

STATE OF MAINE  
CUMBERLAND, ss.

RECEIVED  
CLERK OF SUPERIOR COURT  
CUMBERLAND, MAINE

SUPERIOR COURT  
CIVIL ACTION  
Docket No. AP-05-7  
RE: CIVIL 12-23-05

EDWARD J. JAMESON,  
Petitioner,

2005 DEC 23 P 3:12

v.

DECISION ON APPEAL

MAINE UNEMPLOYMENT INSURANCE  
COMMISSION, et al.,

Respondents.

The Petitioner, Edward J. Jameson, appeals from the decision of the Unemployment Insurance Commission's ("Commission") determining that he was discharged from his employment for misconduct.

Based on its review of the record, the Commission set aside the administrative hearing officer's decision which had determined that the petitioner had been discharged but not for misconduct connected with his work.

On appeal, this court reviews the Commission's decision to determine whether the Commission's findings of fact are supported by competent evidence and whether the applicable law was applied to the findings. Lewiston Daily Sun v. Unemployment Insurance Commission, 1999 ME 90, 733 A.2d 344.

The Commission made the following findings, *inter alia*:

That the Petitioner made the family of a resident feel uncomfortable by entering the room without any form of announcement, after a policy had been established that he was not to enter apartments without permission.

That it was reasonable for the employer to expect that the claimant would treat employer's residents appropriately and in a way not to make them nervous or frightened.

That the claimant's behavior was disoriented and inappropriate and that it frightened some of the tenants.

These findings are supported by competent evidence in the record.

In evaluating the evidence, the Commission was required to determine whether the conduct of the petitioner amounted to misconduct – conduct manifesting “a disregard for the material interest of the employer.” 26 M.R.S.A. § 1043 (23).


The Commission concluded that the petitioner's “actions were an unreasonable violation of rules that should be inferred to exist from common knowledge or from the nature of the employment under the presumption at 26 M.R.S.A. § 1043 (23)(A)(3)” (Record, at 5). Accordingly, the Commission concluded that “. . . the claimant's conduct manifested a disregard for a material interest of the employer . . . ” (Record, at 5).

Here the facts found justified the conclusion of the Commission that the petitioner's conduct did manifest a disregard of a material interest of the employer.

Thereafter the entry is:

Decision of the Unemployment Insurance Commission is AFFIRMED.

DATED: December 23, 2005

  
\_\_\_\_\_  
Robert E. Crowley  
Justice, Superior Court

Date Filed 02/01/05

CUMBERLAND

County

Docket No. AP-05-7

Action 80C APPEAL

EDWARD J. JAMESON

STATE OF MAINE UNEMPLOYMENT INSURANCE  
COMMISSION  
DIOCESAN BUREAU OF HOUSING

vs.

Plaintiff's Attorney  
PAUL ARANSON, ESQ.  
1038 MAIN STREET  
PO BOX 929  
SANFORD, ME 04073

Defendant's Attorney  
ELIZABETH J. WYMAN, AAG. (State of Maine)  
PAMELA W. WAITE, AAG.  
6 STATE HOUSE STATION  
AUGUSTA, ME 04333-0006

THOMAS R. KELLY, ESQ. (Diocesan)  
12 PORTLAND PIER  
PO BOX 568  
PORTLAND, ME 04112-0568

Date of  
Entry

2005