

# NOTICE OF INTENT TO APPEAL

STATE OF MAINE  
WORKERS' COMPENSATION BOARD  
APPELLATE DIVISION  
62 ELM STREET  
PORTLAND, MAINE 04101-6858

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

Cross  
APPELLANT:

COUNSEL NAME: Cara L. Biddings, Esq.  
REPRESENTING: S.D. Warren/Liberty Mutual  
STREET/P.O. BOX: 12 Portland Pier  
CITY, STATE, ZIP: Portland, ME 04101-4713  
TELEPHONE NUMBER: (207)772-6565  
E-MAIL: cbiddings@rkmllegal.com

## 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

## APPELLEE:

COUNSEL NAME: James J. MacAdam, Esq.  
REPRESENTING: William Buckley  
STREET/P.O. BOX: 45 Mallett Drive  
CITY, STATE, ZIP: Freeport, ME 04032  
TELEPHONE NUMBER: (207)772-2220  
E-MAIL: jmacadam@macadamlaw.com

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 a hearing officer pursuant to 39-A M.R.S.A. §318 within 20 days after receipt of notice of issuance of the decision by the hearing officer. When filing this notice, the appellant also shall file with the clerk a copy of the decision appealed.

1. On 5/20/16 and 3/13/17, S.D. Warren/Liberty Mutual received notice of the issuance of a  
MONTH DAY YEAR APPELLANT NAME  
decision by Hearing Officer Timothy W. Collier in the above captioned case.  
HEARING OFFICER NAME
2. The appellant<sup>cross</sup> 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.

  
SIGNATURE OF APPELLANT

DATED: April 13, 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.

**Buckley v. S.D. Warren Co.**  
***Cross Appeal Issues***

1. Whether the ALJ erred 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/Liberty Mutual paid the employee incapacity benefits?
2. Whether the ALJ erred by failing to issue an order permitting the employer to suspend payment of incapacity benefits to recover the amount of retirement benefits previously received by the employee during the same period of time that the employer was paying incapacity benefits?
3. Whether the ALJ erred by ruling that Liberty Mutual and CCMSI collectively are entitled to an offset for only 50% of the offset for the employee's pension and Social Security benefits where the carrier entitled to the other 50% of the offset was permitted to discontinue benefits under the durational cap?