

CATHERINE J. O'BRIEN
(Appellant)

v.

SOUTHERN MAINE MEDICAL CENTER
(Appellee)

and

SYNERNET

Conference held: September 21, 2016
Decided: October 25, 2016

PANEL MEMBERS: Administrative Law Judges Knopf, Goodnough, and Jerome
BY: Administrative Law Judge Jerome

[¶1] Catherine O'Brien appeals from a decision of a Workers' Compensation Board administrative law judge (*Stovall, ALJ*) denying her Petitions for Award and for Medical and Related Services regarding an alleged October 25, 2013, right shoulder injury. Ms. O'Brien, a medical assistant, fell when turning a corner while walking towards a waiting room to call a patient. The ALJ found that Ms. O'Brien did not meet her burden to prove a causal connection between the injury and her employment at SMMC, and that the fall was likely due to dizziness based upon the record evidence. Ms. O'Brien argues that the ALJ did not make adequate findings of fact to generate a record that is sufficient for appellate review. *See Cote v. Town of Millinocket*, 444 A.2d 355, 359 (Me. 1982). Specifically, Ms.

O'Brien contends that the ALJ did not make adequate findings of fact regarding what role, if any, a misplaced chair and a laptop played in the injury.

[¶2] Because Ms. O'Brien made a request for additional findings of fact and conclusions of law pursuant to 39-A M.R.S.A. § 318 (Supp. 2015), and submitted proposed additional findings, we do not assume that the ALJ made all the necessary findings to support his conclusions. *See Spear v. Town of Wells*, 2007 ME 54, ¶ 10, 922 A.2d 474. "Instead, we review the original findings and any additional findings made in response to a motion for findings to determine if they are sufficient, as a matter of law, to support the result and if they are supported by evidence in the record." *Id.* (quotation marks omitted).

[¶3] In support of her contention, Ms. O'Brien cites *Riley v. Oxford Paper Co.*, 149 Me. 418, 103 A.2d 111 (Me. 1954). In that case, the employee suffered an idiopathic fall while walking on a platform composed of heavy steel, which resulted in a fractured skull, and ultimately death. *Id.* at 419. The Law Court held that while injuries from idiopathic falls may be compensable whenever some special or appreciable risk or hazard of the employment becomes a contributing factor, because the idiopathic fall was to the level floor, not from a height, not onto or against an object, and not caused or induced by the nature of the work or any condition of the floor, the injury was not caused by any condition, risk, or hazard of the employment. *Id.* at 422. Ms. O'Brien asserts that the ALJ did not make

sufficient findings regarding whether a folding chair and a laptop constituted a condition, risk, or hazard of employment that contributed to her injury.

[¶4] We agree. Ms. O'Brien raised several theories of liability: (1) Ms. O'Brien was dizzy, but the dizziness did not contribute to her fall; rather she tripped on a folding chair and fell as a result; (2) Ms. O'Brien experienced some dizziness that contributed to the fall, but a folding chair also contributed to the fall; (3) Ms. O'Brien's fall was caused by dizziness, but the employment presented an increased risk that contributed to her injury because she was clutching a laptop with her left arm causing her to break her fall with only her right arm, thereby injuring the right shoulder.

[¶5] The ALJ found as fact that Ms. O'Brien's fall was caused by dizziness, an idiopathic, preexisting, non-occupational condition. The ALJ cited medical records regarding Ms. O'Brien's prior episodes of dizziness, and Ms. O'Brien's testimony that she often became dizzy when turning corners. This fact is supported by competent evidence in the record, and we will not disturb it on appeal.

[¶6] The ALJ further found that while Ms. O'Brien "perhaps" fell on a folding chair, there was no persuasive evidence that the folding chair either caused her to fall or increased the risk of injury, and that there was no evidence that she injured her shoulder on the chair. Regarding the laptop, the ALJ noted that

Ms. O'Brien did not mention in the initial incident report that she looked down at her computer as she walked, and the medical records did not support such a contention. Ms. O'Brien requested further findings regarding (1) whether she tripped or fell on a folding chair and, if so, if it disrupted her ability to recover from the dizziness; and (2) whether she was carrying a laptop, and if so, whether it presented an increased risk of employment that contributed to her injury. The ALJ declined to make further findings.

[¶7] We note that this case is analogous to *Atwood v. The Sloane Group, LLC*, Me. W.C.B. 16-13 (App. Div. 2016). In *Atwood*, an employee suffered a seizure when she stood up from her desk. *Id.* at ¶ 2. In the course of the fall, the employee sustained injuries to her head and mouth. *Id.* The ALJ determined that the cause of the fall was the seizure, and did not issue findings regarding whether the employee's head hit the desk when she fell, and if so, whether the collision with the desk was an employment-related cause of her injuries, a theory asserted by the employee in her motion for findings of fact and conclusions of law. *Id.* at ¶ 10. The Appellate Division determined that the ALJ's findings were inadequate and remanded the case to the ALJ to make additional findings of fact to address this theory. *Id.* at ¶ 12.

[¶8] We determine that here, the ALJ's findings do not adequately address the arguments raised by Ms. O'Brien, and do not provide an adequate basis for

appellate review. Therefore, we remand this case to allow the ALJ to make additional findings regarding (1) whether Ms. O'Brien tripped or fell on a folding chair, and if so, whether the chair disrupted her ability to recover from the dizziness; and (2) whether she was carrying a laptop, and if so, whether carrying the laptop presented an increased risk of employment that contributed to her injury.

The entry is:

The administrative law judge's decision is vacated and remanded for additional findings of fact and conclusions of law.

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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