

RAYMOND McGILLIS

v.

UNIVERSITY OF MAINE AT AUGUSTA

Argued September 13, 2001
Decided October 2, 2001

Panel: WATHEN, C.J., and CLIFFORD, RUDMAN, DANA, SAUFLEY,
ALEXANDER, and CALKINS, JJ.

MEMORANDUM OF DECISION

Raymond McGillis appeals from the decision of a hearing officer of the Workers' Compensation Board denying his petition for restoration regarding a 1992 injury. McGillis contends the employer's payment for a permanent impairment evaluation, undertaken at the employer's request, included payment for treatment at the same visit and therefore constituted a payment of medical benefits sufficient to toll the six-year statute of repose. 39 M.R.S.A. § 95 (Supp. 1992), *repealed and replaced by* P.L. 1991, ch. 885, §§ A-7, A-8 (codified at 39-A M.R.S.A. § 306 (2001)). Contrary to McGillis's argument, the hearing officer's finding that payments made by the employer were solely for the evaluation of permanent impairment was not clearly erroneous. Nor was the hearing officer clearly erroneous in his finding that any treatment provided during the office visit was "incidental" to the permanent impairment evaluation and therefore a "gratuitous" service. *See*

Cline v. Wood, 510 A.2d 530, 532-33 (Me. 1986) (payment for medical visit solely for purposes of litigation does not toll the statute of repose).

The entry is:

Judgment affirmed.

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