

DONALD YORK

v.

SAPPI FINE PAPER NORTH AMERICA

Argued October 10, 2002  
Decided November 14, 2002

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

MEMORANDUM OF DECISION

Sappi Fine Paper North America appeals from a decision of a hearing officer of the Workers' Compensation Board granting Donald York's petition for award of benefits. Sappi contends that York's resignation constituted a refusal of a bona fide offer of employment without good and reasonable cause pursuant to 39-A M.R.S.A. § 214(1)(A) (2001). *See Holt v. Sch. Admin. Dist. No. 6*, 2001 ME 146, ¶ 7, 782 A.2d 779, 782 (voluntary resignation may constitute refusal of bona fide work offer). Contrary to Sappi's argument, the hearing officer did not err in concluding that York's early retirement did not preclude his receipt of benefits in

light of Sappi's express agreement that the resignation would not affect York's workers' compensation benefits.

The entry is:

Judgment affirmed.

---

Attorneys for employee:

Ralph L. Tucker, Esq.  
James G. Fongemie, Esq. (orally)  
McTeague, Higbee, Case, Cohen, Whitney & Toker, P.A.  
P O Box 5000  
Topsham, ME 04086-5000

Attorneys for employer:

H. Peter Del Bianco Jr., Esq.  
John H. Branson, Esq. (orally)  
Lambert & Coffin  
P O Box 15215  
Portland, ME 04112-5215