

STATE OF MAINE

KENNEBEC, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. AP.-01-51
SKS - KEN - 4/5/2002

GREGORY ROY,

Petitioner

v.

DECISION ON MOTION

MAINE UNEMPLOYMENT
INSURANCE COMMISSION,

DONALD L. GARBRECHT
LAW LIBRARY

Respondent

MAY 10 2002

This matter came on for hearing before the court on the motion of the respondent Maine Unemployment Insurance Commission to dismiss the petitioner's appeal for lack of prosecution. Hearing was held on the motion with the respondent represented by the Office of the Attorney General and the petitioner representing himself. After reviewing the file on the record, the motion will be granted.

The petitioner, Mr. Roy, was the subject of a decision of the Unemployment Insurance Commission dated June 4, 2001. The Commission had unanimously affirmed a decision of the Administrative Hearing Officer, which in turn had affirmed a prior Deputy's Decision disqualifying Mr. Roy for certain unemployment insurance benefits. Mr. Roy then requested reconsideration of the Commission's decision; which request was denied by a 2-1 vote of the Commission on June 20, 2001. Mr. Roy then filed a timely appeal of the Commission Decision pursuant to M.R. Civ. P. 80C. Following this filing, the Clerk of Court sent the parties a Notice

and Briefing Schedule, which indicated that, "The petitioner's brief is due 40 days after October 12, 2001, which is the date on which the state agency record was filed in this court." The notice also contained the following in bold print:

FAILURE OF PETITIONER/PLAINTIFF/APPELLANT TO COMPLY WITH THESE REQUIREMENTS WILL RESULT IN DISMISSAL OF THIS APPEAL.

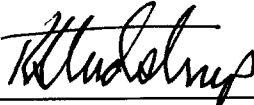
No brief was ever filed.

On October 23, 2001, Mr. Roy filed with the court witness subpoenas directed at his former employer, Bath Iron Works, to produce a copy of the gate check and a paint brush which has played an important part in Mr. Roy's dismissal. A motion to quash these subpoenas is pending. These subpoenas, plus a "Motion to Move On With the Hearing and Deny Respondent's Motion" filed in January of 2002 and comments of Mr. Roy during hearing on the respondent's motion, make it clear to the court that Mr. Roy does not understand that he is not entitled to a new trial in the Superior Court. This misunderstanding is unfortunate, but would not prevent granting of the respondent's motion and dismissal for failure to file the required brief.

The entry will be:

Appeal DENIED, Maine Unemployment Insurance Commission
Decision AFFIRMED and REMANDED to the Commission.

Dated: April 5, 2002



S. Kirk Studstrup
Justice, Superior Court

Action Petition for Reivew
80C

J. STUDSTRUP

Gregory Roy vs. Unemployment Insurance Commisssion

Plaintiff's Attorney

Gregory B. Roy, Pro Se
RR5, Box 1360
Gardiner, Maine 04345

Defendant's Attorney

Pamela Waite, AAG
Elizabeth Wyman, AAG
Department of Attorney General
6 State House Station
Augusta ME 04333-0006

Date of
Entry

7/23/01	Petition for Review, filed. s/Roy, Pro Se
7/26/01	Copy of decison appealing, filed. Counter Claim Against Statement of Material Fact, filed. s/Roy, Pro Se
9/18/01	Return Receipt of Unemployment Insurance Commission, filed. Return Receipt of Attorney General, filed.
9/24/01	Entry of Appearance of Pamela Waite, AAG and Elizabeth Wyman, AAG, filed. s/P. Waite, AAG.
10/15/01	Certification of Record, filed. s/Waite, Esq. (filed on 10/12/01) Notice of briefing schedule mailed to atty and Pltf.
10/23/01	Witness Subpoena, ffiled. s/Roy, Pro Se
12/6/01	Witness Subpoena for Inspection served on Bath Iron Works on 12/3/01, filed.
12/17/01	Respondent Maine Unemployment Insurance Commision's Motion to Dismiss for Lack of Prosecution, filed. s/Waite, AAG. Memorandum in Support of Motion to Dismiss for Lack of Prosecution, filed. Proposed Order, filed.
1/8/02	Motion to Quash of Subpoena Served Upon Non-Party Bath Iron Works Corporatio: with Incorporated Memorandum of Law, filed. s/Peters, Esq.
1/8/02	Plaintiff's Objection to Defendant's Motion to Quash, filed. s/Roy, Pro Se (filed on 1/7/02)
	Notice of setting for <u>2/27/02</u>
	sent to attorneys of record.
2/15/02	Respondent Maine Unemployment Insurance Commission's Reply Memorandum, filed. s/Wyman, Esq.