

# Alaska Workers' Compensation Appeals Commission

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2008 Annual Report

Submitted to the Office of the Lieutenant Governor

March 14, 2008



Alaska Workers' Compensation Appeals Commission

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Kristin Knudsen, Chair

- **Introduction**

The Alaska Workers' Compensation Appeals Commission is charged with the responsibility of providing fair, prompt and thoughtful adjudication of appeals from the Workers' Compensation Board. The appeals commission provides a consistent approach to reviewing workers' compensation cases by a balanced panel experienced in workers' compensation law. The commission is committed to ensuring that "hearings in workers' compensation cases shall be impartial and fair to all parties and that all parties shall be afforded due process and an opportunity to be heard and for their arguments and evidence to be fairly considered." AS 23.30.001.

The commission chair has certain duties prescribed by law. One of the chair's duties is to "not later than March 15<sup>th</sup> of each year, make available to the public and file with the lieutenant governor a report regarding the commission for the prior calendar year, including data regarding time periods between initial receipt and final decisions on appeals." AS 23.30.009(c). This is the third annual report of the chair.

- **Commission Members**

The commission consists of a chair and four representative members. Each representative member must each have at least 18 months of experience as a member of the Alaska Workers' Compensation Board. Two members represent employees and two members represent employers. The chair must be an attorney who has been engaged in the active practice of law at least five years in the State of Alaska, with experience in workers' compensation law in this state. The Chief Administrative Law Judge announces and reviews the applications for each vacancy on the commission and forwards a list of qualified nominees to the Governor for appointment. The Alaska State Legislature must confirm appointees. A seat on the commission falls vacant every year as terms are staggered.

At the time of writing, the present representative members of the Commission are, in order of expiration of term:

- **Philip E. Ulmer, Eagle River**, is a registered professional engineer, currently employed as manager of safety and workers' compensation for GCI. He is a previous national president, American Society of Safety Engineers and of the National Institute for Engineering Ethics; and a 1994 Engineer of the Year finalist with the Alaska Society of Professional Engineers. He served as a member for industry on the Alaska Workers' Compensation Board. He was appointed to a four-year term in November 2005. His term expires March 1, 2009. Employer representative.
- **Kristin Knudsen, Anchorage**, from 1989 until her appointment, was employed by the Alaska Department of Law as an assistant attorney general specializing in workers' compensation law. She has been a hearing officer for the Alaska Workers' Compensation Board, an appellate brief writer for claimant's attorney Chancy Croft and a contract hearing officer for the Oregon Workers' Compensation Appeals Board. She received her J.D. degree from Santa Clara University in California and a bachelor's degree in history from the University of California Los Angeles. She was appointed in November 2005 to serve a five-year term as the appeals commission chair. The chair's term expires March 1, 2010.
- **Jim Robison, Eagle River**, is the former president of the Alaska AFL-CIO and the Alaska State District Council of Laborers; vice president of the Tri Trades Public Service Council and Operating Engineers; a former Commissioner of the Alaska Department of Labor for Governor William Sheffield. He served as a labor member of the workers' compensation board. He was reappointed to a five-year term March 1, 2006. His term expires on March 1, 2011. Employee representative.

- **Stephen T. Hagedorn, Anchorage**, has been employed by the Alaska Railroad Corporation for 22 years as the corporate Risk Manager. He has a bachelor's degree in history from the University of Northern Iowa. He served as a member for industry on the workers' compensation board for 15 years before he was appointed to a five-year term on March 1, 2007. His term expires on March 1, 2012. Employer representative.
- **David W. Richards, Juneau and Eagle River**, is a retired member of the Carpenters' Union Local 2247. He is seasonally employed by Miller Brothers Construction in Juneau as a superintendent, but resides in Eagle River the remainder of the year. He served as a member for labor on the workers' compensation board for three terms in Juneau, and, after starting his own contracting business, two terms as an industry representative. He was appointed to a five-year term on the commission in March 2008. His term expires on March 1, 2013. Employee representative.

The commission thanks Mr. John Giuchici, employee representative from Fairbanks, for his energetic service on the commission from appointment in November 2005 until the expiration of his term March 1, 2008. Mr. Giuchici's example of attention to factual detail left a profound mark on commission practice. During 2007, the term of Mr. Chris Johansen, an employer's representative from Fairbanks, who stepped in following the resignation of Mr. Marc Stemp, expired; his time on the commission was brief, but very productive, and the commission thanks him for his service.

### • **Appeals Filed in the Commission**

The commission docketed 49 new cases in 2007, including 42 appeals and 7 motions for extraordinary review in 2007. In addition to the cases docketed in 2007, the commission began the year with 32 cases on the docket; two (2) of those 32 were filed in December 2005, and 30 were filed in 2006. A complete list of the commission's 2007 docket, with the results of dispositive decisions or orders and current status may be found at Appendix 1.

Table 1 shows the total number of active cases on the commission docket, the new cases filed and the production of work by the commission, from month to month in 2007. Of the 49 new cases filed in 2007, 34 were still open on January 2, 2008, but none

Table 1	Active Cases on Docket	New Cases Filed	Hearings Held	Decisions Published	Orders Issued	Default Notices
Jan 07	30	1	3	6	15	0
Feb 07	28	3	3	6	5	0
Mar 07	32	5	6	1	5	1
Apr 07	34	6	6	4	9	1
May 07	38	10	1	3	14	2
Jun 07	36	3	5	4	8	0
Jul 07	34	1	4	3	5	2
Aug 07	34	4	3	5	12	0
Sep 07	34	4	2	2	12	0
Oct 07	30	4	5	4	11	1
Nov 07	26	5	6	3	16	2
Dec 07	31	3	1	1	5	1
<b>Totals</b>		<b>49</b>	<b>45</b>	<b>42</b>	<b>117</b>	<b>10</b>

