

U.S. DEPARTMENT OF LABOR

EMPLOYMENT STANDARDS ADMINISTRATION

Office of Workers' Compensation Programs
Division of Longshore and Harbor Workers' Compensation

Washington, D.C. 20210

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No. 38



NOTICE TO INSURANCE CARRIERS, SELF-INSURED EMPLOYERS UNDER
THE LONGSHOREMEN'S COMPENSATION ACT, AND OTHER INTERESTED
PERSONS

Subject: Date for Increasing Children's Benefits Following
Remarriage of Widow/Widower

This notice will advise interested parties of a change in policy by the OWCP concerning the above entitled issue. Heretofore, it has been the policy that upon remarriage of the surviving widow or widower, 24 months of compensation was paid on his/her behalf in one lump sum. At the expiration of the 24-month period, surviving children's benefits were recalculated and increased as indicated by the facts of the case.

Based on the recent decisions rendered by administrative law judges in Joyner v. Brown and Root, Inc., 76-LHWCA 654, BRB No. 78-281 (1978), appeal docketed, 4th Circuit, No. 78-1554, and Director, OWCP v. Boughman, 545 F. 2d 210 (D.C. Cir. 1976) (Administrative Law Judge Order on Remand), and further review of the question by this Office, the policy has been changed. In each of these decisions, it was determined that the date of remarriage was the effective date for recomputation of the child or children's benefits.

Hereafter it will be the position of the OWCP that a child's or children's benefits will be recomputed and increased effective the day of the remarriage of the widow or widower, rather than at the expiration of the 24-month period.

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