

STATE OF MAINE
WORKERS' COMPENSATION BOARD

DECISION NO.: WCB-213-14-01

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Mail Date: February 18, 2014
WCB Case No.: 03-008279H

DOI: 07/02/2003

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. § 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.

ALBERT, JOANNE
(Employee)
v.

PANOLAM INDUSTRIES
(Employer)
and

WILLIS OF NNE
(Insurer)

BEFORE: SIGHINOLFI, CHAIR; AND BURROUGHS, GREEN, KOOCHER, & WALLACE,
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 February 11, 2014, during which the employee testified as the sole witness. Admitted into evidence at the hearing were Employee Exhibits 1-10 and Employer Exhibits 1-3.

Deliberations were conducted at the conclusion of the hearing in front of the parties, and a decision was reached at the end of those deliberations.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The employee sustained a work-related low back injury on July, 2, 2003.
2. Pursuant to a May 8, 2008 decree, the employee was awarded ongoing partial incapacity benefits at the rate of 74% of her total compensation rate. The partial incapacity benefits were subject to offset due to the receipt of old-age insurance benefits received pursuant to the Social Security Act resulting in a weekly benefit amount of \$154.22.
3. In a decree dated April 21, 2011, the Board determined the employee's whole person permanent impairment is 10%.
4. Pursuant to a December 17, 2013 Consent Decree, the parties agreed the employee had received more than 520 weeks of incapacity benefits and that the insurer could discontinue payment of incapacity benefits effective January 1, 2014.
5. During the February 11, 2014 hearing, the employee testified she has not worked since being laid off in 2006 by the employer from a light duty job.
6. The employee also testified that, since her benefits expired, she has not looked for work due to the combined effects of her work-related and nonwork-related medical conditions.
7. The employee presented credible evidence regarding her average monthly income and monthly expenses. Based on this evidence, the employee's expenses exceed her income.
8. Based on the foregoing, by a 4-0-1 vote (Chair abstaining), the Board finds the employee met her burden of demonstrating extreme financial hardship due to an inability to return to gainful employment.
9. Benefits at the most recent weekly rate of \$154.22 are extended effective February 11, 2014 for a period of 24 months.

WHEREFORE, the employee's Petition for Extension of Benefits pursuant to 39-A M.R.S.A. §213(1) is GRANTED.

SO ORDERED.

February 18, 2014
Date

Paul H. Sighinolfi
Paul H. Sighinolfi, Chair/Executive Director