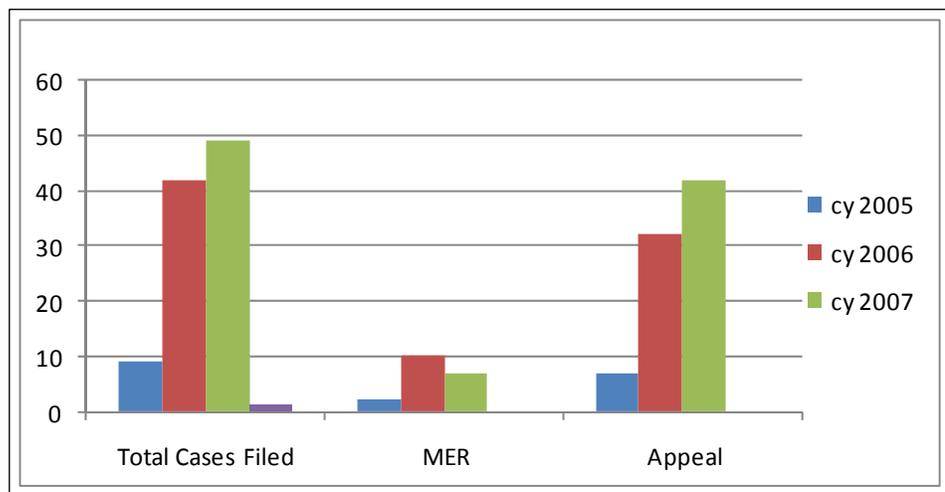
of these 2007 cases had been open more than 12 months at the date of this report. This closure rate represents a notable achievement in timely resolution of appeals. Of 42 cases filed in 2006,

only one, Appeal No. 06-036, originally filed as a motion for extraordinary review on November 27, 2006, was still open on January 1, 2008. The commission issued the final decision in that case on February 7, 2008. The

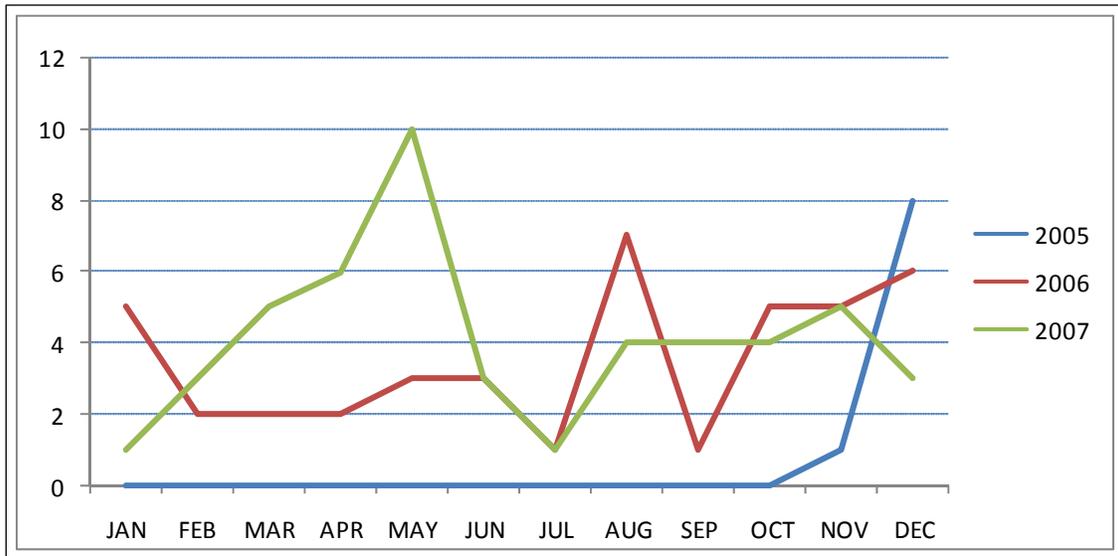
Table 2	2006	2007	% Increase (Decrease)
New cases filed, <i>not including cross appeals or appeals filed after grant of motion for extraordinary review.</i>	42	49	14 %
Hearings held	24	45	46 %
Decisions published	22	42	47 %
Cases left on docket at year's end	32	31	(3 %)

increase in the commission's productivity is shown in Table 2 above.

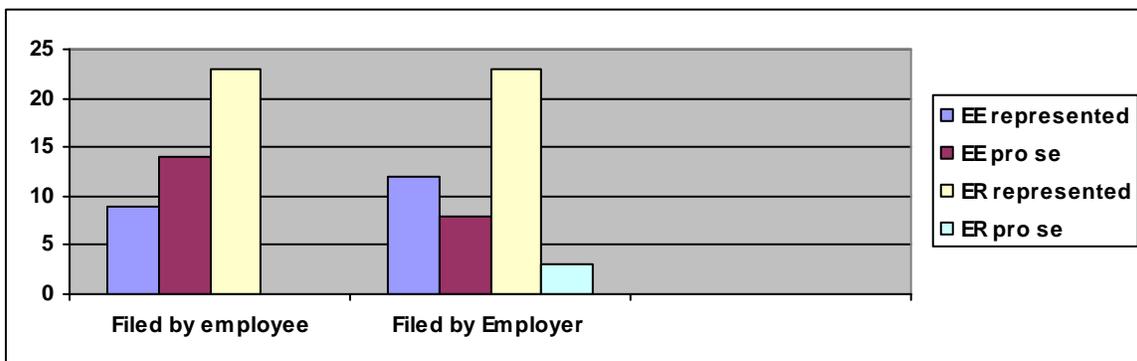
The graph to the right compares the number and types of cases (Motions for Extraordinary Review and Appeals) filed in the commission from 2005 through 2007.



The commission has noted considerable seasonal variation in filing new cases from year to year, as illustrated in the following chart.



Employees representing themselves filed 14 of the 49 appeals or motions for review in 2007. Nine (9) appeals or motions for review were filed by employees who were represented by counsel. Employers representing themselves filed three (3) appeals or motions for review. The remaining 23 appeals or motions for review were filed by employers or other parties who were represented. In all 17 self-represented appeals, the appellee was represented by legal counsel; in 32 appeals or motions filed by represented parties, only eight (8) appellees or respondents were self-represented. The chart below illustrates the participation of attorneys in appeals.



