

MICHAEL M. MALUAL

v.

UNEMPLOYMENT INSURANCE COMMISSION et al.

Argued April 13, 2012
Decided November 6, 2012

Panel: SAUFLEY, C.J., and ALEXANDER, LEVY, SILVER, MEAD,
GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

The Maine Unemployment Insurance Commission and Granite Bay Care, Inc., appeal from a judgment entered in the Superior Court (Kennebec County, *Murphy, J.*) vacating a decision of the Commission. Contrary to the arguments of the Commission and Granite Bay, the court did not err in its conclusions regarding the statutory definitions of the terms at issue and the application of those definitions to the Commission's findings. *See* 26 M.R.S. §§ 1043(23), 1193(2) (2011);¹ *Allied Res., Inc. v. Dep't of Pub. Safety*, 2010 ME 64, ¶ 11, 999 A.2d 940; *Ellery v. Dep't of Labor Unemployment Ins. Comm'n*, 1999 ME 194, ¶ 14, 742 A.2d 928; *Moore v. Me. Dep't of Manpower Affairs, Emp't Sec. Comm'n*, 388 A.2d 516, 519 (Me. 1978); *cf. Nisson v. Me. Emp't Sec. Comm'n*, 455 A.2d 945, 950 (Me. 1983); *Sheink v. Me. Dep't of Manpower Affairs*, 423 A.2d 519, 522-23 (Me. 1980).

The entry is:

Judgment of the Superior Court affirmed.

¹ Section 1193(2) has been amended since the court entered its judgment. *See* P.L. 2011, ch. 645, § 6 (effective Aug. 30, 2012) (to be codified at 36 M.R.S. § 1193(2)).

On the briefs:

William J. Schneider, Attorney General, and Elizabeth J. Wyman, Asst. Atty. Gen., Office of Attorney General, Augusta, for appellant
Unemployment Insurance Commission

Leah B. Rachin, Esq., Bergen & Parkinson, LLC, Kennebunk, for appellant
Granite Bay Care, Inc.

John H. Branson, Esq., Branson Law Office, P.A., Portland, for appellee
Michael Malual

At oral argument:

Elizabeth Wyman, Asst. Atty. Gen., for appellant Unemployment Insurance
Commission

Leah B. Rachin, Esq., for appellant Granite Bay Care, Inc.

John H. Branson, Esq., for appellee Michael Malual