

DAWN D. PEASLEE
(Appellant)

v.

SOUTH PORTLAND SCHOOL DEPARTMENT
(Appellee)

and

MAINE MUNICIPAL ASSOCIATION
(Insurer)

Argument held: September 21, 2016
Decided: September 28, 2016

PANEL MEMBERS: Administrative Law Judges Knopf, Goodnough, and Jerome
BY: Administrative Law Judge Goodnough

[¶1] Dawn Peaslee appeals from a decision of a Workers' Compensation Board administrative law judge (*Collier, ALJ*) denying her Petition for Award of Compensation and determining that she did not meet her burden to prove a causal connection between an October 30, 2014, shoulder injury and her employment at the South Portland School Department. Ms. Peaslee, a school lunch aide, contends that the ALJ committed legal error in finding that she failed to establish that the injury arose out of the employment because she could not explain how the fall that resulted in her injury occurred. *Morse v. LaVerdiere's Super Drug Store* . 645 A.2d 613, 614-15 (Me. 1994).

[¶2] Ms. Peaslee contends that because children were running by her on the schoolyard at the time she fell, an inference should have been drawn by the ALJ that she fell because she was distracted by the children—a work-related cause.

[¶3] We disagree. Ms. Peaslee had the burden to establish that the injury arose out of the employment. She must demonstrate on appeal that the record compelled a conclusion contrary to that reached by the ALJ. *See Anderson v. Me. Pub. Employees Ret. Sys.*, 2009 ME 134, ¶ 28, 985 A.2d 501; *Kelley v. Me. Pub. Employees Ret. Sys.*, 2009 ME 27, ¶ 16, 967 A.2d 676; *see also Savage v. Georgia Pac. Corp.*, Me. W.C.B. No. 13-5, ¶ 7 (App. Div. 2013); *Day v. S.D. Warren Co.*, Me. W.C.B. No. 14-12, ¶ 14 (App. Div. 2014). Because the ALJ’s findings are supported by competent evidence, the record does not compel such a conclusion. *See Morse*, 645 A.2d at 614-15.

The entry is:

The administrative law judge’s decision is affirmed.

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 twenty days of receipt of this decision and by filing a petition seeking appellate review within twenty days thereafter. 39-A M.R.S.A. § 322 (Supp. 2015).

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