Motions to waive fees due to indigence have resulted in seven (7) appellants being found indigent and granted full or partial waiver of fees. The commission has ordered

seven (7) transcripts of board hearings prepared in indigents' appeals, plus one (1) transcript in a pro se appellant's case with a poor board recording, at a total cost to the commission of \$3,531.25. In addition, the commission prepared transcripts in four (4) cases for the Supreme Court, and in one case for the commission's use in a case filed by a self-represented appellant who had not requested indigent status. The total cost of transcripts in 2007 was \$5,095.75.

- **Commission Decisions**

In 2007, 42 published decisions were issued by the end of the reporting period. Appendix 2 lists the commission's 2007 published decisions, with days to decision and appeals to the Alaska Supreme Court noted. In addition, decisions issued in 2008 on cases heard in 2007 are listed.

Ninety days are allowed for commission decisions. The 2007 average time from oral argument (or close of briefing if no hearing was held) to decision distribution for decisions published in 2007 is 56 days. Including the seven (7) decisions published in 2008, but heard in 2007, the average is 60 days, well within the statutory allowance of 90 days. Of the 42 decisions published by the commission in 2007, one (1) decision was a week late owing to the absence of commissioners from the state. Notice was given to the parties of the anticipated delay.

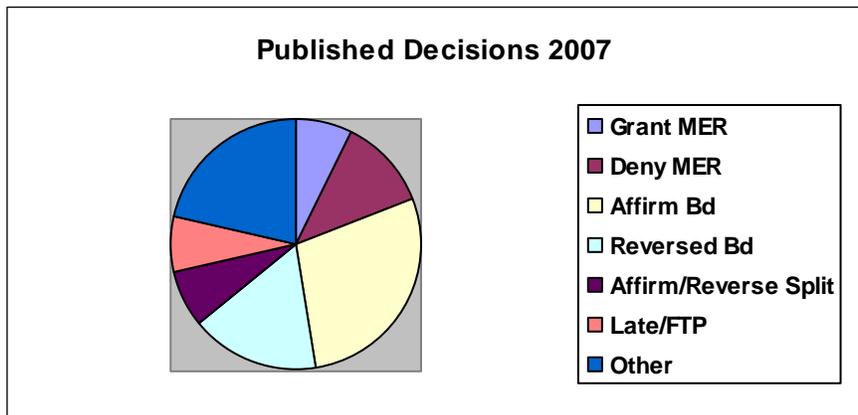
Thirty (30) cases were closed following a decision on the merits in 2007. When the count includes cases heard in 2007 with decisions published in 2008, the total is 37 cases closed on the merits. In addition to cases closed by decisions on the merits, nine (9) cases were closed by order of dismissal due to settlement, two (2) cases were voluntarily dismissed by the appellant before briefing, five (5) cases were dismissed after notice of default due to failure to prosecute the appeal and two (2) cases were dismissed because the appeal was filed late. Six (6) cases are presently suspended for board action on a settlement agreement or awaiting stipulated dismissal.

The commission examined its action on the published decisions issued in 2007, and found that in 12 decisions the commission affirmed the board outright or on different

grounds, in seven (7) decisions it reversed the board or vacated a board decision and remanded, and in three (3) decisions, it reversed in part and affirmed in part. The numbers are small, of course, but the commission's reversal/vacation rate for 2007 was 32%; including partial reversals raises the rate of merit decisions finding error requiring remand to 45%.

The remaining published decisions include eight (8) decisions on motions for extraordinary review. The commission granted three (3) motions for extraordinary review and denied five (5) motions for review. One (1) motion for extraordinary review was found to be an appeal from a final board decision; the appeal has not been decided. The commission does not consider grant or denial of a motion for extraordinary review to be a decision on the merits of the challenged board order, although it is a decision on the merits of the request for extraordinary review. In two (2) decisions, the commission found there was no commission jurisdiction over the appeal owing to retained Superior Court jurisdiction. Nine (9) published decisions addressed such matters as late filed appeals, motions for stay, grants of indigent status, commission reconsideration, representation by non-

attorneys before the commission, dismissal for failure to prosecute the appeal following notice of default, recusal for cause, and finality of orders for penalty when



the board retains jurisdiction to adopt a calculation. The chart above illustrates the distribution of published decisions by type.

The commission adopted the example of the Alaska Labor Relations Agency of issuing bench orders, delivered verbally by the panel in a recorded hearing, when there are reasons (such as a pending board hearing) requiring notice of the commission's

decision before the written decision is published. Bench orders are followed by a final written decision.

Nine appeals of commission decisions were filed in the Supreme Court in 2007, including one decision issued in 2006 that was appealed in 2007. Two of these appeals have settled. One petition for review was filed, which the Alaska Supreme Court accepted on March 5, 2008. A note indicating appealed decisions is contained in the list of commission decisions at appendix 2.

The commission held 45 hearings of oral argument that resulted in a decision or order. In addition, the commission held hearings on indigence motions, motions for stay pending appeal or similar motions without published decisions resulting. The commission issues orders on non-routine or contested motions, such as motions for stay pending appeal, motions for recusal or objection to the panel, motions to dismiss appeal for lack of jurisdiction, motions to waive fees for indigence, and motions for attorney fee awards. The commission chair may also issue orders on motions for extension of time, notices of default with orders to comply, and similar procedural matters. Unless the commission's decision and order on such motions provides guidance by illuminating a point of law, or is otherwise significant to the commission's jurisprudence, these orders are not published. The commission issued 117 unpublished orders of various types during 2007.

In addition to hearings, the commission chair conducted status hearings and conference calls for scheduling purposes. One case called for appointment of a chair *pro tem* due to the chair's conflict (former representation of the opposing party in the same matter). The chair *pro tem* was drawn from the Office of Administrative Hearings.

