

JEFFREY R. DOLLOFF, SR.
(Appellant)

v.

LINK PROPERTY MANAGEMENT, INC.
(Appellee)

Argued March 16, 2015
Decided: April 14, 2015

PANEL MEMBERS: Hearing Officers Collier, Goodnough, and Jerome
BY: Hearing Officer Collier

[¶1] Jeffrey R. Dolloff, Sr., appeals from decisions of a Workers' Compensation Board hearing officer (*Knopf, HO*) dismissing his Petitions for Award and for Payment of Medical and Related Services, and denying his Motion to Reinstate the Petitions. We affirm the hearing officer's decision.

[¶2] Mr. Dolloff originally filed his petitions on April 22, 2011. At the initial conference in the case, Mr. Dolloff was represented by a worker advocate. Mr. Dan Link appeared for Link Property Management, Inc., which was not represented by counsel. The hearing officer ordered both parties to produce discovery, but neither party complied in a timely manner. The hearing officer established new deadlines and set a date for hearing. Mr. Dolloff requested a continuance in order to adequately prepare for the hearing, and ultimately

requested that his petitions be dismissed. The hearing officer dismissed the petitions without prejudice on November 7, 2011.

[¶3] Mr. Dolloff refiled his petitions on July 19, 2012, with the assistance of a new worker advocate. A conference was held and the case set for hearing on July 1, 2013. The hearing was rescheduled for October 23, 2013. Mr. Link requested continuances of both hearing dates. Mr. Dolloff, however, failed to attend two scheduled meetings with his advocate, and the advocate was unable to contact Mr. Dolloff at the address or phone number he had provided to the Board. Mr. Dolloff's advocate requested and was granted leave to withdraw from the representation.

[¶4] By letter dated October 15, 2013, the hearing officer asked Mr. Dolloff to contact the Board within two weeks to identify a new representative or indicate his intention to represent himself, and informed him that failure to do so would result in the dismissal of his petitions. Mr. Dolloff did not contact the Board, and the hearing officer dismissed the petitions a second time on November 14, 2013.

[¶5] Mr. Dolloff filed a Notice of Intent to Appeal in the Appellate Division on June 19, 2014. He subsequently sent a letter dated July 11, 2014, to the hearing officer asking that his petitions be reinstated. On August 28, 2014, the hearing officer issued a decision denying the request to reinstate. The Appellate Division

held the appeal in abeyance until the hearing officer decided the motion to reinstate.

[¶6] On appeal, Mr. Dolloff contends that his petitions should have been reinstated and his case allowed to proceed on the merits because the delays were caused in part by Mr. Link's requests for continuances. He also asserts that he experienced certain hardships that made it difficult for him to maintain contact with the board.

[¶7] We review the hearing officer's dismissal of Mr. Dolloff's petitions and the subsequent decision not to reinstate them for abuse of discretion. *See Kuvaja v. Bethel Savings Bank*, 495 A.2d 804, 806 (Me. 1985) (applying abuse of discretion standard of review for administrative body's dismissal of an action). The hearing officer found that Mr. Dolloff was given multiple opportunities to proceed with his case and did not take advantage of those opportunities, and that he did not keep in contact with the board or his advocates in a manner that allowed for necessary communication. In light of all the circumstances, we cannot say that the hearing officer exceeded the bounds of her discretion when dismissing his petitions and subsequently declining to reinstate them. *See Kuvaja*, 495 A.2d at 806 (holding Appellate Division's dismissal of appeal for failure to timely file a brief pursuant to Board Rules was within permissible scope of discretion); *see also Waters v. S.D. Warren Co.*, Me. W.C.B. No. 14-26, ¶ 22 (App. Div. 2014) (determining that

hearing officer acted within the bounds of allowable discretion when denying a petition to reopen under 39-A M.R.S.A. § 319 (2001)).

The entry is:

The hearing officer's decision is affirmed.

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. 2014).

Appellant (unrepresented):
Jeffrey R. Dolloff, Sr.
c/o Mr. Guy Dolloff
10 Rolens Drive, Apt. D-4
Kingston, RI 02881

Appellee (unrepresented):
Dan Link
Link Property Management, Inc.
254 Alfred Street
So. Portland, ME 04106