

WORKER'S DISABILITY COMPENSATION ACT OF 1969 (EXCERPT)
Act 317 of 1969

418.353 Determination of dependency.

Sec. 353.

(1) For the purposes of sections 351 to 361, dependency shall be determined as follows:

(a) A child under the age of 16 years, or 16 years or over if physically or mentally incapacitated from earning, living with his parent at the time of the injury of that parent.

(b) In all other cases questions of dependency shall be determined in accordance with the facts at the time of the injury, except as provided in subsection (3). A person shall not be considered a dependent unless he or she is a member of the family of the injured employee, or unless the person bears to the injured employee the relation of husband or wife, or lineal descendent, or ancestor or brother or sister. Except as to a person conclusively presumed to be a dependent, a person who receives less than 1/2 of his or her support from an injured employee shall not be considered to be a dependent.

(2) Weekly payments to an injured employee shall be reduced by the additional amount provided for any dependent child or spouse or other dependent when the child either reaches the age of 18 years or after becoming 16 ceases for a period of 6 months to receive more than 1/2 of his or her support from the injured employee, if at that time the child is neither physically nor mentally incapacitated from earning; when the spouse is divorced by final decree from his or her injured spouse; or when the child, spouse, or other dependent is deceased.

(3) An increase in payments shall be made for increased numbers of conclusive dependents as defined in this act who were not dependent at the time of the injury of an employee.

History: 1969, Act 317, Eff. Dec. 31, 1969 ;-- Am. 1971, Act 215, Imd. Eff. Dec. 30, 1971 ;-- Am. 2011, Act 266, Imd. Eff. Dec. 19, 2011

Constitutionality: The gender-based conclusive presumption of the workers' compensation act is violative of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution; the doctrine of res judicata did not preclude a redetermination of dependency of the wife of an injured worker. *Pike v City of Wyoming*, 431 Mich 589; 433 NW2d 768 (1988).

Compiler's Notes: Enacting section 2 of Act 266 of 2011 provides: "Enacting section 2. This amendatory act applies to injuries incurred on or after its effective date."

Popular Name: Act 317

Popular Name: Heart and Lung Act