

LAWRENCE A. GERVAIS

v.

MAINE PUBLIC EMPLOYEES RETIREMENT SYSTEM

Submitted on Briefs October 21, 2020

Decided November 12, 2020

Panel: MEAD, GORMAN, JABAR, HUMPHREY, HORTON, and CONNORS, JJ.

MEMORANDUM OF DECISION

Lawrence A. Gervais appeals from a judgment of the Superior Court (Kennebec County, *Stokes, J.*) affirming, pursuant to M.R. Civ. P. 80C, the decision of the Maine Public Employees Retirement System Board of Trustees in which the Board denied Gervais's request for disability retirement benefits. Contrary to Gervais's contention, the record contains evidence that supports the Board's determination that Gervais's condition is not "expected to be permanent" within the meaning of 5 M.R.S. § 17921(1)(A) (2020), and the Board was not compelled to find otherwise. *See Jalbert v. Me. Pub. Emps. Ret. Sys.*, 2017 ME 69, ¶ 12, 158 A.3d 940; *Rossignol v. Me. Pub. Emps. Ret. Sys.*, 2016 ME 115, ¶¶ 6, 9, 144 A.3d 1175. We also discern no abuse of discretion in the hearing officer's exclusion of Gervais's untimely submitted additional evidence. *See Mallinckrodt US LLC v. Dep't of Env'tl. Prot.*, 2014 ME 52, ¶ 31, 90 A.3d 428.

The entry is:

Judgment affirmed.

Gerard P. Conley, Jr., Esq., Cloutier, Conley & Duffett, P.A., Portland, for appellant
Lawrence A. Gervais

Aaron M. Frey, Attorney General, and Elizabeth W. Stivers, Asst. Atty. Gen.,
Office of the Attorney General, Augusta, for appellee Maine Public Employees
Retirement System

Kennebec County Superior Court docket number AP-2019-11
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