

# NOTICE OF INTENT TO APPEAL

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

CASE NAME: Dale Henderson v. Oak Leaf Realty & MEMIC  
WCB FILE# or AIU CASE#: 11036442  
ISSUANCE DATE OF DECISION: 06/12/17 & 08/04/17  
MAIL DATE OF DECISION: 06/12/17 & 08/04/17

### 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

### APPELLANT:

COUNSEL NAME: Peter M. Weatherbee, Esq.  
REPRESENTING: Oak Leaf Realty, Inc.  
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### APPELLEE:

COUNSEL NAME: Dana Herzer, Esq.  
REPRESENTING: MEMIC  
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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 06/13/17 and 08/07/17, Oak Leaf Realty, Inc. received notice of the issuance of a Decree and an amended Decree pursuant to MOTION for Additional Findings of Fact and Conclusions of Law decision by Administrative Law Judge David Hirtle in the above captioned case.  
APPELLANT NAME  
ADMINISTRATIVE LAW JUDGE NAME

2. The appellant appeals the following issue(s):

Please 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: 8/30, 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)

Additional Parties

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STATE OF MAINE  
WORKERS' COMPENSATION BOARD  
27 STATE HOUSE STATION  
AUGUSTA, MAINE 04333

DALE H. HENDERSON,	)	
Employee	)	
	)	
vs.	)	DOI: 03/02/2011
	)	
OAK LEAF REALTY, INC.,	)	SSN: xxx-xx-9266
Employer	)	
	)	
and	)	
	)	
MAINE EMPLOYERS' MUTUAL	)	
INSURANCE COMPANY,	)	
Insurer	)	

**STATEMENT OF ISSUES**

The employer, Oak Leaf Realty, Inc., adopts the Statement of Issues filed by Dale Henderson dated August 22, 2017 and adds the following additional issue:

1. Did the Board err in its failure to order MEMIC to provide legal counsel to its insured, Oak Leaf Realty, Inc., in this matter?