

# NOTICE OF INTENT TO APPEAL

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

CASE NAME: Brenda Capitan v. NewPage  
WCB FILE# or AIU CASE#: 88-003456B  
ISSUANCE DATE OF DECISION: 5/6/16 & 12/29/16  
MAIL DATE OF DECISION: 5/6/16 & 12/29/16

**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: James J. MacAdam, Esq.  
REPRESENTING: Brenda Capitan  
STREET/P.O. BOX: 45 Mallett Drive  
CITY, STATE, ZIP: Freeport, Maine 04032  
TELEPHONE NUMBER: 772-2220  
E-MAIL: Caroline

**APPELLEE:**

COUNSEL NAME: Richard D. Tucker, Esq.  
REPRESENTING: NewPage Paper  
STREET/P.O. BOX: P.O. Box 696  
CITY, STATE, ZIP: Bangor, Maine 04402  
TELEPHONE NUMBER: 945-4720  
E-MAIL: \_\_\_\_\_

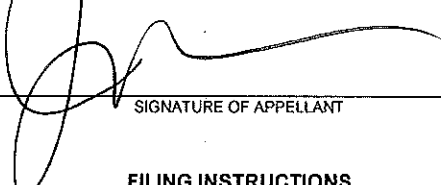
Please include the same information about additional parties on a separate sheet.

## 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 5/9/16 & 12/30/16, Brenda Capitan received notice of the issuance of a decision by Administrative Law Judge Evelyn Knopf in the above captioned case.
2. The appellant appeals the following issue(s):  
Whether the Administrative Law Judge made a legal error by application of the retirement presumption found in 39-A M.R.S.A. § 223.

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: January 12, 2017

### 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.