

STATE OF MAINE
WORKERS' COMPENSATION BOARD

ISSUED: March 15, 2005
DECISION NO.: WCB-213-05-01

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WCB File No.: 96-001614

DOI: 02/21/1996

Any party in interest may request an appeal to the Maine Law Court by filing a copy of this decision with the clerk of the Law Court within 20 days of receipt of this decision, and by filing a petition seeking appellate review with the Law Court within 20 days thereafter. See 39-A M.R.S.A. Section 322.

Pursuant to Board Rule Chapter 12 Section 19, all evidence and transcripts in this matter may be destroyed after 60 days unless (1) we receive written notification that one or both parties wish to have their exhibits returned to them, or (2) a petition for appellate review is filed. The 60 days will not begin to run until all post-decree motions have been decided or otherwise disposed.

GLENN HOLLAND
(Employee)
v.
INTERNATIONAL WOOLEN CO.
(Employer)
and
MAINE EMPLOYERS' MUTUAL INSURANCE COMPANY
(Insurer)

BEFORE: DIONNE, CHAIR; AND COONEY, HILTZ, KIRKPATRICK, KOOSHER, & MONFILETTO¹,
DIRECTORS

Pending before the Board is a Petition to Extend the Duration of Benefits Pursuant to 39-A M.R.S.A. § 213(1).

¹ Director Monfiletto participated in the December 16, 2004 hearing, but did not participate in the February 15, 2005 deliberations and vote.

A hearing was held on December 16, 2004, during which the employee testified as the sole witness. Also admitted into evidence were Employee's Exhibits 1-3 and Employer's Exhibits 1-5.

The parties submitted written closing arguments. Deliberations were conducted on February 15, 2005, and a decision was reached at the end of those deliberations.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Maine Employers' Mutual Insurance Company (MEMIC) stopped paying partial incapacity benefits on September 13, 2004.
2. Mr. Holland is currently working 30 hours per week earning \$8.51 per hour.
3. Mr. Holland also receives \$22.23 per week from Travelers Insurance Company for a prior work-related injury.
4. Mr. Holland's average monthly income, including the incapacity benefits being paid by Travelers, is approximately \$1,700.00.
5. Mr. Holland's average monthly expenses total approximately \$1,600.00.
6. By a 4-1 vote (Chair Dionne opposed), the Board finds that Mr. Holland is experiencing extreme financial hardship.
7. By a 4-0-1 vote (Director Koocher abstained), the Board finds that Mr. Holland has returned to gainful employment.

WHEREFORE, because the employee has not shown an inability to return to gainful employment, the employee's Petition to Extend the Duration of Benefits is denied.

SO ORDERED.

WORKERS' COMPENSATION BOARD

Date

Paul R. Dionne, Chair

Date

John C. Cooney, Director

Date

Rodney Hiltz, Director

Date

Joan Kirkpatrick, Director

Date

Gary Koocher, Director