

mother of the individual and was living with or contributing to the support of the individual at the time such beneficiary became entitled to benefits.

**§ 725.221 Determination of dependency; child.**

For the purposes of determining whether a child was dependent upon a deceased miner, the provisions of § 725.209 shall be applicable, except that for purposes of determining the eligibility of a child who is under a disability as defined in section 223(d) of the Social Security Act, such disability must have begun before the child attained age 22, or in the case of a student, before the child ceased to be a student.

**§ 725.222 Conditions of entitlement; parent, brother, or sister.**

(a) An individual is eligible for benefits as a surviving parent, brother or sister if all of the following requirements are met:

- (1) The individual is the parent, brother, or sister of a deceased miner;
- (2) The individual was dependent on the miner at the pertinent time;
- (3) Proof of support is filed within 2 years after the miner's death, unless the time is extended for good cause (§ 725.226);
- (4) In the case of a brother or sister, such individual also:
  - (i) Is under 18 years of age; or
  - (ii) Is under a disability as defined in section 223(d) of the Social Security Act, 42 U.S.C. 423(d), which began before such individual attained age 22, or in the case of a student, before the student ceased to be a student; or
  - (iii) Is a student (see § 725.209(b)); or
  - (iv) Is under a disability as defined in section 223(d) of the Social Security Act, 42 U.S.C. 423(d), at the time of the miner's death;
- (5) The deceased miner:
  - (i) Is determined to have died due to pneumoconiosis; or
  - (ii) Filed a claim for benefits on or after January 1, 1982, which results or resulted in a final award of benefits, and the surviving parent, brother or sister filed a claim for benefits after January 1, 2005 which was pending on or after March 23, 2010.

(b)(1) A parent is not entitled to benefits if the deceased miner was survived by a spouse or child at the time of such miner's death.

(2) A brother or sister is not entitled to benefits if the deceased miner was survived by a spouse, child, or parent at the time of such miner's death.

[65 FR 80054, Dec. 20, 2000, as amended at 78 FR 59117, Sept. 25, 2013]

**§ 725.223 Duration of entitlement; parent, brother, or sister.**

(a) A parent, sister, or brother is entitled to benefits beginning with the month all the conditions of entitlement described in § 725.222 are met.

(b) The last month for which such parent is entitled to benefits is the month in which the parent dies.

(c) The last month for which such brother or sister is entitled to benefits is the month before the month in which any of the following events first occurs:

- (1) The individual dies;
- (2)(i) The individual marries or remarries; or
  - (ii) If already married, the individual received support in any amount from his or her spouse;
- (3) The individual attains age 18; and
  - (i) Is not a student (as defined in § 725.209(b)) during any part of the month in which the individual attains age 18; and
  - (ii) Is not under a disability (as defined in § 725.209(a)(2)(ii)) at that time;
- (4) If the individual's entitlement beyond age 18 is based on his or her status as a student, the earlier of:
  - (i) The first month during no part of which the individual is a student; or
  - (ii) The month in which the individual attains age 23 and is not under a disability (as defined in § 725.209(a)(2)(ii)) at that time;
- (5) If the individual's entitlement beyond age 18 is based on disability, the first month in no part of which such individual is under a disability.

**§ 725.224 Determination of relationship; parent, brother, or sister.**

(a) An individual will be considered to be the parent, brother, or sister of a miner if the courts of the State in which the miner was domiciled (see § 225.231) at the time of death would