- **Commission Training**

The commission has established a regular schedule of periodic training for the commissioners. The Alaska Labor Relations Agency and commission members attended joint training retired Superior Court Judge Elaine Andrews, Chief Administrative Law Judge Terry Thurbon, Ronald Ellis, former Chairman of the Ottawa

Workers' Compensation Appeals Tribunal and recipient of the Canadian Council of Administrative Tribunals medal awarded at Vancouver, B.C. in 2007, and Assistant Attorney General Judy Bockmon.

The commission chair again approached the National Judicial College about providing training for commission members. Through the College, the commission chair secured the services of one of the College's instructors in judicial writing, retired Alaska Superior Court Judge Karen Hunt, who will direct training for the commission in 2008.

The commission and the Alaska Labor Relations Agency share a dedication to providing training to law students by providing summer clerkships. In 2007, the commission's volunteer summer intern was Karamvir S. Chadha, now a second year law student at the University of North Carolina, Chapel Hill. In 2008, the commission, with the Alaska Labor Relations Agency, has committed to taking two volunteer law student summer interns from the University of Seattle School of Law's "Summer in Alaska" program that houses its students at UAA. Summer in Alaska interns are enrolled in one class taught at UAA by a University of Seattle law professor, receive credit for their service at governmental or non-profit organizations, and pay their own housing costs.

The commission's interest in providing training and internship opportunities is spurred by the growing problem of injured workers being unable to obtain legal help and the increasing age of the claimant bar. Most claimant attorneys are sole practitioners who do not have the time or facilities to provide training to law students who probably will not return. The expectation is that one out of six student interns will return to practice in Alaska. The commission has undertaken, with the Alaska Labor Relations Agency, to expose a pool of students to the workers' compensation and labor relations field, train them in the Alaska adjudications process, and instruct them in good legal writing and analysis. To that end, and in order to overcome the barrier

imposed by the lack of housing and pay, the commission requested legislative funding so that it may provide a housing allowance to rotating semester law student interns.

- **Other Commission Activity**

The process for transfer of records on appeal from the Alaska Workers' Compensation Board has been smooth, with few delays. Occasionally the commission still finds that documents are missing from the board record, requiring either a board search for the document, or a certification from the hearing chair that a copy supplied by a party is a copy of the record [referred to in the board decision] that was in the record at the time of hearing. The chair is thankful for the good will and valuable assistance of Marie Jankowski, the Workers' Compensation Division's Appeals Clerk, and the acting Chief of Adjudications, William Walters, in this effort.

In 2007, the chair established a regular publication schedule with Lexis-Nexis and Westlaw, the two largest commercial databases, the court system, and the Department of Labor and Workforce Development's website manager. Decisions from the previous week are posted on-line on Wednesdays. Standardization of publication format has resulted in uniform appearance and style.

The lack of a single unified-format website to post all administrative decisions in a free searchable index continues to be of concern. The Department of Labor and Workforce Development agencies do not share a single decision format or website; some decisions are not published online at all. The chair explored the possibility of obtaining federal grant funds for a unified, single format, searchable website for publication of all administrative decisions, to which the commission and other Department of Labor and Workforce Development agencies could post decisions. However, in discussion with the Office of Administrative Hearings the chair learned that the Office of Administrative Hearings plans to produce and manage a statewide website of administrative decisions using a simplified program and search function. The chair is working with the Chief Administrative Law Judge in this effort.

In another area of cooperation with the Office of Administrative Hearings, the chair is providing the Office of Administrative Hearings with data to allow the Office to send anonymous surveys to the participants in the commission process after final decisions are issued. This will provide the Office and commission information on “customer satisfaction” with the commission’s hearings and decisions and identify areas that need improvement.

The chair is working with the Department’s website manager to improve the website by posting online forms that may be completed online and printed by the user. This effort was stalled by the loss of the commission’s first Clerk, Cathy Paramore, in May 2007. Although the position was promptly filled, it was vacated six months later, before the newly hired Clerk had acquired sufficient familiarity with the commission process to complete the project. Filling the position was delayed by reclassification of the position, but the commission chair hopes that this project can be restarted soon.

Together with the Alaska Labor Relations Agency staff, recording equipment upgrades were installed to coordinate with the VOIP phone system, which had resulted in loss of the analog speaker phone connection in 2006. The result has been a significant improvement in recording quality and no complaints about telephonic participants being unable to hear.

The Alaska Public Interest Research Group filed a lawsuit September 30, 2005, seeking a declaration that the commission was unconstitutional. The Supreme Court decided the suit in favor of the commission’s constitutionality in *Alaska Public Interest Research Group v. State*, 167 P3d 27 (Alaska 2007), announced September 7, 2007. The commission was represented by Assistant Attorneys General Paul Lyle and Laura Bottger.

- **Conclusion**

In this second full year of the Commission’s existence, the Commission’s number of oral arguments and published decisions nearly doubled, and the number of orders

increased as well. The Commission continued to provide training to its members, regularized publication of its decisions, and focused on establishing good practices in the production of decisions and orders. The commission chair also took steps to put in place the institutional mechanisms for performance-monitoring. Over the next year, the chair intends to complete public use forms, improve the public information forms and website, expand the training program, and prepare the commission staff for transition, so that the next chair will be able to join a smooth-running, fully-staffed and well-trained commission on March 1, 2010.

Submitted *March 14*, 2008.

