

No. 33056; 33057; and 33058 – State of West Virginia ex. rel. Lola Crist, Sago Mine Widows, v. Jane Cline, Insurance Commissioner, and Ranger Construction Industries, Inc., and State of West Virginia ex. rel. Kathy Sweet and Diana Dickerson, Sago Mine Widows, v. Jane Cline, Insurance Commissioner, and Meadow River Coal Company, and Lightning Contract Services, and State of West Virginia ex. rel. Georgette Carte, Sago Mine Widows, v. Jane Cline, Insurance Commissioner.

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SUPREME COURT OF APPEALS
OF WEST VIRGINIA

Maynard, Justice, concurring:

The majority's decision is correct and reaches the right result and, accordingly, I agree that under our law individuals who were granted dependents' death benefits under the West Virginia Workers' Compensation system following the deaths of their spouses can continue to receive those benefits until their death or remarriage. While I fully concur in the decision of the majority of this Court, I am not sure that it was judicially imperative for this Court to address the issue in light of the fact that the executive branch had already acted to correct the problem. West Virginia Insurance Commissioner Jane Cline and Governor Joe Manchin had already taken decisive action to properly and completely resolve this matter. While it is arguably possible that some future executive might reverse course and change Governor Manchin's decision, that possibility, in reality, is extremely remote and very unlikely.

Therefore, for this reason, I respectfully concur with the majority opinion.