

WORKERS' COMPENSATION BOARD

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Mail Date: SEP 25 2007

WCB Case No. 98-005293C DOI: 05/25/1998

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.

MARIE OAKES

(Employee)

v.

AROOSTOOK HOME HEALTH CARE

(Employer)

and

LIBERTY MUTUAL GROUP

(Insurer)

BEFORE: DIONNE, CHAIR; AND HILTZ, KIRKPATRICK, KOOCHER, 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 August 28, 2007, during which the employee testified as the sole witness. Also admitted into evidence were Employee Exhibits 1-4. The Board has also taken notice of the March 23, 2007 decree regarding this injury.

Deliberations were conducted at the conclusion of the hearing on August 28, 2007, and a decision was reached at the end of those deliberations.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The employee sustained a work-related left ankle injury on May 25, 1998. Due to her injury and resulting complications, the employee underwent several surgeries.
2. The employee also suffers from a non-work related pulmonary condition.
3. The insurer was paying the employee 50% partial incapacity benefits of \$89.95 per week pursuant to a Provisional Order granted on September 28, 2005.
4. The Board's Hearing Officer issued a decree dated March 23, 2007 finding that the employee was totally disabled as the result of the combined effects of her work-related and nonwork-related pulmonary condition, and apportioning 50% of her total incapacity to her work-related injury.
5. The March 23, 2007 decree also ordered that the employer could cease paying partial incapacity benefits to the employee because she had received 364 weeks indemnity benefits.
6. On August 28, 2007 the employee testified that her medical conditions were the same, if not somewhat worse, than when she last testified before the Board in March 2007.
7. The employee also testified that she has not looked for work due to the combined effects of her work-related and nonwork-related conditions.
8. The employee also presented credible evidence establishing her financial resources and monthly expenses.
9. Based on the foregoing, by a 6-0 vote the Board finds that the employee met her burden of demonstrating extreme financial hardship due to an inability to return to gainful employment.

WHEREFORE, the employee's Petition for Extension of Benefits pursuant to 39-A M.R.S.A. §213(1) is GRANTED.

SO ORDERED.