

MICHAEL A. RICHARDS

v.

S.D. WARREN COMPANY et al.

Argued June 13, 2006
Decided July 27, 2006

Panel: SAUFLEY, C.J., and CLIFFORD, DANA, ALEXANDER, CALKINS,
LEVY, and SILVER, JJ.

MEMORANDUM OF DECISION

S.D. Warren Company appeals from a decision of the full Workers' Compensation Board granting Michael A. Richards's petition to extend his partial incapacity benefits beyond the time limit established by statute and rule. The Board is authorized to extend entitlement to partial incapacity benefits "in cases involving extreme financial hardship due to inability to return to gainful employment." 39-A M.R.S. § 213(1) (2005). S.D. Warren contends that the Board erred as a matter of law in extending Richards's benefits because he is employed part-time, and has therefore returned to "gainful employment."

By statute, we cannot review findings of fact of the Board. 39-A M.R.S. § 322(3) (2005); M.R. App. P. 23(b)(3). In review of a Board decision, we will

infer that the Board made all findings necessary to support its decision if those findings are supported by any competent evidence in the record. *Maietta v. Town of Scarborough*, 2004 ME 97, ¶ 17, 854 A.2d 223, 227. On application of the facts to the governing law, decisions of the Board interpreting the Workers' Compensation Act "are entitled to great deference and will be upheld on appeal unless the statute plainly compels a different result." *Jordan v. Sears, Roebuck & Co.*, 651 A.2d 358, 360 (Me. 1994) (quotation marks omitted). A Board decision will be affirmed if, with the facts established, application of the law to the facts was neither arbitrary nor without rational foundation. *Fournier v. Aetna, Inc.*, 2006 ME 71, ¶ 5, --- A.2d ---, ---.

Here, the record supports the factual determinations of the Board, and the Board did not plainly err in its interpretation of law applied to the facts.

The entry is:

Decision of the Workers' Compensation Board
affirmed.

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