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STATE OF MAINE

YORK, ss.

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. AP-12-17

PATRICIA A. SULLIVAN,

Petitioner

v.

ORDER

MAINE DEPARTMENT OF HEALTH  
AND HUMAN SERVICES,

Respondent

This matter was heard on oral argument on Petitioner's 80C appeal. Petitioner was present pro se and the State was represented by Assistant Attorney General Tracy Quadro.

The role of the superior court on an 80C appeal is limited to reversing or modifying an administrative decision if the findings or conclusions are unsupported by substantial evidence on the whole record. 5 M.R.S. §11007(4)(C)(5). The agency's factual determinations must be sustained unless shown to be clearly erroneous. *Imagineering, Inc. v. Superintendent of Ins.*, 593 A.2d 1050, 1053 (Me. 1991); *Bischoff v. Bd. of Trustees*, 661 A.2d 167, 170 (Me. 1995) (holding Law Court will not overturn conclusions supported by competent and substantial evidence). Accordingly, absent a finding of abuse of discretion, bias or error of law or findings not supported by substantial evidence in the record as required by 5 M.R.S. §11007(C), the agency's actions must be affirmed.

There is competent medical evidence as well as receipt of unemployment benefits to support the administrative decision so it is affirmed and the appeal is denied.

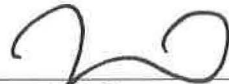
At oral argument Patricia made it clear that her anxiety symptoms were worsening and both the court and Assistant Attorney General Quadro indicated if her condition had worsened since hearing she could certainly reapply for benefits.

However, as noted above on appeal this court does not substitute how it might have decided a case but rather review if the decision was supported by evidence in the record.

Accordingly, appeal denied.

The Clerk may incorporate this order in the docket by reference.

Dated: July **30**, 2012



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John H. O'Neil, Jr.  
Justice, Superior Court

PLAINTIFF

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DEFENDANT

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