin to marriage, which relationship includes either sexual intercourse or the sharing of living expenses.³⁰

If income benefits were paid to the injured employee *before* his death, then any such benefits “shall be subtracted from the maximum 400 week period of dependency of a spouse as detailed in O.C.G.A. § 34-9-13.” However, it is important to note that the Georgia Court of Appeals held that the Employer may only take credit for income benefits paid to an injured employee against dependency benefits owed to a surviving spouse *if* the spouse will receive dependency benefits subject to the 400-week cap and not because the spouse turned 65.³¹

2. DEPENDENT SPOUSE WITH DEPENDENT CHILDREN

If there is a dependent spouse *and* dependent children at the time of the decedent’s death, the statutory cap of \$150,000.00 is no longer applicable. Here, dependency of the spouse will terminate at age 65 or after payment of 400 weeks of benefits, whichever provides the greater benefit.³² The full amount is paid to the spouse for the use of the spouse and the children. However, the State Board has the authority, in certain cases, to apportion benefits as it sees fit.³³ For example, where there is a surviving spouse, but also dependent children from a prior marriage, and the dependent children are living with the former spouse, the State Board would have the discretion to apportion the benefits between the widow and the children from the prior marriage.

3. DEPENDENT CHILDREN

The dependency of a child, except a child who is physically or mentally incapable of earning a livelihood, will terminate when that child reaches the age of 18, unless he is enrolled full-time in high school or he is under the age of 22 and is a full-time student or the equivalent in good standing enrolled in a postsecondary institution of higher learning.³⁴

B. SECONDARY BENEFICIARIES

1. TOTALLY DEPENDENT

If there are no primary beneficiaries or the primary beneficiaries waive their right to compensation, a totally dependent secondary beneficiary remains entitled to weekly benefits, but “only during the dependency.”³⁵ Thus, there is the potential for a totally dependent secondary beneficiary to be entitled to lifetime weekly benefits. However,

³⁰ *Id.*

³¹ *One Beacon Ins. Co. v. Hughes*, 269 Ga. App 390, 604 S.E.2d 248 (2004), *cert. denied*, 2005 Ga. LEXIS 125 (Ga. Feb. 7, 2005).

³² O.C.G.A. § 34-9-13(e).

³³ O.C.G.A. § 34-9-13(c).

³⁴ O.C.G.A. § 34-9-13(e); O.C.G.A. § 34-9-13(b)(2)(C).

³⁵ O.C.G.A. § 34-9-265(e).

upon death of the beneficiary, the right to weekly compensation dies and the estate is not entitled to recover any additional benefits following the death.³⁶

2. PARTIALLY DEPENDENT

Individuals who were partially dependent upon the decedent at the time of the on-the-job accident are entitled to recover partial dependency benefits to age 65 or after the payment of 400 weeks, whichever provides the greater benefit.³⁷

C. NO DEPENDENTS

O.C.G.A. §34-9-265(f) provides that if no dependents or dependents qualifying to receive weekly benefits are identified, then the Employer/Insurer is required to pay to the State Board one-half of the benefits which would have been payable to such dependent or dependents or the sum of \$10,000.00, whichever is less. If, after such payment has been made it is determined that a dependent or dependents qualified to receive benefits exist, the Employer/Insurer will be entitled to reimbursement by refund for moneys collected in error.

CONCLUSION

Identifying and addressing dependency issues is the first priority in handling a compensable death claim. To that end, the first step is to determine the deceased employee's marital status at the time of his work-related death, and whether he had any children as defined by the Act. The decedent's surviving spouse and children are primary beneficiaries and they are conclusively presumed entitled to dependency benefits.

Where the decedent is not married and did not have any children, it is necessary to identify any and all potential secondary beneficiaries and determine whether these secondary beneficiaries may be entitled to dependency benefits. Secondary beneficiaries are always required to prove their total or partial dependency in fact. Therefore, a secondary beneficiary's claim for benefits must be carefully analyzed in light of the facts and circumstances presented.

Finally, it is always important to keep in mind that primary beneficiaries may elect to waive their primary status. Such a waiver can be either implicit or explicit. Either way, a primary beneficiary's waiver has the potential to significantly impact the total potential exposure of the claim because a totally dependent secondary beneficiary has the potential to be eligible for lifetime weekly dependency benefits.

³⁶ *Georgia Forestry Comm'n v. Harrell*, 98 Ga. App. 238, 105 S.E.2d 461 (1958).

³⁷ O.C.G.A. § 34-9-13(d).

