

STATE OF MAINE  
**WORKERS' COMPENSATION BOARD**

DECISION NO.: WCB-213-07-01

Norman G. Trask, Esq.  
CURRIER & TRASK  
505 Main St  
Presque Isle ME 04769

Paul H. Sighinolfi, Esq.  
RUDMAN & WINCHELL  
PO Box 1401  
Bangor ME 04402-1401

Mail Date: MAY 08 2007

WCB Case Nos.: 98-013262C DOIs: 08/04/1998

\* \* \* \* \*

Any party in interest may request an appeal to the Maine Law Court by filing a copy of this decision with the clerk of the Law Court within 20 days of receipt of this decision, and by filing a petition seeking appellate review with the Law Court within 20 days thereafter. See 39-AM.R.S.A. Section 322.

Pursuant to Board Rule Chapter 12 Section 19, all evidence and transcripts in this matter may be destroyed after 60 days unless (1) we receive written notification that one or both parties wish to have their exhibits returned to them, or (2) a petition for appellate review is filed. The 60 days will not begin to run until all post-decree motions have been decided or otherwise disposed.

\* \* \* \* \*

GHISLAIN J. LEVESQUE  
(Employee)  
v.  
FRASER PAPER, LTD.  
(Employer)  
and  
SEDGWICK JAMES OF NORTHERN NEW ENGLAND  
(Insurer)

BEFORE: DIONNE, CHAIR; AND HILTZ, KOOCHER, MINGO, & MONFILETTO, DIRECTORS

Pending before the Board is a Petition For Extension of Benefits Pursuant to 39-A M.R.S.A. § 213(1).

A hearing was held on April 24, 2007, during which the employee testified as the sole witness. Also admitted into evidence were Employee Exhibits 1-4, 6 and 7.

Deliberations were conducted at the conclusion of the hearing on April 24, 2007, and a decision was reached at the end of those deliberations.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The employee sustained an August 4, 1998 low back injury. The employee had two surgeries as a result of his injury.
2. Following the second surgery, the employee returned to work for the employer.
3. Due to restrictions from his work-related injury, the employee received partial incapacity benefits of \$171.86 per week.
4. Pursuant to an August 31, 2006 decree, a Board Hearing Officer determined that the employer could cease paying partial incapacity benefits.
5. In December of 2006, the employee was terminated from his job with the employer for reasons unrelated to his work-related injury.
6. The employee testified that he has not looked for work since he was terminated in

December of 2006.

7. The employee also testified that his work restrictions were the same on the date he testified as they were prior to his termination.
8. Further, the employee testified that he performs bookkeeping functions for his son's business and that he is not compensated for that work.
9. Based on the foregoing, the Board, by a 5-0 vote, finds that the employee has failed to establish an inability to return to gainful employment.

WHEREFORE, the employee's Petition for Extension of Benefits is DENIED.

SO ORDERED.