

ENESCO GROUP, INC.

v.

UNEMPLOYMENT INSURANCE COMMISSION

Submitted on Briefs July 22, 2002

Decided July 24, 2002

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

MEMORANDUM OF DECISION

Enesco Group, Inc., appeals from a judgment of the Superior Court (Cumberland County, *Cole, J.*) affirming a decision by the Unemployment Insurance Commission that services performed by Enesco's sales representative constituted employment under the statutory "ABC test," 26 M.R.S.A. § 1043(11)(E) (1988), making Enesco liable for unemployment contributions. Contrary to Enesco's contentions, the Commission is the sole arbiter of witness credibility, *Ellery v. Dep't of Labor, Unemployment Ins. Comm'n*, 1999 ME 194, ¶ 13, 742 A.2d 928, 932, and its determination that Enesco did not prove the three prongs of the ABC test is supported by competent evidence, *Vector Mktg. Corp. v. Me. Unemployment Ins. Comm'n*, 610 A.2d 272, 274 (Me. 1992).

The entry is:

Judgment affirmed.

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