

KEVIN M. OUELLETTE
(Appellant)

v.

TWIN RIVERS PAPER COMPANY, LLC
(Appellee)

and

SEDGEWICK CMS

Conferenced: September 24, 2015

Decided: July 8, 2016

PANEL MEMBERS: Administrative Law Judges¹ Goodnough, Hirtle, and Jerome
BY: Administrative Law Judge Goodnough

[¶1] Kevin Ouellette appeals from a decision of a Workers' Compensation Board administrative law judge (*Pelletier, ALJ*) granting Twin Rivers' Petition for Review of Incapacity and authorizing the termination of his benefits pursuant to the durational limits set forth in 39-A M.R.S.A §§ 213(1), 213(4) (Supp. 2015), and Me. W.C.B. Rule, ch. 2, § 2(9). Mr. Ouellette does not dispute the receipt of payments in excess of the statutory limit; instead, he contends that benefits should continue, despite the number of weeks already paid, because Twin Rivers was not his employer at the time of injury in 2002 and was not legally authorized to make payments to him under the Act. Mr. Ouellette further contends that only payments

¹ Pursuant to P.L. 2015, ch. 297 (effective October 15, 2015) Workers' Compensation Board hearing officers licensed to practice law are now designated administrative law judges.

made by Fraser Paper, the employer at the time of the injury, count towards the 520-week durational limit set forth in sections 213(1), 213(4), and Me. W.C.B. Rule, ch. 2, § 2(9). We disagree, and affirm the ALJ's decision.

I. BACKGROUND

[¶2] Kevin Ouellette sustained an injury to his right knee on March 10, 2002, while employed by Fraser Paper. He was subsequently awarded partial incapacity benefits pursuant to a 2012 decision, in which the ALJ granted Mr. Ouellette's Petition for Review, established a compensation payment scheme, and continued Mr. Ouellette's partial benefits. The parties in that round of litigation were Mr. Ouellette and Twin Rivers. The decision also noted that "[b]y Board Decree issued June 29, 2010, employee established that he sustained a compensable right knee injury *while working for the employer's predecessor company, Fraser Paper, on March 10, 2002.*" (emphasis added).

[¶3] Sedgewick CMS made payments on behalf of Fraser Paper through 2010, and thereafter on behalf of Twin Rivers. Mr. Ouellette ultimately received in excess of 520 weeks of weekly benefits. Twin Rivers continued to pay benefits pursuant to the 2012 decision, however, until it was permitted to discontinue those benefits pursuant to the 2014 decision. Mr. Ouellette filed a Motion for Further Findings of Fact and Conclusions of Law. The ALJ issued further findings, but did not alter the outcome. Mr. Ouellette then filed this timely appeal.

II. DISCUSSION

A. Standard of Review

[¶4] The role of the Appellate Division on appeal is “limited to assuring that the [ALJ]’s factual findings are supported by competent evidence, that [the] decision involved no misconception of applicable law and that application of the law to the facts was neither arbitrary nor without rational foundation.” *Pomerleau v. United Parcel Serv.*, 464 A.2d 206, 209 (Me. 1983) (quotation marks omitted). *See also Moore v. Pratt & Whitney Aircraft*, 669 A.2d 6 156, 158 (Me. 1995); *Parker v. Pepsico, Inc.*, Me. W.C.B. No. 15-16 (App. Div. 2015). When a party requests and proposes additional findings of fact and conclusions of law, as was done in this case, “we review only the factual findings actually made and the legal standards actually applied by the ALJ.” *Daley v. Spinnaker Inds.*, 2002 ME 134, ¶ 17, 803 A.2d 446 (quotation marks omitted).

B. *Res Judicata*

[¶5] Mr. Ouellette argues that Twin Rivers is not the employer under 39-A M.R.S.A. §§ 102(12), 213 (Supp. 2015) from whom workers’ compensation benefits may flow. This claim, however, is barred by the principles underlying the doctrine of *res judicata*. Under the doctrine, “a valid judgment entered by a court, if not appealed from, generally becomes *res judicata* and is not subject to later collateral attack.” *Standish Tel. Co. v. Saco River Tel. & Tel. Co.*, 555 A.2d 478,

481 (Me. 1989). There is a strong policy in favor of ending litigation and giving finality to court judgments. *Id.* *Res judicata* principles have been “repeatedly applied [...] to decisions rendered by the administrative tribunals of the Workers’ Compensation System.” *Ervey v. Northeastern Log Homes*, 638 A.2d 709-710 (Me. 1994). Further, “valid and final decisions of the Workers’ Compensation Board are subject to the general rules of *res judicata* and issue preclusion, not merely with respect to the decision’s ultimate result, but with respect to all factual findings and legal conclusions that form the basis of that decision.” *Grubb v. S.D. Warren Co.*, 2003 ME 139, ¶ 9, 837 A.2d 117 (quotation marks omitted).

[¶6] The ALJ, in his 2012 decision, named Twin Rivers as the employer and explicitly found that the injury occurred while the Mr. Ouellette was working for Twin River’s predecessor company, Fraser Paper.² Further, the ALJ ordered Twin Rivers to pay benefits. The benefits were paid, and Mr. Ouellette accepted those payments. The identification of the employer as Twin Rivers was integral to the decision. The findings regarding Twin River’s status as the employer were not appealed by Mr. Ouellette and are now final. Mr. Ouellette is now barred by *res judicata* from re-litigating this issue.³

² The 2012 decision noted the change in identity of the employer from Fraser Paper in 2010 to Twin Rivers in 2012.

³ Because the record does not establish that Mr. Ouellette raised the issue regarding Sedgewick’s status as an “insurer” under the Workers’ Compensation Act in prior proceedings, we likewise determine that issue is not subject to appeal and is barred by *res judicata*.

C. Statutory Cap on Benefits

[¶7] The parties do not dispute that Mr. Ouellette has been paid workers' compensation benefits in excess of the statutory cap. Pursuant to 39-A M.R.S.A §§ 213(1), 213(4), and Me. W.C.B. Rule, ch. 2, § 2(9), an employee is not eligible to receive compensation for partial incapacity in excess of 520 weeks of compensation. The ALJ determined that Mr. Ouellette had, in fact, received benefits in excess of 520 weeks and ordered a termination of those benefits pursuant to the statute.

[¶8] Mr. Ouellette argues that because Twin Rivers was not the "employer" at the time of injury, benefit payments paid to him by Twin Rivers did not count towards the 520 week cap. However, because Twin Rivers was deemed the employer in the 2012 decision and that finding was not appealed, the benefit payments made by Twin Rivers are counted for purposes of the statute and rule, and Mr. Ouellette has received all of the benefits to which he is entitled.

III. CONCLUSION

[¶9] The ALJ did not err in terminating Mr. Ouellette's workers' compensation benefits.

The entry is:

The administrative law judge's decision is affirmed.

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 twenty days of receipt of this decision and by filing a petition seeking appellate review within twenty days thereafter. 39-A M.R.S.A. § 322 (Supp. 2015).

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