

Court of Appeals affirms common law marriage is not sufficient to establish dependency in Workers Compensation claims

By Benjamin Leonard and Phillip Kuck October 23, 2017

Sanchez v. Carter, GA Court of Appeals case A17A1135 (October 19, 2017).

The Georgia Court of Appeals affirmed prior case (*Williams v. Corbett*, 260 Ga. 668 (1990)) law holding that workers' compensation death benefits are not owed to people involved in meretricious relationships, even if they were actually dependent on the decedent.

In Sanchez, the employee suffered a fatal head injury after falling from a roof in the course of his employment. Sanchez, the dependent, lived continuously with the employee from 2002 until death. Sanchez and the employee were never ceremonially married, but planned to be married in church in 2015, the year the claimant died. Sanchez became disabled to work in 2011 due to diabetes that affected her feed, and the employee paid all of Sanchez's living expenses including the rent and utilities for the home in which they lived together. In so doing, the ALJ concluded that Sanchez was wholly dependent on the decedent.

Nevertheless, the Court of Appeals refrained from reaching the question of dependency, and held that Sanchez was barred from obtaining benefits due to her relationship not being established by a valid marriage as defined by the state of Georgia. Indeed, it upheld the position of the state of Georgia which does not recognize common law marriage as grounds to establish dependency for purposes of workers compensation benefits. Finally, the court concluded by inviting the Supreme Court of Georgia to act, citing that the Court of Appeals is not free to modify the holding in *Williams*. The case is likely to be appealed. It will be interesting to see if the Supreme Court decides to weigh in.

For now, however, the key takeaway is that today, a meretricious relationship—a relationship not bound by a legal or common law (pre-1997) marriage—still operates as a complete bar to receiving dependency benefits.

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