34-9-13. Definitions; persons presumed next of kin; apportionment of payments among partial and total dependents; termination of dependency.

(a) As used in this Code section, the term:

(1) "Child" includes dependent stepchildren, legally adopted children, posthumous children, and acknowledged children born out of wedlock but does not include married children; and

(2) "Parent" includes stepparents and parents by adoption.

(b) The following persons shall be conclusively presumed to be the next of kin wholly dependent for support upon the deceased employee:

(1) A wife or husband, except that if the wife and husband were living separately for a period of 90 days immediately prior to the accident which resulted in the death of the deceased employee the presumption of total dependence shall be rebuttable; and

(2) A child of the employee if:

(A) The child is under 18 or enrolled full time in high school;

(B) The child is over 18 and is physically or mentally incapable of earning a livelihood; or

(C) The child is under the age of 22 and is a full-time student or the equivalent in good standing enrolled in a postsecondary institution of higher learning.

(c) If the deceased employee leaves a dependent surviving spouse, as above described, and no dependent child or children, the full compensation shall be paid to such spouse. If the deceased employee leaves a dependent surviving spouse, as above described, and also a dependent child or children, the full compensation shall be paid to such spouse for his or her use and that of such child or children; provided, however, that the board shall have the power in proper cases, in its discretion, to apportion the compensation; provided, further, that, if the dependent surviving spouse dies before payment is made in full, the balance remaining shall be paid to the person or persons wholly dependent, if any, share and share alike. If there is no person wholly dependent, payment shall be made to partial dependents.

(d) In all other cases, questions of dependency, in whole or in part, shall be determined in accordance with the facts at the time of the accident, but no allowance shall be made for any payment made in lieu of board and lodging or services, and no compensation shall be allowed unless the dependency existed for a period of three months or more prior to the accident. In such other cases, if there is more than one person wholly dependent, the death benefit shall be divided among them, and persons partially dependent, if any, shall receive no part thereof; if there is no one wholly dependent and more than one person partially dependent, the death benefit shall be

divided among them according to the relative extent of their dependency.

(e) For the purpose of this chapter, the dependency of a spouse upon a deceased employee shall terminate with remarriage or cohabitation in a meretricious relationship; and for this purpose cohabitation in a meretricious relationship shall be a relationship in which persons of the opposite sex live together continuously and openly in a relationship similar or akin to marriage, which relationship includes either sexual intercourse or the sharing of living expenses. The dependency of a child, except a child physically or mentally incapable of earning a livelihood, shall terminate with the attainment of 18 years of age, except as provided in paragraph (2) of subsection (b) of this Code section. The dependency of a spouse and of a partial dependent shall terminate at age 65 or after payment of 400 weeks of benefits, whichever provides greater benefits.

(Ga. L. 1920, p. 167, § 39; Code 1933, § 114-414; Ga. L. 1985, p. 149, § 34; Ga. L. 1985, p. 727, § 1; Ga. L. 1987, p. 806, § 1; Ga. L. 1988, p. 1720, § 14; Ga. L. 1989, p. 14, § 34; Ga. L. 1990, p. 8, § 34; Ga. L. 1990, p. 1409, § 1; Ga. L. 2000, p. 1321, § 1.)

Law reviews. - For article surveying developments in Georgia constitutional law from mid-1980 through mid-1981, see 33 Mercer L. Rev. 51 (1981). For article surveying developments in Georgia workers' compensation law from mid-1980 through mid-1981, see 33 Mercer L. Rev. 323 (1981). For annual survey of workers' compensation, see 38 Mercer L. Rev. 431 (1986). For annual survey of workers' compensation law, see 57 Mercer L. Rev. 419 (2005). For survey article on workers' compensation law, see 60 Mercer L. Rev. 433 (2008).

For note on 2000 amendment of O.C.G.A. § 34-9-13, see 17 Ga. St. U.L. Rev. 231 (2000).

For comment on New Amsterdam Cas. Co. v. Freeland, 216 Ga. 491, 117 S.E.2d 538 (1960), see 23 Ga. B.J. 563 (1961).

Legal status of posthumously conceived child of decedent, 17 ALR6th 593.

34-9-265. Compensation for death resulting from injury and other causes; penalty for death from injury proximately caused by intentional act of employer; payment of death benefits where no dependents found.

(a) When an employee is entitled to compensation under this chapter for an injury received and death ensues from any cause not resulting from the injury for which he or she was entitled to compensation, payments of the unpaid balance for such injury shall cease and all liability therefor shall terminate.

