

STATE OF MAINE  
**WORKERS' COMPENSATION BOARD**

ISSUED: February 12, 1999  
DECISION NO.: WCB-213-99-01

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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.

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MARILYN E. STORMAN  
(Employee)  
v.  
COUNTRY MANOR ASSOCIATION  
(Employer)  
and  
COMMERCIAL UNION INSURANCE CO.  
(Insurer)

BEFORE: O=MALLEY, WEEKS, PINETTE, RIDDELL, and HAYES, DIRECTORS.

On September 23, 1998, the employee, Marilyn E. Storman, filed a PETITION FOR EXTENSION OF BENEFITS PURSUANT TO SECTION 213(1). Ms. Storman=s request is based on an April 2, 1993 injury.

A hearing before a panel of the Board was held on December 18, 1998, at which Ms. Storman testified. In addition, Employee Exhibit 1 was admitted into evidence (without

the October 1, 1998 and November 30, 1998 reports from Thomas C. Doolittle, M.D. which were withdrawn by Ms. Storman); Employer Exhibits 1 and 2 were admitted into evidence; and the panel took administrative notice of a September 10, 1998 Board decree in this case.

1. In the September 10, 1998 decree, a finding was made that Ms. Storman has a permanent impairment rating of 10%, and had received benefits under 39-A M.R.S.A. Sections 212 and 213 for a period in excess of 260 weeks.

2. Based on these findings, the decree provided that the employer/insurer could discontinue benefits pursuant to 39-A M.R.S.A. Section 213(1) as of September 10, 1998.

3. On November 10, 1998, Dr. Doolittle operated on Ms. Storman=s back.

4. At the December 15, 1998 hearing, Ms. Storman requested that benefits pursuant to 39-A M.R.S.A. Section 213(1) be reinstated from November 10, 1998, the date of her surgery, to March 31, 1999, the date she anticipates being able to return to work.

5. The Board finds that Ms. Storman has requested benefits for total disability as a result of the November 10, 1998 surgery.

Accordingly, Ms. Storman=s Petition for Extension of Benefits Pursuant to Section 213(1) is **DENIED** since that section requires the employee (1) to request an extension of benefits, and, (2) to request an extension of benefits for partial disability. Ms. Storman is reminded that her request for benefits for total incapacity may be entertained by a Hearing Officer.

SO ORDERED.