MICHAEL ROBINSON
(Appellant)

v.

GOODALL LANDSCAPING, INC.
(Appellee)

and

MAINE EMPLOYERS' MUTUAL INSURANCE COMPANY
(Appellee)

Argued: April 11, 2019
Decided: January 29, 2021

PANEL MEMBERS: Administrative Law Judges Stovall, Hirtle, and Pelletier
BY: Administrative Law Judge Stovall

[¶1] Michael Robinson appeals from a decision of a Workers' Compensation Board administrative law judge (*Knopf, ALJ*) denying his Petition for Specific Loss Benefits Under § 212(3)(M) (Pamph. 2020). Mr. Robinson contends the ALJ erred when determining that his claim is barred by the doctrine of *res judicata*. We affirm the decision.

I. BACKGROUND

[¶2] While working for Goodall Landscaping, Mr. Robinson's right eye was injured when a chain disengaged from a plow and forcefully struck him in the face. The board issued previous decrees in this case on May 16, 2012, and August 19, 2016. The August 19, 2016, decree was issued in response to Mr. Robinson's Petitions for Award of Specific Loss Benefits and to Determine the Extent of

Permanent Impairment. Pursuant to 39-A M.R.S.A. § 212(3)(M), an injured employee can be awarded specific loss benefits (162 weeks of total benefits) for the loss of one eye if the employee establishes the loss of at least 80% of vision in that eye.

[¶3] The ALJ noted in the August 19, 2016, decree that:

> Many of Mr. Robinson's providers have indicated that Mr. Robinson is functionally blind in his right eye. In fact, there does not appear to be disagreement on this point. None of the doctors that Mr. Robinson has seen since his 2011 injury, however, has assigned a percentage value to his loss of vision or assessed permanent impairment.

The ALJ denied the request for specific loss benefits because Mr. Robinson had failed to provide medical evidence establishing that he had sustained at least an 80% loss of vision in his right eye. Essentially, the ALJ determined that Mr. Robinson had failed to meet his burden of proof.

[¶4] Mr. Robinson then filed the current petition, again seeking specific loss benefits. Goodall Landscaping argued that the principle of *res judicata* barred the employee from re-litigating the claim for specific loss benefits because the prior, un-appealed decree dated August 19, 2016, had denied the same claim for those same benefits. The ALJ, citing *Kradoska v. Kipp*, 397 A.2d 562, 568 (Me. 1979), determined that the claim was barred, and denied the employee's petition.

II. DISCUSSION

[¶5] "[V]alid 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 (citations omitted). An ALJ is bound by the findings and conclusions in prior final decisions when deciding the most recent petition, absent a showing of changed circumstances. *Id.* at ¶ 7. "Principles of *res judicata* bar a party from bringing a cause of action that has already been subject to a valid, final decision." *Puiia v. NewPage Corp.*, Me. W.C.B. No. 17-36, ¶ 6 (App. Div. 2017).

[¶6] "In order for the doctrine [of *res judicata*] to be applied, the [board] must satisfy itself that (1) the same parties, or privies, are involved; (2) a valid final judgment was entered in the prior action; and (3) the matters presented for decision were, or might have been, litigated in the prior action." *Beegan v. Schmidt*, 451 A.2d 642, 644 (Me. 1982) (quotation marks omitted).

[¶7] Mr. Robinson contends that *res judicata* does not bar his claim because there was no valid final judgment entered in the August 19, 2016, decree. He asserts that the decree was not a final judgment because it did not establish the existence or non-existence of specific loss. We disagree.

[¶8] "A final judgment or final administrative action is a decision that fully decides and disposes of the entire matter pending before the court or administrative agency, leaving no questions for the future consideration and judgment of the court or administrative agency." *Carroll v. Town of Rockport*, 2003 ME 135, ¶ 16, 837 A.2d 148 (citations omitted). The 2016 decree fully disposed of the pending matter. As the ALJ noted, the 2016 decree denied the petition for specific loss benefits and was not appealed. Moreover, the same parties were involved, and the evidence related to the percentage of loss of vision could have been presented during the 2016 litigation. The ALJ also found based on competent evidence that Mr. Robinson had not established a change in medical circumstances since the prior decree.

[¶9] The ALJ's factual findings are supported by competent evidence, the decision involved no misconception of applicable law and the application of the law to the facts was neither arbitrary nor without rational foundation. *Moore v. Pratt & Whitney Aircraft*, 669 A.2d 156, 158 (Me. 1995). The ALJ did not err when determining that *res judicata* bars Mr. Robinson from relitigating the claim for specific loss 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 (Pamph. 2020).

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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