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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.

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JOHN BERRY  
(Employee)  
v.  
KINKO'S SERVICE CORP.  
(Employer)  
and  
CNA/CONTINENTAL CASUALTY  
(Insurer)

BEFORE: DIONNE, CHAIR; AND COONEY, HILTZ, KIRKPATRICK, KOOCHER, & MONFILETTO, DIRECTORS

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

A hearing was held on November 8, 2005, during which the employee testified as the sole witness. Also admitted into evidence were Employee Exhibits 1-6 and Employer Exhibits 1-7.

Deliberations were conducted at the conclusion of the hearing on November 8, 2005, and a decision was reached at the end of those deliberations.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The employer discontinued partial incapacity benefits on July 26, 2005.
2. The employee was receiving \$186.13 per week at the time benefits were discontinued.
3. The employee's average monthly expenditures are approximately \$692.00 without the cost of non-work related prescriptions for the employee and his wife, and \$1,044.00 with those prescriptions.
4. The employee receives \$636.00 per month in Social Security benefits. This amount is expected to increase to \$937.00 per month.
5. The employee has no other source of income.
6. Pursuant to an October 30, 2001 decree, the employee has an earning capacity of \$75.00 per week.
7. By a 6-0 vote the Board grants the employee's Petition to Extend Benefits Pursuant to 39-A M.R.S.A. § 213(1)

WHEREFORE, the employee's Petition For Extension of Benefits Pursuant to 39-A M.R.S.A. § 213(1) is GRANTED. The employer shall reinstate benefits as of July 27, 2005.

SO ORDERED.