

PETITION 31 – AS INTRODUCED

12-2921
09/04

PETITION 31
PETITION FOR REDRESS OF GRIEVANCE

TO: The Honorable House of Representatives
FROM: Petitioner Representative Andrew J. Manuse, Rock. 5
DATE: January 19, 2012
SUBJECT: Grievance of Wade Henry

Your Petitioner Representative Manuse on behalf of Wade Henry, hereinafter presents the following summary of his grievances involving decisions of David J. Rogers, hearings officer, and other employees of the Department of Labor and David Siff, chairman, and other members of the Compensation Appeals Board and invokes the constitutional authority and duty of the Honorable House of Representatives pursuant to Articles 31 and 32 to bring about redress:

Grievances involving the employees of the Department of Labor, including David J. Rogers, hearing officer, and members of the Compensation Appeals Board, including David Siff, chairman, for the following:

I. The Department of Labor misinterpreted the facts of the case, leading to an erroneous decision, as follows:

(a) The Department cited 2 past unrelated injuries as rationale for denying Mr. Henry's claim. Mr. Henry had injured his shoulder twice before the incident leading to the claim, but the injuries were not debilitating.

(b) The Department incorrectly omitted testimony and evidence from doctors that Mr. Henry reported a "tearing in his neck" on a date in late August 2006, which is a different injury than the injury used to deny his claim and an injury that was debilitating.

(c) The Department incorrectly cited the description of the workplace incident that occurred, as testified to by Mr. Henry and his witness, Anita Curreri of Salem, New Hampshire.

II. The Department and the Compensation Appeals Board inappropriately used past criminal history and Mr. Henry's understandable desire for pain medication as evidence for their decisions.

III. The Compensation Appeals Board denied Mr. Henry due process when the Board:

(a) Denied a private investigator's report as hearsay evidence; and

(b) Would not allow a rehearing after Mr. Henry's attorney drafted a clear and consistent documentation of the facts on November 19, 2008, which clearly disputed the facts used to deny Mr. Henry's claim.

Wherefore, your Petitioner prays that the House of Representatives consider this proposed remedy:

I. Introduce a house joint resolution that requests, notwithstanding any laws or rules to the contrary, another hearing that allows the evidence to be reconsidered and clarified.

II. Consider and introduce changes to laws and administrative rules to prevent denial of due process or the activities which led to these faulty decisions.

Respectfully submitted by Petitioner Representative Manuse on Behalf of Wade Henry.

Co-Petitioners:
Rep. Reichard, Rock. 5
Rep. Itse, Rock. 9