

Compensation for Deaths After Six Months.

Compensation should be paid on account of death occurring six months after the happening of the accident, such accident being the proximate cause of the death.

Jan. 12th, 1918.

Industrial Accident Board,
Helena, Montana.

Gentlemen:

You have requested my opinion upon the question of whether or not a surviving widow can claim compensation in case an employee receives an injury which causes his death subsequent to six months following the happening of the accident, such accident being the proximate cause of his death.

By Sec. 6 (k) of the Act, "injury" means and shall include death, resulting from injury. Section 12 (a) of the Act is as follows:

"If an injured employe dies and the injury was the proximate cause of such death, then the beneficiary or the major or minor dependents of the deceased, as the case may be, shall receive the same compensation as though the death occurred immediately following the injury, but the period during which the death benefit shall be paid shall be reduced during, or for which compensation was paid for the injury."

By Sec. 16 (e), if death occurs within six months of the happening of the injury, there shall be paid, in addition to other compensation, the reasonable burial expenses of the employee not exceeding \$75. Sec. 16 (h) of the Act provides in part as follows:

"Compensation for all classes of injuries shall run consecutively and not concurrently, and as follows: First, the two weeks' medical and hospital services and medicines as provided in Section 16 (f), unless the employee is a contributor to a hospital fund, as otherwise in this Act provided; after the first two weeks, compensation as provided in Section 16 (a), or 16 (b), or 16 (c); following, either or none of the above, compensation as provided in Section 16 (i); following any or either, or none of the above, if death results from the accident within six months of the date of the injury, burial expenses as provided in Section 16 (e); following which, compensation to beneficiaries, if any."

Section 16 (d) provides the amount of compensation which shall be paid in case of death. There is no condition or provision in this section or in sections 6 (k) or 12 (a) that death must result within six months from the time of the happening of the accident. The only limitation contained in Sections 6 (k) and 12 (a) is that if death does not occur within six months there is no liability for the payment of

reasonable burial expenses not exceeding \$75, but if death occurs after six months compensation shall be paid in accordance with Section 12 (a) above.

Respectfully,

S. C. FORD,

Attorney General.