*Kristin Knudsen*

Kristin Knudsen, Chair  
Alaska Workers' Compensation Appeals Commission  
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APPENDIX 1: 2007 DOCKET

Docket number	Date filed	Case type	CASE TITLE	App'nt att'y	App'ee att'y	Result/Status
05-005	12/19/05	Appeal	<i>Morgan v. Alaska Reg'l Hosp.</i>	Pro se	Yes	affirmed board
05-007	12/20/05	Appeal	<i>Tonoian v. Pinkerton Security</i>	Pro se	Yes	affirmed board
06-004	1/23/06	Appeal	<i>Peak Oilfield Serv. Co. v. Lindgren</i>	Yes	Yes	settled, dismissed
06-009	3/30/06	Appeal	<i>Alaska Airlines v. Nickerson</i>	Yes	Pro se	reversed, remanded
06-010	4/24/06	Appeal	<i>Terry Smith v. CSK Auto, Inc.</i>	Pro se	Yes	affirmed board, <b>appealed, briefing</b>
06-011	4/24/06	Appeal	<i>Wolford v. Hanson</i>	Yes	Yes	reversed, remand for rehearing
06-015	6/2/06	Appeal	<i>Barrington v. Alaska Commc'n Group, Inc.; Noelle Williams</i>	Yes	ACGI: Yes Wlms: Yes	aff'd bd on diff. grounds, <b>appealed, oral arg. heard</b>
06-017	6/29/06	Appeal	<i>North Slope Borough v. Wood; State, Second Injury Fund</i>	Yes	Wood: Pro se SIF:AGO	reversed in part, aff'd & remanded
06-018	7/24/06	Appeal	<i>Khan v. Adams &amp; Assoc.; Ins. Co. of the State of Pa.</i>	Pro se	Yes	dism'd failed to prosecute, <b>appealed</b>
06-020	8/21/06	Appeal	<i>Dean v. Fairbanks North Star Borough</i>	Pro se	Yes	dism'd failure to prosecute
06-021	8/23/06	Appeal	<i>Walsh v. Mauer, DDS; Liberty Northwest Ins. Co.</i>	Yes	Yes	affirmed board
06-022	8/24/06	Appeal	<i>Geister v. Kid's Corp, Inc., Alaska Nat'l Ins. Co.</i>	Yes	Yes	aff'd in part, rev'd remanded
06-023	8/22/06	Appeal	<i>Harris v. Salvation Army, Older Alaskans Program; N. Adjusters</i>	Pro se	Yes	dism'd failure to prosecute
06-024	8/25/06	Appeal	<i>Northstar Sand &amp; Gravel (Earthmovers); Am. Interstate Ins. v. Sanders; Anchorage Neurosurgical Assoc.; John P. Shannon, DC.</i>	Yes	Sands: Pro se, ANA Yes Shannon Pro Se	reversed, remanded to board for rehearing
06-025	8/29/06	Appeal	<i>Lawhorne v. Alaska Garden &amp; Pet Supply, Inc.; Indus. Ins. Co.</i>	Yes	Yes	settled, dismissed
06-026	9/14/06	Appeal	<i>Kim v. Alyeska Seafoods, Inc., Alaska Nat'l Ins. Co.</i>	Yes	Yes	aff'd bd, diff grds, <b>appealed awaiting argmnt</b>
06-027	10/3/06	Appeal	<i>J. Smith v. Anchorage Sch. Distr.</i>	Pro se	Yes	affirmed board
06-028	10/4/06	Appeal	<i>Anchorage Sch. Distr. v. Delkettie</i>	Yes	Yes	Settled, dismissed
06-029	10/23/06	Appeal	<i>Omar v. Unisea, Inc., Alaska Nat'l Ins. Co.</i>	Pro se	Yes	rev'd in part, aff'd in part, remanded
06-030	10/24/06	Appeal	<i>Kelly v. State, Dep't of Corr.</i>	Yes	Yes	aff'd diff grds, <b>Appealed, briefing</b>
06-031	10/30/06	Appeal	<i>Walters v. Crazy Horse, Inc., and Alaska Nat'l Ins. Co.</i>	Pro se	Yes	affirmed board, <b>appealed, stayed, settled.</b>
	11/6/06	Cross Appeal	<i>Crazy Horse, Inc., &amp; Alaska Nat'l Ins. Co. v. Walters</i>	Yes	Pro se	
06-032	11/15/06	Appeal	<i>Hansen v. McHoes &amp; Am. Interstate Ins. Co.</i>	Yes	Yes	affirmed diff. grds
06-033	11/20/06	Mot. Ex.Rev Appeal	<i>Olafson v. State, Dep't of Corr.</i>	Yes	Yes	Mot. Ex. Rev. granted, vacated bd order & remanded
06-034	11/22/06	Appeal	<i>Conam Constr. &amp; ACE USA Ins. Co. v. Bagula, Peak Oilfield Serv., Alaska Ins. Guar. Ass'n, &amp; N. Adjusters</i>	Yes	Bagula Yes POS, et al: Yes	Den. Mot for stay, settled, dismissed