(b) If death results instantly from an accident arising out of and in the course of employment or if during the period of disability caused by an accident death results proximately therefrom, the compensation under this chapter shall be as follows:

(1) The employer shall, in addition to any other compensation, pay the reasonable expenses of the employee's burial not to exceed \$7,500.00. If the employee leaves no dependents, this shall be the only compensation;

(2) The employer shall pay the dependents of the deceased employee, which dependents are wholly dependent on his or her earnings for support at the time of the injury, a weekly compensation equal to the compensation which is provided for in Code Section 34-9-261 for total incapacity;

(3) If the employee leaves dependents only partially dependent on his or her earnings for their support at the time of the injury, the weekly compensation for these dependents shall be in the same proportion to the compensation for persons wholly dependent as the average amount contributed weekly by the deceased to the partial dependents bears to the deceased employee's average weekly wages at the time of the injury; and

(4) When weekly payments have been made to an injured employee before his or her death, compensation to dependents shall begin on the date of the last of such payments; but the number of weekly payments made to the injured employee under Code Section 34-9-261, 34-9-262, or 34-9-263 shall be subtracted from the maximum 400 week period of dependency of a spouse provided by Code Section 34-9-13; and in no case shall payments be made to dependents except during dependency.

(c) The compensation provided for in this Code section shall be payable only to dependents and only during dependency.

(d) The total compensation payable under this Code section to a surviving spouse as a sole

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dependent at the time of death and where there is no other dependent for one year or less after the death of the employee shall in no case exceed \$150,000.00.

(e) If it shall be determined that the death of an employee was the direct result of an injury proximately caused by the intentional act of the employer with specific intent to cause such injury, then there shall be added to the weekly income benefits paid to the dependents, if any, of the deceased employee a penalty of 20 percent; provided, however, such penalty in no case shall exceed \$20,000.00. For the purpose of this subsection, an employer shall be deemed to have intended an injury only if the employer had actual knowledge that the intended act was certain to cause such injury and knowingly disregarded this certainty of injury. Nothing in this subsection shall limit the effect of Code Section 34-9-11.

(f) Each insurer or self-insurer which, in a compensable death case, finds no dependent or dependents qualifying to receive dependency benefits shall pay to the State Board of Workers' Compensation one-half of the benefits which would have been payable to such dependent or dependents or the sum of \$10,000.00, whichever is less. All such funds paid to the board shall be deposited in the general fund of the state treasury. If, after such payment has been made, it is determined that a dependent or dependents qualified to receive benefits exist, then the insurer or self-insurer shall be entitled to reimbursement by refund for moneys collected in error.

(Ga. L. 1920, p. 167, § 38; Ga. L. 1922, p. 190, § 4; Ga. L. 1923, p. 92, § 4; Code 1933, § 114-413; Ga. L. 1939, p. 234, § 1; Ga. L. 1949, p. 1357, § 3; Ga. L. 1955, p. 210, § 4; Ga. L. 1963, p. 141, § 9; Ga. L. 1968, p. 3, § 3; Ga. L. 1973, p. 232, § 6; Ga. L. 1974, p. 1143, § 9; Ga. L. 1975, p. 190, § 6; Ga. L. 1982, p. 3, § 34; Ga. L. 1983, p. 700, § 2; Ga. L. 1985, p. 727, § 11; Ga. L. 1988, p. 660, § 1; Ga. L. 1992, p. 1942, § 23; Ga. L. 1995, p. 642, § 11; Ga. L. 1996, p. 1291, § 13; Ga. L. 1998, p. 1508, § 8; Ga. L. 1999, p. 817, § 9; Ga. L. 2000, p. 1321, § 7; Ga. L. 2004, p. 631, § 34; Ga. L. 2006, p. 676, § 4/HB 1240.)

Cross references. - Persons presumed dependent, § 34-9-13.

Editor's notes. - Ga. L. 1995, p. 642, § 13, not codified by the General Assembly, provides for severability.

Law reviews. - For article, "Actions for Wrongful Death in Georgia," see 9 Ga. B.J. 368 (1947). For article surveying developments in Georgia workers' compensation law from mid-1980 through mid-1981, see 33 Mercer L. Rev. 323 (1981). For review of 1998 legislation relating to labor and industrial relations, see 15 Ga. St. U. L. Rev. 185 (1998). For annual survey of workers' compensation law, see 57 Mercer L. Rev. 419 (2005).

For note on 1992 amendment of this Code section, see 9 Ga. St. U.L. Rev. 285 (1992). For note on the 1995 amendment of this Code section, see 12 Ga. St. U.L. Rev. 280 (1995).

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