

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 779.	Sept. 7, 1916, ch. 458, § 28a, 39 Stat. 748. Oct. 14, 1949, ch. 691, § 205(b), 63 Stat. 864.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

§ 8121. Claim

Compensation under this subchapter may be allowed only if an individual or someone on his behalf makes claim therefor. The claim shall—

- (1) be made in writing within the time specified by section 8122 of this title;
- (2) be delivered to the office of the Secretary of Labor or to an individual whom the Secretary may designate by regulation, or deposited in the mail properly stamped and addressed to the Secretary or his designee;
- (3) be on a form approved by the Secretary;
- (4) contain all information required by the Secretary;
- (5) be sworn to by the individual entitled to compensation or someone on his behalf; and
- (6) except in case of death, be accompanied by a certificate of the physician of the employee stating the nature of the injury and the nature and probable extent of the disability.

The Secretary may waive paragraphs (3)–(6) of this section for reasonable cause shown.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 543; Pub. L. 93–416, § 13, Sept. 7, 1974, 88 Stat. 1147.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 768.	Sept. 7, 1916, ch. 458, § 18, 39 Stat. 746.
.....	5 U.S.C. 769.	Sept. 7, 1916, ch. 458, § 19, 39 Stat. 746.

The words “except as provided in section 788” in former section 768 are omitted as unnecessary as former section 788 dealt with recovery of overpayments after claims were made.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

AMENDMENTS

1974—Par. (3). Pub. L. 93–416 substituted “approved” for “furnished”.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–416 effective Sept. 7, 1974, and applicable to any injury or death occurring on or after Sept. 7, 1974, see section 23(a) of Pub. L. 93–416, set out as a note under section 8101 of this title.

§ 8122. Time for making claim

(a) An original claim for compensation for disability or death must be filed within 3 years

after the injury or death. Compensation for disability or death, including medical care in disability cases, may not be allowed if claim is not filed within that time unless—

- (1) the immediate superior had actual knowledge of the injury or death within 30 days. The knowledge must be such to put the immediate superior reasonably on notice of an on-the-job injury or death; or
- (2) written notice of injury or death as specified in section 8119 of this title was given within 30 days.

(b) In a case of latent disability, the time for filing claim does not begin to run until the employee has a compensable disability and is aware, or by the exercise of reasonable diligence should have been aware, of the causal relationship of the compensable disability to his employment. In such a case, the time for giving notice of injury begins to run when the employee is aware, or by the exercise of reasonable diligence should have been aware, that his condition is causally related to his employment, whether or not there is a compensable disability.

(c) The timely filing of a disability claim because of injury will satisfy the time requirements for a death claim based on the same injury.

(d) The time limitations in subsections (a) and (b) of this section do not—

- (1) begin to run against a minor until he reaches 21 years of age or has had a legal representative appointed; or
- (2) run against an incompetent individual while he is incompetent and has no duly appointed legal representative; or
- (3) run against any individual whose failure to comply is excused by the Secretary on the ground that such notice could not be given because of exceptional circumstances.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 544; Pub. L. 90–83, § 1(57), Sept. 11, 1967, 81 Stat. 210; Pub. L. 93–416, § 14, Sept. 7, 1974, 88 Stat. 1147.)

HISTORICAL AND REVISION NOTES
1966 ACT

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 770.	Sept. 7, 1916, ch. 458, § 20, 39 Stat. 747. June 13, 1922, ch. 219, 42 Stat. 650. July 28, 1945, ch. 328, § 1, 59 Stat. 503. Sept. 13, 1960, Pub. L. 86–767, § 205, 74 Stat. 908.

The last sentence of the Act of June 13, 1922, 42 Stat. 650, is omitted as obsolete.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

1967 ACT

<i>Section of title 5</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8122(b), (d)	5 App.: 770.	July 4, 1966, Pub. L. 89–488, § 9, 80 Stat. 254.