

STATE OF MAINE
KENNEBEC, ss

SUPERIOR COURT
CIVIL ACTION
Docket No. AP-12-030
NM-KEN-1/7/2013

STEVEN R. KEATEN,

Petitioner

v.
MAINE UNEMPLOYMENT
INSURANCE COMMISSION,

DECISION AND ORDER

Respondent

Before the court is the petitioner's appeal of the decision of the Maine Unemployment Insurance Commission. M.R. Civ. P. 80C. For the following reasons, the decision of the respondent is affirmed.

The petitioner worked for the department of Health and Human Services as a Health Care Financial Analyst. He decided to retire effective 12/30/11 because of an amendment in the law regarding health insurance. See 5 M.R.S. § 285(7)(J) (2012). Pursuant to that amendment, if the petitioner had retired after 1/1/12, he would have had to pay for his health insurance benefits until he reached normal retirement age. He was concerned that, because of medical conditions, he would not be able to work until his normal retirement age of 62. He was also concerned that his job would be eliminated. (R. 48-55, 58, 69-70, 76, 80-81, 95.)

The petitioner did not speak to anyone in Human Resources about other options and did not apply for disability retirement. (R. 58, 64-65, 74.) The petitioner's Workers' Compensation claim was denied. (R. 51.)

The petitioner's application for unemployment benefits was denied because he voluntarily retired. (R. 102-03.) After appeal and hearing, the Hearing Officer

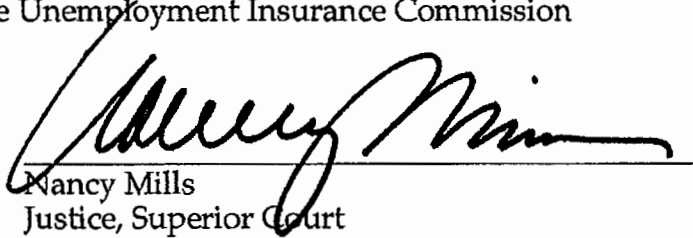
determined that the petitioner retired. (R. 13-15; 16-99¹.) After further appeal, the Unemployment Insurance Commission affirmed and adopted the decision of the Hearing Officer. (R. 5-6.) The petitioner's motion for reconsideration was denied. (R. 1-2, 4.)

Competent evidence on the record to supports the Commission's findings and the law was correctly applied. See Boucher v. Maine Unemployment Comm'n, 464 A.2d 171, 174 (Me. 1983). The petitioner retired and is not eligible for benefits. See 26 M.R.S. § 1193(1)(B) (2012).

The entry is

The Decision of the Maine Unemployment Insurance Commission
is AFFIRMED.

Dated: January 7, 2013


Nancy Mills
Justice, Superior Court

¹ Other issues on appeal were discussed but were not the subject of the hearing. (R. 20-41; R 100-03.)

Action: Petition for Review
80C

J. MILLS

Steven R. Keaten

vs.

Unemployment Insurance Commission

Plaintiff's Attorney

Defendant's Attorney

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China Village, ME 04921

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Date of Entry

- 6/29/12 Petition For Review, filed 6/27/12. s/Keaten Pro Se
- 7/18/12 Letter entering appearance, filed. s/Wyman, AAG
- 8/9/12 Administrative Record, filed. s/Wyman, AAG (filed (8/2/12)
NOTICE AND BRIEFING SCHEDULE ISSUED:
Copies to attys. of record
- 8/20/12 Motion to Dismiss Justice, filed s/Keaten, Pro Se
Petitioner's Brief, filed. s/Keaten, Pro Se
- 9/17/12 Brief of Respondent Maine Unemployment Insurance Commission,
s/Laubenstein, AAG
- 9/18/12 Petitioner's Response to Respondent's Final Brief, filed. s/Keaten, Pro Se
- 1/7/13 DECISION AND ORDER, Mills, J.
The Decision of the Maine Unemployment Insurance Commission is AFFIRMED.
Copies to atty./party