

STATE OF MAINE  
**WORKERS' COMPENSATION BOARD**

ISSUED: December 16, 1999  
DECISION NO.: WCB-213-99-02

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Mail Date: 12/16/1999  
WCB File No.: 93-003747 DOI: 03/29/1993

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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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ISABELLE C. STEWART  
(Employee)  
v.  
ST. JOSEPH'S MANOR  
(Employer)  
and  
SEDGWICK RISK SERVICES OF MAINE  
(Insurer)

BEFORE: GAUVIN, HAYES, LEMAIRE, LONGFELLOW, MONFILETTO, PINETTE, AND WEEKS, DIRECTORS

Pending before the Board is a Petition for Extension of Benefits filed by Isabelle Stewart concerning a March 29, 1993 date of injury.

Ms. Stewart has received 312 weeks of incapacity benefits. She is seeking an extension of her entitlement to incapacity benefits because of extreme financial hardship due to inability to return to gainful employment, pursuant to 39-A M.R.S.A §213(1).

As evidence, the Board considered the testimony of Isabelle Stewart taken on December 7, 1999; Employee Exhibit No. 1 (consisting of Part A: an itemization of Ms.

Stewart's monthly income and expenses; Part B: Ms. Stewart's 1998 TeleFile Tax Record and W-2 Statement; and Part C: copies of bills); Employee Exhibit No. 2 (Ms. Stewart's wage stubs from July 8, 1999 through October 28, 1999); and Employee Exhibit No. 3 (medical reports from Gregory Pomeroy, M.D.).

#### DECISION AND ORDER

1. As a result of a March 29, 1993 injury to her right foot, Ms. Stewart's capacity to work has been restricted to four hours per day and 20 hours per week.
2. Effective November 12, 1999, Ms. Stewart's incapacity benefits were discontinued.
3. Ms. Stewart, who is 62 years old, has worked for St. Joseph's Manor for over 20 years. Ms. Stewart continues to work for St. Joseph's Manor, subject to her restrictions, when St. Joseph's is able to provide work for her. Before her injury, Ms. Stewart was consistently able to work well in excess of 20 hours each week. She has not been able to return to that level of employment due to her injury.
4. Ms. Stewart's monthly expenses exceed her monthly income even though she continues to work as much as she can for St. Joseph's Manor.
5. Due to her injury, Ms. Stewart is experiencing extreme financial hardship.

WHEREFORE, on a vote of 6-1, Ms. Stewart's Petition for Extension of Benefits is GRANTED. Ms. Stewart is entitled to partial incapacity benefits at a varying rate from November 12, 1999 to the present and continuing.

SO ORDERED.

WORKERS' COMPENSATION BOARD

VOTING YES:

\_\_\_\_\_  
Date

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David M. Gauvin, Director

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Date

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Frederick T. Hayes, Director

\_\_\_\_\_  
Date

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Patricia Lemaire, Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Anthony Monfiletto, Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Susan M. Pinette, Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Charles R. Weeks, Director

VOTING NO:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Barbara Longfellow, Director