

STATE OF MAINE
WORKERS' COMPENSATION BOARD

DOCKET NO.: WCB-213-25-01
DECISION OF BOARD OF DIRECTORS

For the Employee:

David Mallow, Esq.
Maine Workers' Compensation Board
Worker Advocate Program
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For the Employer/Insurer

Elizabeth Eddy Griffin, Esq.
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RE: *Gary R. Holmes v. Rockport Mechanical, Inc.*
§213 Petition For Extension of Benefits
Date of Injury: 01/06/2015

Issuance Date: August 13, 2025

Mail Date: August 13, 2025

GARY R. HOLMES
(Employee)

v.

ROCKPORT MECHANICAL, INC.
(Employer)

and

MAINE EMPLOYERS' MUTUAL INSURANCE COMPANY (MEMIC)
(Insurer)

BEFORE: EXECUTIVE DIRECTOR ROHDE, CHAIR; AND DIRECTORS BURROUGHS,
DEWOLFE, GAUDETTE, GREEN AND PICARD

On August 12, 2025, the Maine Workers' Compensation Board of Directors convened a hearing to decide a joint Motion To Delegate Authority To Decide the Petition for Extension of Benefits Due To Extreme Financial Hardship ("hardship petition"). Appearing on behalf of the employee was David Mallow, Esq., from the Board's Advocate Division. Elizabeth Eddy Griffin, Esq., represented the employer and its workers' compensation insurer, MEMIC.

The background can be summarized as follows. After a January 6, 2015, injury at Rockport Mechanical, Inc., Gary Homes received lost wage benefits from MEMIC under 39-A MRSA §§212 and 213. After 520 weeks, benefits were discontinued because the durational limit for benefits was reached.

RE: *Gary R. Holmes v. Rockport Mechanical, Inc.*
Docket # WCB-213-25-01
Order on Joint Motion to Delegate Authority

Mr. Holmes filed the pending Petition for Extension of Benefits Due To Extreme Financial Hardship pursuant to §213(1)(B) ("hardship petition"). Through this, he alleges entitlement to an extension of partial benefits on account of the January 6, 2015, injury because he suffers extreme financial hardship due to his inability to return to gainful employment. Mr. Holmes also filed a Petition for Review seeking total incapacity benefits under §212 on account of the same injury. This petition is being heard by Administrative Law Judge (ALJ) Biddings in Augusta. Through these petitions, Mr. Holmes makes alternative arguments that he is entitled to benefits for the same injury.

Section 213 of the Act allows the directors to delegate their authority to decide hardship petitions to administrative law judges. Mr. Holmes and Rockport Mechanical filed a joint motion asking the Board to delegate to ALJ Biddings the authority to hear the pending hardship petition. On August 12, 2025, the Board of Directors convened a hearing to review and decide the joint motion to delegate authority.

At the hearing, the parties offered reasons in support for their motion. Both cases involve similar issues and emanate from the same injury. However, they are set to be decided by different tribunals within the same agency. The decisions could contain inconsistent findings and bring about conflicting results. Given the uncertainty of outcomes, the hardship petition and the petition for review should be decided by a single administrative law judge.

MOTION PRESENTED by Director Green:

Move to refer Mr. Holmes's Petition for Extension of Benefits Due To Extreme Financial Hardship to Administrative Law Judge Biddings as allowed by 39-A MRSA §213 (1) (B).

MOTION SECONDED by Director Burroughs

VOTE by directors: 6-0

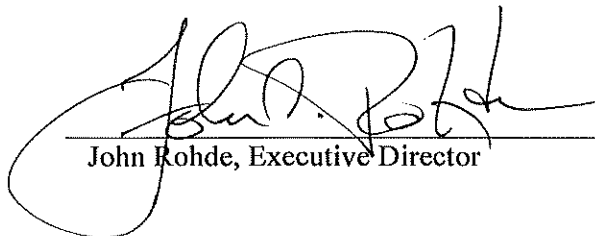
MOTION PASSED

WHEREFORE, the directors voted to grant the joint motion and, pursuant to 39-A MRSA §213 (1) (B), delegate the authority to hear and decide Mr. Holmes's hardship petition to Administrative Law Judge Biddings who is also deciding Mr. Holmes's Petition for Review on the January 6, 2015, injury.

WORKERS' COMPENSATION BOARD

8/13/25

Date



John Rohde, Executive Director