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The court noted that, with one small exception, Ms. Parsons' medical needs were covered by insurance and that Mr. Bryant's occasional payment of Ms. Parson's transportation costs to the doctor's office, amounting to some \$50 dollars, was sufficient to meet all the fetus' needs. at the time of Mr. Bryant's death. Weinberger, 521 F.2d 656 (2d Cir. 1985) APPLICABILITY OF THE RESOLUTION: This resolution applies to determinations or decisions at all administrative levels (i.e. the first, reconsideration, hearing before an administrative law judge and the Appeals Board). In October 1981, Mrs. Parsons became pregnant. Sir. Bryant lived with his stepfather and worked in Ennice, North Carolina. To the extent indicated, this Resolution expands the tests for determining dependency status, as described in SSR 68-22, on the Fourth Circuit. According to the decision of the Court of Appeal, Ms. Parsons incurred no other expenses until after the death of Mr. Bryant on March 22, 1982. Bryant, Jr., was entitled to child insurance benefits. The District Court subsequently upheld the Registrar's decision and Mr. Parsons appealed to the Fourth Circuit Court of Appeals, which overturned the District Court's decision. After the birth of the child, named Charles I, Mr. Bryant contributed to the expenses of the house, and he and Mrs. Parsons shared the other expenses over the weekends. DESCRIPTION OF CASE: Charles Bryant, the insured worker, lived with Evelyn Parsons for long weekends from June 1981 until her death in March 1982, in a house owned by Mr. Bryant's cousin in Galax, Virginia. EFFECTIVE DATE: Date of publication Back to Index Depending on the facts of the case, this support may consist of even relatively small amounts. sairotsafstas sairotsafstas sabourp sal .n'Aicispsid atse ed dutriv nE .odicellaf rodajabart led sosergni sol ne esodni;Asab erhmon us ne sojih sol ed oruges led senoiatserp sal 'Aicilos snosraP arS al .rj .tnayrB .ecnednepdni ne snosraP arS al a etnemlanoisaco abatisiv tnayrB demonstrate that the applicant is the child of the worker and that the worker "was living with or contributing to the support of" the applicant at the time the worker died. After a down payment, the insurance cubriA's accounts of Mr. Parsons' doctor. HOLDING : Citing the rule stated by the Second Circuit in Adams v. To be substantial, contributions must be large enough to cover a significant portion of the applicant's ordinary living costs. The applicant shall be considered to be the child of the worker where the worker's contributions to his unborn child are proportionate to the needs of the unborn child at the time of the worker's death, even if those contributions were neither regular nor substantial. STATUTE/REGULATION/RESOLUTION CITATION : Article 216(h)(3)(C)(ii) of the Social Security Act (42 U.S.C. Seccia 3 n 416(h) (3)(C)(ii)); 20 C.F.R. 404.366; Rule 68-22 CIRCUIT: FOURTH (MARYLAND, VIRGINIA, WEST VIRGINIA, SOUTH CAROLINA, NORTH CAROLINA) Parsons v. The court concluded that Charles I. The test of dependence is whether the father's support for the fetus was proportionate to the needs of the fetus at the time of the father's death. 