Docket number	Date filed	Case type	CASE TITLE	App'nt att'y	App'ee att'y	Result/Status
06-035	11/27/06	Appeal	<i>Sullivan, Inc., Am. Interstate Ins. Co. v. Hogan</i>	Yes	Pro Se	<i>affirmed board, appealed settled</i>
06-036	11/27/06	Mot. Ex.Rev Appeal	<i>Sourdough Express, Inc. &amp; Alaska Nat'l Ins. Co. v. Barron</i>	Yes	Yes	<i>rev'd aff'd part, remanded</i>
06-037	12/4/06	Mot. Ex.Rev	<i>Chena Hot Springs, LLC &amp; Alaska Nat'l Ins. Co. v. Elliott</i>	Yes	Yes	<i>denied mot. ex. review</i>
06-038	12/15/06	Appeal	<i>Wolf Dental Seros, Inc, &amp; Fireman's Fund Ins. Co. v. Randall Wolf, Wolf Dental Seros, &amp; CNA/N. Adjusters</i>	Yes	R Wolf: Yes Wolf Dental et al: Yes	<i>appeal dism'd, no jurisdiction</i>
06-039	12/19/06	Appeal	<i>Guys With Tools, LTD dba The Bush Pilot, &amp; Alaska Nat'l Ins. Co. v. Thurston</i>	Yes	Yes	<i>Rev'd rem'd for rehrg pet. for rev appeal briefing</i>
06-040	12/22/06	Appeal /MER	<i>Kuukpik Arctic Catering &amp; Alaska Nat'l Ins. Co. v. Harig</i>	Yes	Pro se	<i>app. dismissed, Mot Ex Rev den.</i>
06-041	12/26/06	Appeal	<i>McGahuey v. Whitestone Logging, Inc., &amp; Alaska Timber Ins. Exch.</i>	Pro se	Yes	<i>reversed, vacated &amp; remanded</i>
06-042	12/29/06	Mot. Ex.Rev	<i>ENCO Heating &amp; Alaska Nat'l Ins. Co. v. Estate of Borgens</i>	Yes	Pro se	<i>MotExRev denied</i>
07-001	1/2/07	Mot. Ex.Rev	<i>State, Dep't of Corr. v. Dennis, Earthworks &amp; Umiliak Ins. Co.</i>	Yes	Den:Yes Earth works, et al: Yes	<i>Mot. Ex. Rev. denied</i>
07-002	2/9/07	Appeal	<i>Thoeni v. Consumer Electronic &amp; Alaska Nat'l Ins. Co.</i>	Pro se	Yes	<i>dismissed no jurisdiction</i>
07-003	2/13/07	Appeal	<i>Municipality of Anchorage &amp; NovaPro Risk Solutions v. McKinney &amp; Rehbock</i>	Yes	Pro se	<i>rev'd bd</i>
07-004	2/28/07	Appeal	<i>Peratrovich v. Quality Asphalt Paving &amp; Liberty Nw Ins. Co.</i>	Yes	Yes	<i>aff'd bd</i>
07-005	3/2/07	Appeal	<i>Witbeck v. Superstructures, Inc. &amp; Alaska Nat'l Ins. Co.</i>	Pro se	Yes	<i>aff'd bd dif. grds</i>
07-006	3/14/07	Appeal	<i>Hensley v. H &amp; H Contractors, Inc. &amp; Alaska Ins. Guar. Ass'n</i>	Pro se	Yes	<i>appeal dismissed failed to prosec.</i>
07-007	3/16/07	Mot. Ex.Rev Appeal	<i>Sellers v. State, Dep't of Ed.</i>	Yes	AGO	<i>mot. ex. rev. granted, app dis'd settled</i>
07-008	3/20/07	Appeal	<i>DeNino v. Yukon Flats Sch. Distr. &amp; Alaska Pub. Entity Ins.</i>	Pro se	Yes	<i>aff'd bd dec.</i>
07-009	5/24/07	Mot. Ex.Rev Appeal	<i>Hope Comty Res. &amp; Liberty Nw Ins. Co. v. Rodriguez</i>	Yes	Pro se	<i>granted mot. ex. rev, bd dec. final</i>
07-010	4/2/07	Appeal	<i>Seiler v. F.R. Bell &amp; Assoc., &amp; Alaska Nat'l Ins. Co.</i>	Yes	Bell:Yes ANIC Yes	<i>heard, decision pending</i>
07-011	4/13/07	Appeal	<i>Talcott v. Municipality of Anchorage</i>	Pro se	Yes	<i>default notice</i>
07-012	4/18/07	Appeal	<i>Voorhees Concrete Cutting &amp; Alaska Nat'l Ins. Co. v. Monzulla</i>	Yes	Pro se	<i>aff'd &amp; rev'd in part, remanded</i>
07-013	4/18/07	Appeal	<i>Municipality of Anchorage v. Monfore</i>	Yes	Yes	<i>hearing sched</i>
07-014	4/19/07	Mot. Ex.Rev	<i>McKenzie v. Assets, Inc. &amp; Indus. Ins.</i>	Pro se	Yes	<i>dism'd, failure to prosecute</i>

Docket number	Date filed	Case type	CASE TITLE	App'nt att'y	App'ee att'y	Result/Status
07-015	4/30/07	Appeal	<i>Kennecott Greens Creek Mining Co. &amp; Sedgwick Claims Mgt. Serv., Inc. v. Clark &amp; Second Injury Fund</i>	Yes	Clark: Yes SIF:AGO	<i>hearing held, decision pending</i>
	5/4/07	Cross Appeal	<i>Clark &amp; Second Injury Fund v. Kennecott Greens Creek Mining Co. &amp; Sedgwick Claims Mgt. Serv., Inc.</i>	Clark: Yes SIF:AG O	Yes	
07-016	5/3/07	Appeal	<i>Martin v. Nabors Alaska Drilling, Inc. &amp; N. Adjusters</i>	Pro se	Yes	<i>affirmed board, reconsid. denied</i>
07-017	5/3/07	Appeal	<i>Robinson v. Ketchikan Credit Bureau, Inc. &amp; Alaska Nat'l Ins. Co.</i>	Pro se	Yes	<i>susp. awaiting stip. of no juris.</i>
07-018	5/3/07	Appeal	<i>Sushi Garden, Inc. v. Cummings &amp; Alaska Nat'l Ins. Co.</i>	Yes	Cum'ngs Yes ANIC:Yes	<i>Not'd default, pend. settlemt</i>
07-019	5/3/07	Mot. Ex.Rev	<i>Pacific Log &amp; Lumber &amp; Alaska Nat'l Ins. Co. v. Carrell</i>	Yes	Pro se	<i>Mot. ex. rev. denied</i>
07-020	5/8/07	Appeal	<i>Chugach Eareckson Support Serv. &amp; Zurich Am. Ins. Co. v. Stokes</i>	Yes	Yes	<i>Settled, pend. dismissal</i>
07-021	5/16/07	Appeal	<i>Shehata v. Salvation Army &amp; N. Adjusters</i>	Yes	Yes	<i>aff'd bd, appealed awaiting record</i>
07-022	5/18/07	Appeal	<i>Cameron v. Tab Electric &amp; Liberty Nw. Ins. Co.</i>	Pro se	Yes	<i>grnt mot x-appeal, briefing</i>
07-023	5/21/07	Appeal	<i>University of Alaska v. Hogansen</i>	Yes	Pro se	<i>aff'd, modified</i>
07-024	5/23/07	Appeal	<i>Gauthier, d/b/a St. Mary's Assisted Living Home vs. Alaska Workers' Comp. Div.</i>	Yes	AGO	<i>dismissed late appeal</i>
07-025	5/25/07	Appeal	<i>Coalition, Inc. v. Alaska Workers' Comp. Div.</i>	Yes	AGO	<i>reversed board, remand rehrgr</i>
07-026	6/11/07	Appeal	<i>Berean v. Coleman Bros Timber Cutting, Inc. &amp; Liberty Nw Ins. Co.</i>	Pro se	Yes	<i>dismissed late appeal</i>
07-027	6/13/07	Appeal	<i>Bah v. Trident Seafoods, Corp. &amp; Liberty Nw Ins. Co.</i>	Pro se	Yes	<i>affirmed board</i>
07-028	6/27/07	Appeal	<i>Municipality of Anchorage v. Faust</i>	Yes	Yes	<i>heard</i>
07-029	7/25/07	Appeal	<i>Univ. of Alaska Fairbanks &amp; UAF Risk Mgmt v. Hollifield</i>	Yes	Yes	<i>dismissed voluntarily</i>
07-030	8/6/06	Appeal	<i>Village Inn Rest., Spenard Inns, Inc. &amp; Liberty Nw Ins. Co. v. Davis, S. Vendetti, Vendetti's Inc., &amp; Alaska Workers' Comp. Benefits Guar. Fund</i>	Yes	Davis:Yes Vendetti: Yes AWCBF: No	<i>mtn to stay partially granted, briefing</i>
07-031	8/7/07	Appeal Mot Ex.Rev	<i>Augustyniak v. Carr Gottstein Foods, Co., Safeway, Inc.</i>	Pro se	Yes	<i>mtn for lay rep denied, appeal allowed as late mot. ex. rev., mot. den.</i>
07-032	8/27/07	Appeal	<i>Velderrain v. Alaska Workers' Comp. Div.</i>	Pro se	AGO	<i>mtn late app grtd (not late) briefing</i>
07-033	8/28/07	Appeal	<i>Alaska Commercial Co. &amp; Liberty Nw Ins. Co. v. Coulson</i>	Yes	Pro se	<i>mtn to stay den., settled</i>
07-034	9/7/07	Mot. Ex.Rev	<i>Pietro v. Unocal Corp.</i>	Yes	Yes	<i>settled, dismissed</i>

