

APRIL W. GRAY  
(Appellee)

v.

RSU #38  
(Appellant)

and

MAINE SCHOOL MANAGEMENT ASSOCIATION  
WORKERS' COMPENSATION TRUST  
(Insurer)

Decided: February 10, 2014

Argued: January 29, 2014

PANEL MEMBERS: Hearing Officers: Collier, Elwin, and Pelletier  
BY: Hearing Officer Collier

[¶1] RSU #38 appeals from a decision of a Workers' Compensation Board hearing officer (*Knopf, HO*) granting April Gray's Petitions for Award and for Payment of Medical and Related Services. Ms. Gray injured her right knee when she stopped abruptly at the base of a ramp before turning into an office at the school where she works as a secretary. The hearing officer determined that the injury is compensable because it arose out of and in the course of Ms. Gray's employment pursuant to 39-A M.R.S.A. § 201(1) (2001). Because Ms. Gray had a pre-existing knee condition, the hearing officer applied *Bryant v. Masters Machine Co.*, 444 A.2d 329, 333-38 (Me. 1982), concluding that the particular ramp at the school posed a risk of injury beyond the risk that she brought to the workplace.

[¶2] RSU #38 contends that the hearing officer erred when determining that walking down the ramp posed an employment-related, enhanced risk of injury, as opposed to simply a risk encountered in everyday life. *See Feiereisen v. Newpage Corp.*, 2010 ME 98, ¶ 6, 5 A.3d 669.

[¶3] Our review of a decision of a Workers' Compensation Board hearing officer addressing whether an injury arose out of and in the course of employment is highly deferential. *Cox v. Coastal Prods. Co., Inc.*, 2001 ME 100, ¶ 12, 774 A.2d 347. The question on appeal is not whether the hearing officer reached the "correct" conclusion, but whether she reached "a conclusion that is 'neither arbitrary nor without rational foundation.'" *Id.* (quoting *Comeau v. Maine Coastal Servs.*, 449 A.d 362, 368 (Me. 1982)). Because competent evidence in the record supports the hearing officer's factual findings, and because the hearing officer applied the law in a rational and non-arbitrary fashion, we affirm. *See Moore v. Pratt & Whitney Aircraft*, 669 A.2d 156, 158 (Me. 1995); *see also Bryant*, 444 A.2d at 342-43.

The entry is:

The hearing officer's decision is affirmed.

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Any party in interest may request an appeal to the Maine Law Court by filing a copy of this decision with the clerk of the Law Court within twenty days of receipt of this decision and by filing a petition seeking appellate review within twenty days thereafter. 39-A M.R.S.A. § 322 (Supp. 2013).

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Attorney for Appellant:  
Anne-Marie L. Storey, Esq.  
RUDMAN WINCHELL  
84 Harlow Street  
P.O. Box 1401  
Bangor, ME 04402-1401

Attorney for Appellee:  
Christopher J. Cotnoir, Esq.  
Workers' Compensation Bd.  
Employee Advocate Division  
24 Stone Street, Suite #107  
Augusta, ME 04330