

# MAINE STATE LEGISLATURE

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October 8, 1968

Sumner J. Goffin, Chairman  
State Employee's Appeal Board  
State House  
Augusta, Maine 04330

Dear Mr. Goffin:

The following opinion is in reply to your query of September 17, 1968.

SYLLABUS:

There is no right of appeal to the courts from a written decision of Employees Appeals Board.

FACTS:

By letter dated September 17, 1968, the Chairman of the Employees Appeals Board submitted a question to this department.

QUESTION:

Is there any right of appeal to the courts from a decision of the Employees Appeals Board?

ANSWER:

No.

OPINION:

A written decision of the Employees Appeals Board which is issued after the steps for settlement set forth in 5 M.R.S.A. § 753, subsections 1 through 5, have been completed and issued pursuant

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to the provisions of 5 M.R.S.A. § 753, subsection 6, is a final decision. 5 M.R.S.A. § 753, subsection 6, provides, inter alia, that such a written decision " . . . shall be binding on the parties involved."

Rule 80B of the Maine Rules of Civil Procedure provides for review of administrative action; but that Rule is based upon the existence (now or in the past) of either a statutory right of appeal or a review by extraordinary writ.

Since no right of appeal has been provided either by statute or extraordinary writ, and since 5 M.R.S.A. § 753, subsection 6, provides that written decisions of the board shall be binding on all parties, we conclude there is no right of appeal to the courts from such a written decision.

Very truly yours,

Jerome S. Matus  
Assistant Attorney General

JSM:H