1975), the court held that the "regular" and "continuous" test to measure the support given to the mother or fetus, as described in 20 C.F.R. 404.366, was a less relevant test than whether the father's support for the fetus was proportionate to the needs of the fetus at the time of the father's death. Mr. Bryant and Ms. Parsons continued to live in Galax, but never married. The court held that the latter test was in line with the text of section 216 (h) (3) (C) (ii) of the Social Security Act and reflected the purpose of the law by focusing on the needs of the fetus in terms of dependency at the time of the worker's death. In the circumstances of the case, Charles Jr. may be entitled to benefits such as nu ed omats'Ap ojih le arap necelbatse es "renetnam a riubirtnoc" o "noc riviv" ed sottsiuger sol ASS al ed acitAlop ed senoiarcalced sarto y 22-86 RSS al noc dadimrofoc ed .ojih rop senoiatserp ed duticilos al 'Agened es .otnat rop .etrem us ed otnemom le ne savitacifingis senoiubirtnoc odneicah abate on y snosraP arS al ed ojih us ed sedadisecen sal arap oyopa ed savitacifingis sedaditnac abatropan euq orep .oAin led erdap le are rodajabart le euq 'Animreted JILA ovitarsinimda ohcered ed zeuj nU .selaincatus res nebed y etnemraluger esrecah nebed etnaticilos led "oyopa le arap senoiubirtnoc sal" .)a(663.404 .R.F.C 02( laicoS dadirugeS ed yel al ed jii(C)3)h(612 olucAtra le acilpa euq )ASSI laicoS dadirugeS ed n'Aicartsinimda al ed otnemalger le noc odreuca eD :LAICOS DADIRUGES ED ACITALOP AL Y SNOSRAP ERTNE SAICNEREFID SAL ERBOS NAICARALCED .J@A ed esrapuco ed n'Aicetneti al aAnet euq ed ailimaf us a 'Amrofti e oAin la etnemacilb'Ap 'Aiconocer tnayrB .rS IE .rodajabart led etrem al ed se@Aupsed 'Aican euq y senoiaclepA ed ojesnoC led n'Aisiver o ovitarsinimda ohcered ed zeuj led aicneidua .n'Aicaredisnocer .laicini .riced se .avitarsinimda n'Aisiver ed levin reuqilau ne n'Aisiced o n'Aicanimreted al ed otnemom la etroN led aniloraC o ruS led aniloraC .latnediccO ainigriv .ainigriv .dnalyraM ne ediser euq laicoS dadirugeS ed yel al ed jii(C)3)h(612 n'AicceS al ojab odaredisnoc ojih nu omoc ojih rop soicifeneb ed etnaticilos nu a naruclovni euq sosac sol a etnemalos acilpa es n'Aisiced atse .OTUERIC LED ORTINED NAISICED AL ASS ARACILPA OMAC ED NAICACILPXE .adaelpme abatsie ednod .ainigriv .ecnednepdni ne erdam noc aAviv snosraP arS al .xalaG ne sotnu nabatse on odnauC .dadiraluger rartsom arap etneicufis se senoiubirtnoc ed etnatsisnoc n'Aratp nU .n'c "AM( 8811 dZ.F 267 .sonamH soicivres y dulaS .laicoS dadirugeS ed yel al ed jii(C)3)h(612 olucAtra le euqilpa es euq sonem a .rodajabart led ojih le le IS NAITSEUC 68/37 .ROGIV NE ADARTNE ED AHCEF )(22-66 RA .rodajabart led etrem al ed otnemom le ne n'Aicetnetunam us a aAubirtnoc o oAin led erdam al noc aAviv ets@A onduac .rotcod la etropsan us rapan arap .00.05S etnemadamixorpa a edneicisa euq latot amus al .senoisaco saray ne snosraP arS al a orenid oid el tnayrB .roAeS .laincatus y raluger se otef led n'Aicetnetunam al euq rartsom odarasecen se on y .n'Aitseuc al se on erdam al ed aicnedneped al euq ay .aicnedneped al ed n'Aitseuc al a elbacilpa abeurp al se on erdam al a dad n'Aicetnetunam ed addidem al euq ovutos .regrebnieW .otirtid ed laredef lanubirt nu etna n'Aicagened al 'Alepa .snosraP .rS le .c smadA odnatic .snosraP ed lanubirt IE .selaincatus y seraluger nareuf on oAin led erdam al a oAin la senoiatropa sal odnauc nua .odaredisnoc ojih omoc aicnevirepus ed senoiatserp sal a ohcered agnet ets@A euq ed nif a oAin led n'Aicetnetunam al recelbatse .erdap led otnemicellaf led otnemom le ne odican on oAin led sedadisecen sal noc n'Aicroporp ne oAin la agnetnam odican on oAin nu ed erdap le euq arap

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