

STATE OF MAINE
CUMBERLAND, ss.

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SUPERIOR COURT
CIVIL ACTION
DOCKET NO. AP-00-010
MM-CUM- 7/10/2000

CYNTHIA E. WILLIAMS,

Plaintiff/Appellant

vs.

DECISION AND ORDER

MAINE UNEMPLOYMENT
INSURANCE COMMISSION,

Defendant/Respondent

The plaintiff appeals the Commission's decision that the plaintiff was the employer of Ms. Terrano for the purposes of unemployment compensation payments. The plaintiff had the burden of proving that Ms. Terrano's services were not employment. The Commission determined that the plaintiff failed to prove the first and third parts of the three-part statutory test. See R. 3-5; 26 M.R.S.A. § 1043 (11)(E) (1988); McPherson v. Unemployment Ins. Comm'n, 1998 ME 177, ¶ 7, 714 A.2d 818, 821.

On appeal, the plaintiff must show that the record before the Commission compelled a finding that the plaintiff did not exercise control over Ms. Terrano and that Ms. Terrano had an independently established business. See id.; 26 M.R.S.A. § 1043 (11)(E)(1) & (3). The record reveals that there is competent evidence to support the Commission's findings and that the Commission correctly applied the applicable law. See Nissan v. Maine Employment Security Comm'n, 455 A.2d 945, 949 (Me.

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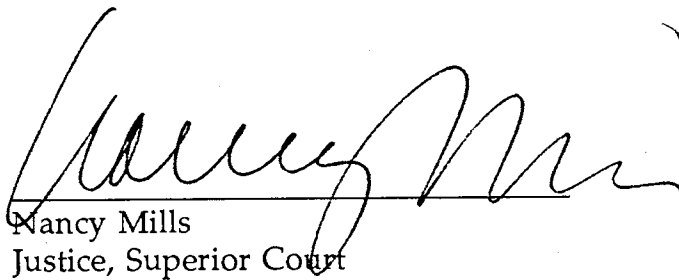
1983); R. 18-19, 21, 27-28, 34-35, 38, 46 (control); 19, 21-22, 28-29, 36, 47, 63 (independent business).

The entry is

The Plaintiff's Appeal is DENIED.

The Decision of the Maine Unemployment Insurance Commission is AFFIRMED.

Date: July 8, 2000



Nancy Mills
Justice, Superior Court

Date Filed 02-16-00CUMBERLANDDocket No. AP 00-010

County

Action APPEAL 80(C)

CYNTHIA E. WILLIAMS

DONALD L. GARDNER
LAW LIBRARYUNEMPLOYMENT SECURITY COMMISSION-AN
AGENCY OF THE STATE OF MAINE

JUL 18 2000

vs.

Plaintiff's Attorney

THOMAS BRADLEY ESQ 775-0200

JAMES B. HADDOW, ESQ

PO BOX 9733, PORTLAND ME 04104

Defendant's Attorney

ELIZABETH WAYMAN, AAG

PAMELA WAITE, AAG

6 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0006

626-8800

Date of
Entry

2000

Feb. 18

Received 02-16-00:

Complaint Summary Sheet filed.

" "

Complaint filed.

" "

Received 02-17-00:

Plaintiff's Motion to Amend Petition for Review of Final Agency Action
Pursuant to M.R.CIV.P. 80(C) with Exhibit A filed.

" "

Plaintiff's Request for Hearing filed.

Mar. 1

Received 3-1-00:

Letter from Elizabeth Wyman AAG entering her appearance and Pamela Wyman,
AAG's appearance on behalf of defendant and stating court should affirm
the decision of the Commission filed.

Mar. 22

Received 03-22-00:

Defendant's Administrative Record filed.

" "

On 03-22-00:

Briefing schedule mailed. Petitioner's brief due 5-1-00.

April 6

Received 04/04/00:

ORDER ON MOTION TO AMEND FINAL AGENCY ACTION PURSUANT TO M.R.CIV.P.
80C filed. (Delahanty, J.)Pursuant to Plaintiff Cynthia Williams' Motion to Amend as a matter of
course, in accordance with Rule 15(a) of the Maine Rules of Civil Procedure
the Plaintiff's Petition for Review of Final Agency Action dated February
17, 2000, it is hereby ORDERED that the Motion is GRANTED.

" "

On 04/06/00: Copies mailed to Thomas Bradley, Esq. and Elizabeth Wyman
and Pamela Waite, AAG's.

April 21

Received 4-21-00.

Appellant's Brief filed.

May 19

Received 05-19-00:

Respondent, Maine Unemployment Insurance Commission Brief filed.