

NOTICE OF INTENT TO APPEAL

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

CASE NAME: ROBERT G. SAWYER
WCB FILE# or AIU CASE#: 04023764E
ISSUANCE DATE OF DECISION: 3/24/17 & 11/22/17
MAIL DATE OF DECISION: 3/27/17 & 11/27/17

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:

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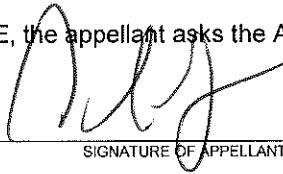
Please include the same information about additional parties on a separate sheet.

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 3/28/17 & 11/29/17, S.D. Warren Company received notice of the issuance of a
MONTH DAY YEAR APPELLANT NAME
decision by Administrative Law Judge Evelyn Knopf in the above captioned case.
ADMINISTRATIVE LAW JUDGE NAME
2. The appellant 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: December 14, 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)

ROBERT SAWYER V. S.D. WARREN

ISSUES ON APPEAL

- 1. Whether the ALJ erred in denying Employer's Res Judicata defense to the Employee's Petition for Award?**
- 2. Whether the ALJ erred by failing to make a finding as to the date incapacity commenced?**
- 3. Whether the ALJ erred by failing to grant the relief requested on Employer's Petition for Award to award benefits from the date incapacity commenced?**
- 4. Whether the ALJ erred by failing to first determine the award of incapacity benefits on the Employer's Petition for Award before addressing the issue of whether the Employer is entitled to a set-off for incapacity benefits paid for the same time period?**
- 5. Whether the ALJ erred by dismissing the Employer's Petition to Determine Permanent Impairment and failing to address the durational limit on partial incapacity benefits set forth in Sec. 213?**