

SUPREME JUDICIAL COURT OF MAINE

Morrisette v. Kimberly-Clark Corp., 2003 ME 138

837 A.2d 123 (2003) · Decided December 4, 2003

SUMMARY

The Maine Supreme Judicial Court held that 39-A M.R.S.A. § 224 could be applied retroactively to recalculate workers' compensation benefits in a pending restoration proceeding without violating separation of powers. The court concluded that prospective workers' compensation benefits are not final and may be altered by statutory amendments when circumstances change. It affirmed the restoration of benefits, vacated the denial of the employer's reimbursement petition, and remanded for a determination of the reimbursable amount.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Clifford, J.; Saufley, C.J.; Rudman, J.; Dana, J.; Alexander, J.; Calkins, J.; Levy, J.
JURISDICTION	Maine
DECIDED	December 4, 2003
DISPOSITION	other
PROCEDURAL POSTURE	Kimberly-Clark appealed from a Workers' Compensation Board hearing officer's decision restoring Morrisette's benefits and denying Kimberly-Clark reimbursement of benefits paid during the pendency of an earlier unsuccessful petition for appellate review.
STANDARD OF REVIEW	The court reviewed the hearing officer's legal conclusions for error and upheld factual findings supported by competent evidence.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Judicial Court of Maine
PARTIES	Kimberly-Clark Corporation v. Anita Morrisette

TOPICS

workers compensation

separation of powers

statutory interpretation

appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether retroactive application of 39-A M.R.S.A. § 224 to recalculate Morrisette's prospective workers' compensation benefits violated separation of powers by altering a prior benefits calculation.
2. Whether Kimberly-Clark was entitled to reimbursement of benefits paid during the pendency of Morrisette's prior unsuccessful petition for appellate review.

HOLDINGS

1. Applying 39-A M.R.S.A. § 224 to recalculate Morrisette's prospective workers' compensation benefits did not violate separation of powers because the level of prospective benefits is not final and the statute expressly applied to pending proceedings.
2. The Board could not deny Kimberly-Clark's reimbursement petition without determining the amount of reimbursement, because 39-A M.R.S.A. § 324(1) grants the Board jurisdiction to determine repayment while considering hardship and injustice.

KEY QUOTATIONS

“The rule with respect to pending proceedings is not a constitutional mandate, but a rule of statutory construction set out in 1 M.R.S.A. § 302 (1989).” (¶ 11, 126)

“Unlike the expiration of the statute of limitations, which results in a final disposition of the case, the level of an employee's prospective benefits is never final, and statutory amendments may be applied retroactively to alter the level of benefits for injuries predating those amendments.” (¶ 15, 128)

“The decision of the hearing officer of the Workers' Compensation Board is affirmed in part and vacated in part, and remanded to the Workers' Compensation Board for further proceedings consistent with this opinion.” (¶ 18, 129)

FACTUAL BACKGROUND

Morrisette sustained work-related carpal tunnel and back injuries and was awarded ongoing partial incapacity benefits in 1996. After her post-injury earnings improved, Kimberly-Clark successfully obtained a reduction in benefits, but Morrisette later lost employment and petitioned for restoration. While that petition was pending, the Legislature enacted 39-A M.R.S.A. § 224, changing the method for calculating benefits and expressly applying the provision retroactively and to pending proceedings.

PROCEDURAL HISTORY

Morrisette received partial incapacity benefits after work-related injuries. Following changes in her employment and economic circumstances, the Workers' Compensation Board recalculated her benefits under 39-A M.R.S.A. § 224 and awarded restoration benefits, but denied Kimberly-Clark's reimbursement petition. The Supreme Judicial Court affirmed the restoration ruling, vacated the reimbursement denial, and remanded for determination of the amount of reimbursement.

DISPOSITION

other

REMAND INSTRUCTIONS

The Workers' Compensation Board must conduct further proceedings to determine the amount of reimbursement, if any, to which Kimberly-Clark is entitled and the repayment terms, while considering the employee's and her family's financial situation to avoid hardship and injustice.

CASES CITED

- Bernard v. Mead Publ'g Paper Div., 2001 ME 15, 765 A.2d 576
- Allen v. Bath Iron Works Corp., 1999 ME 57, 728 A.2d 121
- McIntyre v. Great N. Paper, Inc., 2000 ME 6, 743 A.2d 744
- Folsom v. New England Tel. & Tel. Co., 606 A.2d 1035 (Me. 1992)
- Reggep v. Lunder Shoe Prods. Co., 241 A.2d 802 (Me. 1968)
- Gauthier's Case, 120 Me. 73, 113 A. 28 (1921)
- Tompkins v. Wade & Searway Constr. Corp., 612 A.2d 874 (Me. 1992)
- Gen. Motors Corp. v. Romein, 503 U.S. 181 (1992)
- Loud v. Kezar Falls Woolen Co., 1999 ME 118, 735 A.2d 965
- Riley v. Bath Iron Works Corp., 639 A.2d 626 (Me. 1994)
- Weeks v. Allen & Coles Moving Sys., 1997 ME 205, 704 A.2d 320
- Bernier v. Data Gen. Corp., 2002 ME 2, 787 A.2d 144
- Plaut v. Spendthrift Farm, Inc., 514 U.S. 211 (1995)
- Rutter v. Allstate Auto. Ins., 655 A.2d 1258 (Me. 1995)
- Danforth v. L.L. Bean, Inc., 624 A.2d 1231 (Me. 1993)
- Harvie v. Bath Iron Works Corp., 561 A.2d 1023 (Me. 1989)
- Dobson v. Quinn Freight Lines, Inc., 415 A.2d 814 (Me. 1980)
- Bowie v. Delta Airlines, Inc., 661 A.2d 1128 (Me. 1995)
- Lagasse v. Hannaford Bros. Co., 497 A.2d 1112 (Me. 1985)
- Elramly v. I.N.S., 131 F.3d 1284 (9th Cir. 1997) (per curiam)