

**STATE OF VERMONT
DEPARTMENT OF LABOR AND INDUSTRY**

Wendell Severinghaus,)	State File No. F-1598
Claimant,)	
)	By: Margaret A. Mangan
v.)	Hearing Officer
)	
Banner Publishing,)	For: Steve Janson
Defendant.)	Commissioner
)	
)	Opinion No. 14S-98WC

RULING ON CLAIMANT’S MOTION TO EXTEND FILING DEADLINE FOR APPEAL

Claimant, through her attorney, Matthew F. Valerio, Esq. of Abatiell & Valerio, moves that the time for filing an appeal be stayed for an additional thirty days after she has retained new counsel and the new attorney has entered an appearance. Defendant, through its attorney, James B. Grussing, Esq. of Eaton & Hayes, opposes that motion.

A decision denying this claim was signed by the commissioner on March 13, 1998, and sent on March 23, 1998. “Within thirty days after copies of an award have been sent ... either party may appeal to the superior court of a county wherein a civil action between the parties would be triable....” 21 V.S.A. § 670. (Emphasis added). On issues of law, “if an appeal is not taken under the provisions of section 670 ... either party may transfer such cause to the supreme court.” 21 V.S.A. § 672.

The provision which considers a party’s failure to file “within the time allowed by law” because of fraud, accident or mistake places the decision to extend the time for filing an appeal in the hands of the supreme or superior court. 21 V.S.A. § 673. No authority exists for this Department to grant claimant’s request to extend the time for filing an appeal.

Claimant’s attorney also moves to withdraw from this case. If an appeal is filed, that motion should be presented to the court.

Therefore, claimant’s motion to stay the time for filing an appeal is DENIED.

Dated this 9th day of April, 1998.

Steve Janson
Commissioner