

MAINE STATE LEGISLATURE

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April 15, 1947

To L. C. Fortier, Chairman, M. U. C. C.
Re: Status of unemployed individual recovered from Disability

Generally speaking, the benefits of the Workmen's Compensation Act are intended to aid an employee who is unable to work or partially disabled as a result of an industrial accident. The Workmen's Compensation Act, however, makes provision in more or less arbitrary amounts to compensate a workman for a permanent impairment such as results from the loss of a limb or an eye. In order to arrive at the amount which may be paid, either in the form of weekly payments or a lump sum settlement, a disability is presumed to exist for a stated number of weeks. This is merely a statutory presumption, and has no bearing whatsoever on the employee's availability for work as a matter of fact. The amount that an employee receives for the loss of an eye is in the nature of liquidated damages for the injury, and not as compensation for the time he is unable to work.

Consequently, in a case of an employee having lost his eye, but recovered from the injury to the extent that he is fully capable of performing his former job, that individual, when unemployed because of lack of work, is entitled to claim his unemployment compensation benefits, even though he may still be receiving an award from the Industrial Accident Commission for the loss of the eye.

John S. S. Fessenden
Assistant Attorney General

JSSF/g