

STATE OF MAINE ISSUED: January 18, 1995
WORKERS' COMPENSATION BOARD DECISION NO.: 95-01

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W.C.B. File No(s).: 93-009561

Any party in interest may request an appeal to the Maine Law Court by filing a copy of this Order with the Clerk of the Law Court within 20 days of receipt of this order, and by filing a petition seeking appellate review with the Law Court within 20 days thereafter. See 39-A M.R.S.A. §322.

JEFFREY GROSS
(Employee)

v.

HANNAFORD BROTHERS COMPANY
(Employer)

and

GALLAGHER BASSETT SERVICES, INC.
(Insurer)

Before: Directors Carr, Dionne, Hayes, Pinette, Vigue, Weeks¹

DECISION AND ORDER

On May 27, 1994, Hearing Officer John McCurry issued a decision in the above-entitled action and referred the decision for review pursuant to 39-A M.R.S.A. §320. By order dated July 7, 1994 the Workers' Compensation Board ("the Board") granted review of the Hearing Officer's May 27, 1994 decision.

In his decision, the Hearing Officer determined that mediation agreements entered into pursuant to 39-A M.R.S.A. §313(3) are intended to be binding upon the parties, and that in enforcing a mediation agreement, the Hearing Officer is bound to read the mediation agreement as containing all the terms of the agreement.

Upon consideration of the issue presented by the Hearing Officer's referral, the applicable law, and the arguments presented in the parties' briefs, the Board concludes that the decision of the Hearing Officer is correct. 39-A M.R.S.A. §313(3) states that if an agreement is reached, the mediation report must state the terms of the agreement and must be signed by the parties. It would deprive Section 313 of meaning to allow a party to enter into a signed agreement and then refuse to comply with its terms or to go beyond the stated terms in interpreting the parties respective obligations. Accordingly, the May 27, 1994 decision of the Hearing Officer is AFFIRMED.

SO ORDERED.

¹Board Director Debra J. Chaloux recused herself from consideration of this case.