Docket number	Date filed	Case type	CASE TITLE	App'nt att'y	App'ee att'y	Result/Status
07-035	9/10/07	Appeal	<i>Talcott v. Municipality of Anchorage</i>	Pro se	Yes	<i>notice of default</i>
07-036	9/13/07	Appeal	<i>Schouten v. Alaska Ind. Hardware &amp; AIG Claims Serv.</i>	Yes	Yes	<i>briefing</i>
07-037	9/26/07	Appeal	<i>P.Pietro v. Unocal Corp.</i>	Yes	Yes	<i>susp. pending board action</i>
07-038	10/9/07	Appeal	<i>K. Cameron v. Tab Electric &amp; Liberty Nw Ins. Co.</i>	Pro se	Yes	<i>briefing</i>
07-039	10/10/07	Appeal	<i>Anchorage Sch. Distr. v. Carswell</i>	Yes	Pro se	<i>dismissed voluntarily</i>
07-040	10/24/07	Appeal	<i>Rodda Paint Co. &amp; Wausau Ins. Co. v. Inscho</i>	Yes	Yes	<i>susp. pending settlement</i>
07-041	10/25/07	Appeal	<i>Moore v. Afognak Native Corp. &amp; Zurich Am. Ins. Co.</i>	Yes	Yes	<i>hearing date pending</i>
07-042	11/5/07	Appeal	<i>Agrium U.S. Inc. &amp; ACE Am. Ins. Co. v. Helselius</i>	Yes	Yes	<i>susp., pending settlement</i>
07-043	11/20/07	Appeal	<i>Alaska R &amp; C Commc'ns, LLC v. Alaska Workers' Comp. Div.</i>	Yes	AGO	<i>briefing</i>
07-044	11/30/07	Appeal	<i>I. Moore d/b/a I. Moore Research v. Alaska Workers' Comp. Div.</i>	Pro se	AGO	<i>briefing</i>
07-045	11/30/07	Appeal	<i>Tire Distrib. Sys., Inc. &amp; Travelers Prop. Cas. Co. of Am. v. Chesser</i>	Yes	Yes	<i>briefing</i>
07-046	11/30/07	Appeal	<i>Terrasond, Ltd. &amp; Alaska Nat'l Ins. Co. v. Iversen</i>	Yes	Yes	<i>settled &amp; dismissed</i>
07-047	12/3/07	Appeal	<i>Soldotna Elks Lodge #2706 &amp; Alaska Nat'l Ins. Co. v. Koerber</i>	Yes	Pro se	<i>settled &amp; dismissed</i>
07-048	12/17/07	Appeal	<i>O'Hara v. Carr Gottstein Foods Co., Safeway Inc.</i>	Yes	Yes	<i>briefing</i>
07-049	12/17/07	Appeal	<i>Giles v. Alaska Workers' Comp. Div.</i>	Pro se	AGO	<i>record prep.</i>

