

STATE OF MAINE
WORKERS' COMPENSATION BOARD

ISSUED: October 26, 2005
DECISION NO.: WCB-213-05-02

Luis Perez-Valentin
Worker Advocate
Workers' Compensation Board
Lewiston Regional Office
36 Mollison Way
Lewiston ME 04240

H. Peter Del Bianco, Jr., Esq.
Lambert Coffin
PO Box 15215
Portland ME 04112-5215

Mail Date:

WCB File No.: 98-017862

DOI: 08/13/1998

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.

MICHAEL A. RICHARDS
(Employee)

v.

SAPPI/SD WARREN CO.
(Employer)

and

(Insurer)

BEFORE: DIONNE, CHAIR; AND COONEY, HILTZ, KIRKPATRICK, MINGO, & MONFILETTO,
DIRECTORS

Pending before the Board is a Petition For Extension of Benefits Pursuant to 39-A M.R.S.A. § 213(1).

A hearing was held on October 5, 2005, during which the employee testified as the sole witness. Also admitted into evidence was Employee's Exhibit 1 (which contained 17 parts).

Deliberations were conducted at the conclusion of the hearing on October 5, 2005, and a decision was reached at the end of those deliberations.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The employer discontinued partial incapacity benefits as of August 17, 2005.
2. Prior to his August 13, 1998 injury, the employee worked approximately 55 hours per week.
3. The employee's average weekly wage for the August 13, 1998 injury is \$665.62. With the inclusion of fringe benefits, his average weekly wage is \$753.23
4. The employee's average monthly expenditures are approximately \$1,718.16.
5. The employee works 8 hours per day, 3 days a week, earning \$180.00 per week, as a small engine mechanic at Randy's Repair Service.
6. The employee has maintained this work schedule since 2000.
7. By a 5-1 vote (Director Cooney opposed), the Board grants the employee's Petition to Extend Benefits Pursuant to 39-A M.R.S.A. § 213(1)

WHEREFORE, the employee's Petition For Extension of Benefits Pursuant to 39-A M.R.S.A. § 213(1) is GRANTED. The employer shall reinstatement benefits as of August 17, 2005.

SO ORDERED.

WORKERS' COMPENSATION BOARD

Date

Paul R. Dionne, Chair

Date

John C. Cooney, Director

Date

Rodney Hiltz, Director

Date

James Mingo, Director

Date

Joan Kirkpatrick, Director

Date

Anthony Monfiletto, Director