

# NOTICE OF INTENT TO APPEAL

STATE OF MAINE  
WORKERS' COMPENSATION BOARD  
APPELLATE DIVISION  
1037 FOREST AVE, STE 11  
PORTLAND, MAINE 04103-3382

CASE NAME: William Buckley v. S.D. Warren Co./CCMSI  
WCB FILE# or AIU CASE#: 00-011004E  
ISSUANCE DATE OF DECISION: 5/17/16, 3/9/17  
MAIL DATE OF DECISION: 5/17/16, 3/9/17

**CHECK ONE:**

- APPELLANT HAS ORDERED TRANSCRIPT FROM \_\_\_\_\_  
(please notify Appellate Division when you receive transcript)
- TRANSCRIPT HAS ALREADY BEEN PREPARED
- REQUEST HAS BEEN MADE TO REGIONAL OFFICE TO ORDER TRANSCRIPT

*CROSS-*

APPELLANT:

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**Please include the same information about additional parties on a separate sheet.**

## NOTICE

A party in interest may file with the Appellate Division a notice of appeal of a decision by an administrative law judge pursuant to 39-A M.R.S.A. §318 within 20 days after receipt of notice of issuance of the decision by the administrative law judge. When filing this notice, the appellant also shall file with the clerk a copy of the decision appealed.

1. On 5/20/16 & 3/13/17, S.D. Warren Co./CCMSI received notice of the issuance of a decision by Administrative Law Judge Timothy W. Collier in the above captioned case.
2. The appellant *CROSS-* appeals the following issue(s):  
See attached.

THEREFORE, the appellant asks the Appellate Division to review the decision pursuant to 39-A M.R.S.A. §321-B.

Thomas Getchell  
SIGNATURE OF APPELLANT

DATED: April 6, 2017  
MONTH DAY YEAR

### FILING INSTRUCTIONS

1. Mail original notice to the clerk of the Appellate Division at the above address by regular mail, or hand deliver to any regional Board office.
2. Mail one (1) copy by certified mail, return receipt requested to each other party named above.
3. Keep one (1) copy for yourself and keep the green certified mail cards when returned to you by the U.S. Post Office.

The State of Maine provides equal opportunity in employment and programs. Auxiliary aids and services are available to individuals with disabilities upon request. For assistance with this form, contact the ADA Coordinator at the Maine Workers' Compensation Board. Telephone: (888) 801-9087 or TTY Maine Relay 711.

WCB-240 (eff. 1/1/13, rev. 10/21/16)

**Appellees:**

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Buckley v. S.D. Warren Co.  
Issues on Cross-Appeal

1. Whether the ALJ committed error by failing to make findings of fact regarding the amount of pension and Social Security old-age benefits received by the employee for the same period of time for which S.D. Warren/CCMSI paid the employee incapacity benefits.
2. Whether the ALJ committed error by failing to rule that the employer is entitled to suspend payment of incapacity benefits in the cumulative amount of the \$17,716.31 in retirement benefits previously received by the employee for the same period of time that the employer paid incapacity benefits, pursuant to section 221(3)(A)(1) and (2).
3. Whether the ALJ committed error by ruling that Liberty Mutual and CCMSI collectively are entitled to only 50%, rather than 100%, of the retirement offsets applicable to the employee's ongoing receipt of pension and Social Security old-age benefits.