**APPENDIX 2 TABLE OF 2007 PUBLISHED DECISIONS**

DECISION NO.	APPEAL NO.	TITLE	DAYS TO DECISION	DECISION/APPEALED
24	06-034	Conam Constr. v. Bagula et al	29	Denied motion to stay, (settled & dismissed 8/7/07)
25	06-018	Khan v. Adams & Assoc	29	Indigent status granted on reconsideration
26	06-037	Chena Hot Springs v. Elliott	14	denied motion for extraordinary review
27	06-033	Olafson v. State, Dep't of Transp. & Pub. Facilities	31	granted motion for extraordinary review
28	06-036	Sourdough Express, Inc. v. Barron	28	granted motion for extraordinary review
29	05-007	Tonoian v. Pinkerton Security	84	affirmed board denial of claim as time barred
30	06-011	Wolford v. Hanson	77	reversed board on due process grounds, remanded for rehearing
31	06-038	Wolf Dental Servs. Inc. v. Randall Wolf	44	dismissed no jurisdiction - order issued 12/28/06 and published final dec.2/2/07
32	07-001	State, Dep't of Corr. v. Dennis	16	denied motion for recusal for cause
33	06-015	Barrington v. Alaska Commc'n Sys. Group, Inc.	90	affirmed board denial of physician's claim on different grounds, APPEALED TO THE SUPREME COURT, ARGUMENT HEARD
34	06-042	ENCO Heating v. Estate of Borgens	19	denied motion for extraordinary review
35	05-005	Morgan v. Alaska Reg'l Hosp.	54	affirmed board decision denying claims
36	07-001	State, Dep't of Corr. v. Dennis	49	denied motion for extraordinary review
37	06-010	T. Smith v. CSK Auto, Inc.	36	affirmed the board's denial of Smith's petition to set aside his settlement agreement – APPEALED TO SUPREME COURT, BRIEFING
38	06-040	Kuukpik Arctic Catering v. Harig	25	denied motion for extraordinary review
39	07-002	Thoeni v. Consumer Electronic Servs.	31	appeal dismissed no jurisdiction
40	06-009	Alaska Airlines v. Nickerson	89	reversed, insufficient record, vacated board decision remanded for rehearing
41	07-009	Hope Community Res. v. Rodriguez	43	granted motion for extraordinary review – board decision was final
42	06-026	Kim v. Alyeska Seafoods, Inc.	75	affirmed board's dismissal of time-barred claim APPEALED TO SUPREME COURT, ARGUMENT PENDING
43	07-007	Sellers v. State, Dep't of Ed. & Early Childhood Development	31	granted motion for extraordinary review
44	06-021	Walsh v. Robert D. Mauer, D.D.S.	74	affirmed the board's denial of claim
45	06-022	Geister v. Kids Corps	85	affirmed in part, reversed in part, remanded
46	06-024	Northstar Earthmovers v. Sanders et al.	86	affirmed in part, reversed in part, remanded
47	07-019	Pacific Log v. Carroll	46	denied motion for extraordinary review
48	06-017	North Slope Borough v. Wood, SIF	91	reversed board decision, remanded for rehearing
49	06-030	Kelly v. State, Dep't of Corr.	98	affirmed on other grounds – APPEALED TO SUPREME COURT *delayed due to commissioner absence from state, parties notified of delay
50	06-027	J. Smith v. Anchorage Sch. Distr.	89	affirmed board denial of claim
51	07-026	Berean v. Coleman Bros. Timber Cutting, Inc.	37	motion to allow late appeal denied, lengthy decision explaining standards applied
52	07-024	Gauthier v. State, Div. of Workers' Comp.	59	motion to allow late appeal denied
53	06-029	Omar v. Unisea, Inc.	76	reversed board denial of claim as time-barred, affirmed board denial of other claims
54	06-041	McGahuey v. Whitestone Logging, Inc.	34	reversed board denial of claim as lacking evidence in record to support findings
55	06-035	James A. Sullivan, Inc. v. Hogan	77	affirmed board grant of reemployment benefits – APPEALED TO THE SUPREME COURT
56	06-032	Hansen v. McHoes	89	affirmed board denial of claim on different grounds
57	06-018	Khan v. Adams & Assoc.	27	Dismissed appeal for failure to prosecute appeal – repeated lack of compliance with briefing deadlines. Motion for reconsideration denied 11/20/07, APPEALED, FILING PENDING

Decision Number	Appeal Number	Title	Days to Decision	Result/Appeal
58	07-003	Municipality of Anchorage v. Rehbock & McKinney	73	reversed board award of attorney fee based on "benefit" of a refused settlement offer
59	06-017	North Slope Bor. v. Wood & SIF	28	reconsideration denied, but calculation error corrected
60	06-031	Walters v. Crazy Horse, Inc.	89	board decision denying benefits for deflated implant affirmed APPEALED TO SUPREME COURT, STAYED SETTLED
61	06-033	Olafson v. State, Dep't of Transp. & Pub. Facilities	90	reversed board decision and remanded for rehearing on whether SIME report reflects partiality
62	06-039	Guys With Tools Ltd v. Thurston	90	vacated board decision, remanded for rehearing – LATE-FILED PETITION FOR REVIEW GRANTED 3/5/08
63	07-021	Shehata v. Salvation Army	58	affirmed board penalty against employee for misrepresentation APPEALED, AWAITING RECORD
64	07-031	Augustyniak v. Carr Gottstein Safeway	32	denied motion to allow lay person as "attorney in fact", but allowed lay assistant and granted motion to allow late filed Motion for Ex. Rev.
65	07-032	Velderrain v. State, Div. of Workers' Comp.	29	granted motion to allow appeal, not late
66	07-005	Witbeck vs. Superstructures, Inc.	89	affirmed board decision denying medical trans. costs to Seattle, consult fee, on different grounds
67	07-004	Peratrovich vs. Quality Asphalt Paving	90	affirmed board decision denying claim
68	07-012	Voorhees Concrete Cutting vs. Monzulla	90	affirmed in part, reversed in part, remanded
69	06-036	Sourdough Express, Inc. vs. Barron	90	reversed in part, affirmed in part remanded
70	07-016	Martin vs. Nabors Alaska Drilling, Inc	90	affirmed board decision denying claim for coverage of motorcycle accident in California
71	07-025	Coalition, Inc. vs. State, Div. of Workers' Comp.	78	vacated board decision (witness not sworn)
72	07-008	DeNino vs. Yukon Flats Sch. Distr.*	50	<b>Heard in 2008.</b> Affirmed board denial of claim of injuries from carbon monoxide exposure
73	07-027	Bah vs. Trident Seafoods Corp.*	29	<b>Heard in 2008.</b> Board denial of petition for Second Ind. Med. Eval. affirmed
74	07-023	Univ. of Alaska Fairbanks v. Hogenson	83	affirmed board's denial of employer's petition to dismiss claim as untimely, with modification

*Shaded areas indicate decisions issued in 2008, although the cases decided were heard in 2007.*

*\*Two cases heard in 2008 are included to preserve the sequence of decision numbers.*