

JOAN PERRY

v.

CALAIS REGIONAL HOSPITAL et al.

Argued November 6, 2007
Decided December 11, 2007

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

MEMORANDUM OF DECISION

Calais Regional Hospital appeals from a decision of a Workers' Compensation Board hearing officer (*Sprague, HO*) determining that Joan Perry's injury is compensable because it arose out of and in the course of employment pursuant to 39-A M.R.S. § 201(1) (2006). The Hospital contends that Perry's claim is barred by the "going and coming" rule, which provides that injuries that occur when an employee is going to or coming from work are generally not compensable. *See, e.g., Waycott v. Beneficial Corp.*, 400 A.2d 392, 394 (Me. 1979).

Our review of a decision of a Workers' Compensation Board hearing officer addressing whether an injury is compensable under the Act is highly deferential. *Cox v. Coastal Prods. Co., Inc.*, 2001 ME 100, ¶ 12, 774 A.2d 347, 350. Because competent evidence in the record supports the hearing officer's factual findings, and because the hearing officer neither misconceived the applicable law nor applied the law arbitrarily, we affirm. *See Fournier v. Aetna, Inc.*, 2006 ME 71, ¶ 5, 899 A.2d 787, 789.

The entry is:

The decision of the Workers' Compensation Board
hearing officer is affirmed.

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