DANA KNIGHT
(Appellant)

v.

ANSON-MADISON AMBULANCE SERVICE
(Appellee)

and

MAINE EMPLOYERS MUTUAL INSURANCE COMPANY
(Insurer)

Conference held: February 8, 2018
Decided: March 23, 2018

PANEL MEMBERS: Administrative Law Judges Hirtle, Collier, and Goodnough
BY: Administrative Law Judge Collier

[¶1] Dana Knight appeals from a decision of a Workers' Compensation Board administrative law judge (*Elwin, ALJ*) granting, in part, his Petition for Award and Petition for Payment of Medical and Related Services. The ALJ acknowledged the occurrence of Mr. Knight's work injury, but determined that his ongoing back problems are not causally related to that injury. Based on that determination, the ALJ did not award Mr. Knight benefits for his recent treatment and lost wages. Mr. Knight contends that the ALJ's decision was arbitrary and without rational foundation. We disagree and affirm the decision.

I. BACKGROUND

[¶2] Mr. Knight was working for Anson-Madison Ambulance Service on September 14, 2012, when he sustained a low back injury while moving a patient. He was diagnosed with a lumbar strain and he treated with a chiropractor. His symptoms improved and his chiropractor discharged him from further treatment on January 28, 2013. In April 2013, Mr. Knight left his position with Anson-Madison Ambulance Service and moved to Oklahoma to take a paramedic job. He continued to experience some back symptoms after the move, which he treated on his own with a TENS unit, ibuprofen, and stretches. He returned to Maine about six months later and worked full time for another ambulance service.

[¶3] Mr. Knight returned to his chiropractor with low back pain in late February 2014. He sought additional care in the spring of 2014 and was taken out of work for six weeks. In April, he filed the pending petitions, seeking an order that Anson-Madison Ambulance Service pay benefits for his lost time and medical treatment.

[¶4] Mr. Knight provided the ALJ with the opinion of his pain specialist, which stated that, based on the history provided by Mr. Knight, his ongoing symptoms were related to the September 14, 2012, work injury. The history, as recorded by the specialist, was that Mr. Knight "has had continuous physical therapy and osteomanipulative therapy" since the work injury. Anson-Madison

Ambulance Service submitted the opinion of its own medical examiner, who examined Mr. Knight pursuant to 39-A M.R.S.A. § 207 (Supp. 2017), and opined that Mr. Knight's work injury resolved by late January 2013.

[¶5] The ALJ concluded that Mr. Knight had sustained a work injury on September 14, 2012, but that his back symptoms since January 2014 were not causally related to that injury. Accordingly, she granted Mr. Knight's petitions only in part. In response to Mr. Knight's request, the ALJ issued further findings and conclusions of law but did not materially change the result of her initial decree. She did clarify that the ongoing back symptoms "for which he sought treatment beginning in February 2014" were not causally related to the work injury.

II. DISCUSSION

[¶6] The Appellate Division 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 the 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).

[¶7] The record contains competent evidence to support the ALJ's conclusion that Mr. Knight's ongoing back problems did not relate to his work injury. The ALJ found the opinion from Mr. Knight's pain specialist less persuasive than the section 207 medical examiner's because the specialist based his

opinion on what she deemed an inaccurate history—that Mr. Knight had treated continuously since his injury. In fact, the ALJ found that Mr. Knight had gone more than a year without professional treatment. Moreover, the ALJ found that Mr. Knight told emergency department personnel in March of 2014 that he had not experienced pain in a long time and that his pain had begun the previous day when he leaned forward to open a dryer door. Anson-Madison Ambulance Service's examiner, on the other hand, based his medical opinion on a history that included Mr. Knight's gap in professional treatment.

[¶8] Mr. Knight argues that the ALJ's decision is irrational and arbitrary because it places too little weight on the self-treatment that he performed while in Oklahoma, using a TENS unit as well as home exercise and over-the-counter pain medication. We disagree. The decision to accept or reject particular expert medical opinions is the task of the ALJ as fact-finder. *See Leo v. Am. Hoist & Derrick Co.*, 438 A.2d 917, 920–21 (Me. 1981); *Rowe v. Bath Iron Works*, 428 A.2d 71, 74 (Me. 1981); *Davis v. Boise Cascade*, Me. W.C.B. 17-41, ¶ 21 (App. Div. 2017).

III. CONCLUSION

[¶9] The ALJ's findings are supported by competent evidence in the record and her application of the law to those facts had a rational basis.

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. 2017).

Pursuant to board Rule, chapter 12, § 19, all evidence and transcripts in this matter may be destroyed by the board 60 days after the expiration of the time for appeal set forth in 39-A M.R.S.A. § 322 unless (1) the board receives written notification that one or both parties wish to have their exhibits returned to them, or (2) a petition for appellate review is filed with the law court. Evidence and transcripts in cases that are appealed to the law court may be destroyed 60 days after the law court denies appellate review or issues an opinion.

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