

BASIL J. HARRIS

v.

KELLEY MECHANICAL, INC., et al.

Argued January 16, 2007
Decided September 18, 2007

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

MEMORANDUM OF DECISION

Basil J. Harris appeals from a decision of a Workers' Compensation Board hearing officer (*Knopf, HO*) granting his petition for payment of medical and related services and establishing that he suffers 9% permanent impairment as a result of a 2001 work injury to his right shoulder. Harris contends that it was error for the hearing officer to adopt the opinion of the independent medical examiner (IME) regarding his permanent impairment level, because when conducting the evaluation, the IME did not use a specific tool that is prescribed in the AMERICAN MEDICAL ASSOCIATION, GUIDES TO EVALUATION OF PERMANENT IMPAIRMENT (4th ed. 1993), for measuring range of motion in the shoulder. Because the hearing officer weighed the IME's opinion in light of the allegedly deficient

measurements, and because neither the Workers' Compensation Act nor Board rules compel a contrary result, we affirm the hearing officer's decision. *See Jasch v. The Anchorage Inn*, 2002 ME 106, ¶ 9, 799 A.2d 1216, 1218.

The entry is:

Decision of the Workers' Compensation Board
hearing officer is affirmed.

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