

DAVID R. FURROW

v.

BATH IRON WORKS CORPORATION et al.

Argued December 8, 2021  
Decided December 21, 2021

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

## MEMORANDUM OF DECISION

David R. Furrow appeals from a decision of the Workers' Compensation Board Appellate Division affirming a decree of a WCB Administrative Law Judge (*Knopf, ALJ*) denying a petition for award of compensation that Furrow filed in 2014 based on an injury that occurred in 1981. *See* 39-A M.R.S. § 322 (2021). Contrary to Furrow's arguments, we discern no error in the Appellate Division's conclusion that Furrow's petition was time-barred based on the expiration of the ten-year statutory period of repose. *See* 39 M.R.S.A. § 95 (Pamph. 1983) ("No petition of any kind may be filed more than 10 years following the date of the latest payment made under this Act.");<sup>1</sup> *Bailey v. City of Lewiston*, 2017 ME 160, ¶ 9, 168 A.3d 762 ("[W]e . . . afford appropriate deference to the Appellate Division's reasonable interpretation of the workers' compensation statute and will uphold the Appellate Division's interpretation unless the plain

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<sup>1</sup> The statute applicable in this case, 39 M.R.S.A. § 95 (Pamph. 1983), has since been amended, repealed, and replaced. *See, e.g.*, P.L. 1989, ch. 256, § 4 (effective Sept. 30, 1989); P.L. 1991, ch. 615, § A-44 (effective Oct. 17, 1991); P.L. 1991, ch. 885, §§ A-7, A-8, A-11 (effective Jan. 1, 1993).

language of the statute and its legislative history compel a contrary result.” (quotation marks and citation omitted)).

The entry is:

The decision of the Workers’ Compensation Board Appellate Division is affirmed.

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