HEWES & NYE
ATTORNEYS AT LAW
48 FREE STREET
PORTLAND, MAINE 04101

RICHARD D. HEWES
RICHARD N. HEWES
ALAN R. NYE
MARGARET C. HEWES

AREA CODE 207
TELEPHONE 773-2000
FACSIMILE 871-8630

WORKERS' COMPENSATION
JAN 4 - 1994

December 28, 1993

REDACTED

Re: Sherwin Williams v.

Dear

Thank you for your letter to me dated November 19, 1993. I regret that a copy of Sherwin Williams' calculations was not included with my November 19, 1993 letter. I enclose a copy of a summary of benefits paid to you, which summary was prepared by Sherwin Williams Company. I am having difficulty integrating Sherwin Williams' calculations with the calculations set forth by Peter Mills in his October 3, 1991 letter. I am sending a copy of this letter and Attorney Mills' October 3, 1991 letter to Anthony J. Colangelo, Manager of the Workers' Compensation Department of Sherwin Williams Company. By copy of this letter I am requesting that he review Peter Mills' calculations in light of his calculations. I will communicate with you after I hear from Mr. Colangelo.

Very truly yours,

R. D. H.

Richard D. Hewes

RDH/elm

Enclosures

cc: Anthony J. Colangelo

leavitt.rdh

BENEFITS **REDACTED**

LONG TERM BENEFITS PAID BY SHERWIN WILLIAMS TO EMPLOYEE
8/21/90 - 2/29/92 (79.7137 weeks)

LONG TERM DISABILITY ENTITLEMENT:
PER WEEK:$ 471.87; PER MONTH: $2043.25; PER YEAR: $24,519.00

8/21/90 to 10/1/91=	58.2857 weeks x	$471.87=	LTD	$27,503.27
10/2/91 to 2/29/92=	21.428 weeks x	259.81=	LTD	5,567.21
	TOTAL LTD PAID			$33,070.48

WORKERS' COMPENSATION BENEFITS PAID BY CRAWFORD & COMPANY TO EMPLOYEE
From 8/21/90 to 2/29/92 (79.7137 weeks)

8/21/90 to 10/1/90=	58.2857 weeks x	$125.27=	W.C. Benefits	$7,300.57	Pd to EE
10/2/91 to 2/29/92=	21.428 weeks x	259.81=	W.C. Benefits	5.567.21	Pd to EE

TOTAL WORKERS' COMPENSATION BENEFITS PAID: $12,867.78

TOTAL ENTITLEMENT
From 8/21/90 to 2/29/92 (79.7137 weeks)

	(Total weeks)		(LTD Benefits)		
Total Employee entitled to:	79.42857	x	471.87	=	$37,479.96

Employee Received	$33,070.48	from Sherwin Williams (LTD)
Employee Received	12,867.78	from Crawford & Company (W.C.)
Total Received	45,938.26	from Both Sources
	- 37,614.50	Entitlement for 79.7137 weeks
	$ 8,323.76	OVERPAYMENT

0007-SWP-005803005
CONFIDENTIAL

N41627.01

WRIGHT & MILLS, P.A.
ATTORNEYS AT LAW
218 WATER STREET - P. O. BOX 9
SKOWHEGAN, MAINE 04976-0009

CARL R. WRIGHT
S. PETER MILLS
NANCY DIESEL MILLS
PAUL SUMBERG

TELEPHONE (207) 474-3324
FAX (207) 474-3609

October 3, 1991

Richard N. Hewes, Esquire
Douglas, Whiting & Quinn, P.A.
103 Exchange Street
P.O. Box 7108
Portland, ME 04112

REDACTED

Re: v. Sherwin-Williams and Travelers Insurance Co.

Dear Dick:

Under the decree, compensation rate is $387.76 weekly (AWW $830.91 x 2/3 x 70%).

From 1/29/90 through 8/20/90, was on salary continuation from Sherwin-Williams and also received some residual bonuses. Because of the sums received, I think it is fair to say that is not owed any compensation for the period through 8/20/90.

On 8/21/90, he converted from salary continuation to benefits under an LTD policy that had been paid for partly by the company (55.1%) and partly by him (44.9%).

During the remainder of 1990, there were 18 full weeks of workers' compensation that fell due for a total of $6,979.68 (18 x $387.76).

As an offset against his workers' compensation, was paid taxable LTD benefits totalling $4,916.13 (4 x $1125.83 plus a partial month of $412.81).

His total compensation of $6,979.68 when offset by $4,916.13 yields a net compensation check due of $2,063.55 through 1990.

For 1991, there have been 39 weeks from 1/1/91 through 10/1/91; and this equates to compensation benefits of $15,122.64 (39 x $387.76).

There have also been 9 full months of taxable LTD benefits at $1,125.83 per month for a total of $10,132.47. When this is deducted from the above compensation figure, it yields a net of $4,990.17 for 1991 ($15,122.64 - $10,132.47).

In summary, his entitlement to compensation should be as follows:

for 1990	$6,979.68 - $4,916.13	$2,063.55
for 1991	$15,122.64 - $10,132.47	$4,990.17
net total through 10/1/91		$7,053.72
plus interest (3.5%)		$246.85
total		$7,300.57

0007-SWP-005803006
CONFIDENTIAL

N41627.02

REDACTED

I have calculated interest as follows. By the time this decree is paid, the petition will have been on file for a total of 14 months which would, ordinarily, entitle the recipient to 7% interest (6% per annum); but because the amounts have fallen due on a week by week basis during the pendency of the proceedings, it is appropriate to cut the interest rate in half in order to approximate the calculation for interest on each payment as it fell due.

From 10/1/91 onward until LTD benefits run out on August 20, 1992, I think his weekly compensation check should be $127.95 calculated as follows. The taxable LTD amount is $1,125.83 per month. When you multiply this figure by 12 and divide it by 52, you arrive at a figure of $259.81 as the weekly value of the taxable LTD benefit. When you deduct this figure from $387.76, it yields a net compensation payment of $127.95.

In support of these various calculations, you will find enclosed:

> A letter from the LTD carrier enclosing their worksheet explaining how benefits have been calculated.
>
> W-2 from the LTD carrier for 1990 summarizing the amounts paid.
>
> Various LTD pay stubs for 1990 and the first part of 1991 documenting the amount paid as taxable and non-taxable benefits.

Also enclosed you will find copies of those medical bills that we know about. We will check to see what others there may be. We will also check concerning claim for travel expenses. It is not likely to be significant.

I am forwarding a copy of this letter together with its enclosures directly to the company in order to save you the trouble.

Yours very truly,

Wright & Mills, P.A.

S. Peter Mills, Esquire

SPM/dm
Enclosures
cc: Travelers Insurance Co.