

TINA A. COTE
(Appellant)

v.

COMMUNITY PARTNERS, INC.
(Appellee)

Argued: March 18, 2015
Decided: April 17, 2015

PANEL MEMBERS: Hearing Officers Collier, Elwin, and Knopf
BY: Hearing Officer Collier

[¶1] Tina Cote appeals from a decision of a Workers' Compensation Board hearing officer (*Stovall, HO*) denying her Petitions for Award and for Payment of Medical and Related Services for an alleged September 3, 2013, work injury to her left knee. We affirm the hearing officer's decision.

[¶2] A hearing was held in this matter on May 9, 2014. The evidence demonstrated that on September 3, 2013, Ms. Cote was called into a meeting while at work for Community Partners, at which her employment was terminated. She went to her office accompanied by the head of human resources, Holly Ayoob. Ms. Cote testified that she tripped over a box that Ms. Ayoob had placed on the floor, and injured her left knee. Ms. Ayoob testified that the boxes had been placed on the employee's desk, not the floor, and that Ms. Cote only slightly bumped her left

knee against a wheeled office chair. Ms. Ayoob further testified that it did not appear that Ms. Cote injured her knee as a result of the incident.

[¶3] The evidence also demonstrated that Ms. Cote had sustained a previous injury to her knees when, at home in December 2012, she fell on a cement patio. The left knee continued to bother her and she sought medical treatment for it on August 13, 2013. Her doctor noted a possible left, medial meniscal tear, and recommended an MRI if it did not improve. He administered a cortisone injection at that time. Ms. Cote underwent surgery on the left knee on October 30, 2013.

[¶4] The hearing officer evaluated the credibility of the witnesses and found as fact that Ms. Cote did not trip over a box on her office floor. He concluded that Ms. Cote did not establish that she suffered an injury to her left knee at work.

[¶5] On appeal, Ms. Cote contends that the hearing officer erred when finding facts consistent with Ms. Ayoob's testimony, rather than hers. However, the hearing officer was entitled to believe Ms. Ayoob's version of the facts, and was not required to make different findings based on testimony that could have supported a different outcome. When there is conflicting evidence and credibility is at issue, it is for the hearing officer, who "had the opportunity to hear the witnesses and judge their credibility . . . to resolve the evidentiary conflicts in the case." *Lovejoy v. Beech Hill Dry Wall Co., Inc.*, 361 A.2d 252, 254 (Me. 1976); *see also Boober v. Great No. Paper Co.*, 398 A.2d 371, 375 (Me. 1979).

[¶6] Moreover, the Appellate Division’s review of findings of fact is limited to whether there is competent evidence in the record to support those findings. *Pomerleau v. United Parcel Serv.*, 464 A.2d 206, 209 (Me. 1983).

[¶7] Because the hearing officer’s decision was based on an assessment of witness credibility, and there is competent evidence in the record to support the hearing officer’s decision, there are no grounds on which to sustain Ms. Cote’s appeal.

The entry is:

The hearing officer’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. 2014).

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