

STATE OF MAINE ISSUED: September 12, 2000

WORKERS' COMPENSATION BOARD DECISION NO.: 2000-03

Ralph L. Tucker, Esq.
McTeague MacAdam Case
PO Box 5000
Topsham, Maine 04086-5000

Frank W. DeLong, III, Esq.
Thompson & Bowie
PO Box 4630
Portland, Maine 04112-4630

WCB FILE NO.: 98-006393

SSN: ***-**-****
DOI: 05/28/1998

Mail Date:

Any party in interest may request an appeal to the Maine Law Court by filing a copy of this order and the Hearing Officer's decision 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. Sec. 322.

Pursuant to Board Rule Chapter 12 Sec. 19, all evidence and transcripts in this matter will 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.

George Rambo
(Employee-Appellee)

v.

William F. Porter Inc.
and
Acadia Insurance Company
(Employer/Insurer-Appellant)

Before: Monfiletto, chair; Accomando; Gauvin; Hayes; Lemaire; Longfellow & Weeks,
Directors

DECISION AND ORDER

PER CURIAM.

Pending before the Board is a request for review of a February 17, 2000 Hearing Officer decision. The request was made pursuant to 39-A M.R.S.A. §320. Deliberations in this case were conducted on August 29, 2000.

The employee suffered an injury on May 28, 1998. At an October 7, 1998 mediation, the employee and insurer, in pertinent part, "agreed that a §207 exam will be scheduled with Dr. Matts Agren. The parties also agree that they will be bound by Dr. Agren's opinion with regard to whether Mr. Rambo suffered a significant aggravation on 5/28/98 and if so, the effects of that aggravation."

Dr. Agren issued a report dated November 6, 1998, concluding that Mr. Rambo exacerbated a pre-existing condition on May 28, 1998 and that the effects of the injury ended approximately six months later.

Subsequent to the issuance of Dr. Agren's report, the employee filed a Petition for Award of Compensation, and the employer/insurer filed a Petition to Enforce Mediation Agreement. In a February 17, 2000 decree, the Hearing Officer denied the Petition to Enforce Mediation Agreement, and granted the Petition for Award of Compensation.

Upon a majority vote, the decision of the Hearing Officer is modified. The Board reaffirms its decision in *Gross v. Hannaford Brothers Co.*, Dec. No. 95-01, WCB# 93-009561 (Me. 1995) that mediation agreements are binding. The employer/insurer's Petition to Enforce Mediation Agreement should have been granted.

SO ORDERED.

VOTING YES:

Anthony Monfiletto, Chair
Thomas Accomando
David Gauvin
Frederick Hayes
Barbara Longfellow
Charles Weeks
Patricia Lemaire