

Alaska Workers' Compensation Appeals Commission

ANNUAL REPORT FOR CALENDAR YEAR 2010

Submitted to the Office of the Lieutenant Governor
March 15, 2011



Alaska Workers' Compensation Appeals Commission

1016 W. Sixth Ave., Suite 405

Anchorage, AK 99501

Tel: 907-269-6738

awcac.clerk@alaska.gov

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Annual Report for CY 2010

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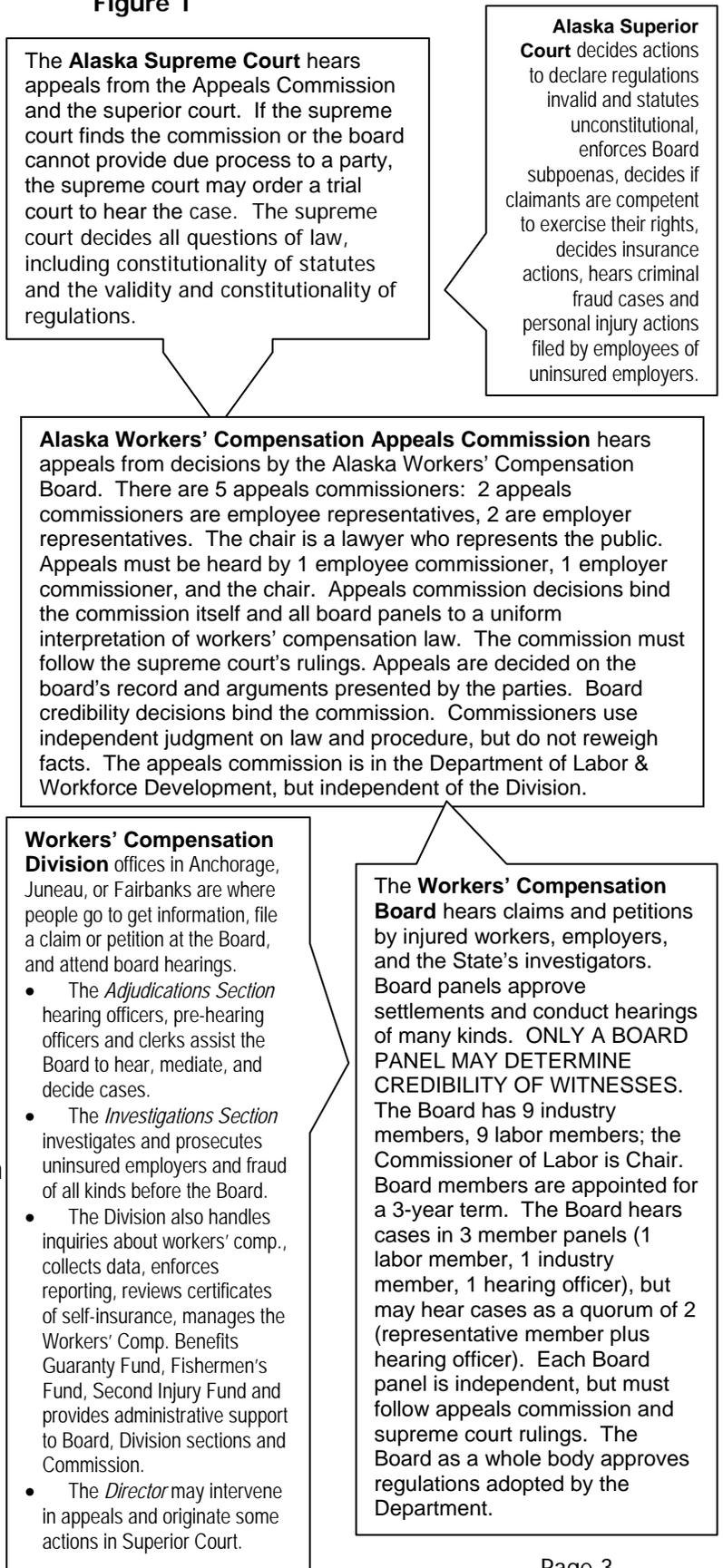
INTRODUCTION

The Alaska Workers' Compensation Appeals Commission is charged with providing fair, prompt, and thoughtful adjudication of appeals from the Alaska Workers' Compensation Board. An appeal to the commission is a formal administrative appeal and appeal decisions must be published. 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.

Figure 1 in the next column illustrates the place of the commission in the workers' compensation adjudication system.

The commission chair has certain duties prescribed by law. One of the chair's duties is to make available to the public and file with the lieutenant governor a report regarding the commission's activity for the prior calendar year, including data regarding time periods between initial receipt and final decisions on appeals, not later than March 15th of each year. This report is filed to satisfy that duty.

Figure 1



COMMISSIONERS

The appeals commission consists of five members: four representative members and the chair. Each representative member must 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 in the Office of Administrative Hearings 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.

The appeals commissioners' five-year terms are staggered, so a seat on the commission falls vacant every year. Because every appeal is heard by a full, balanced panel, and panelists may not hear cases if they have a connection with a party, avoiding vacancies is a concern of the commission.

The members of the appeals commission are, in order of expiration of term:

Stephen T. Hagedorn, employer representative, retired from the Alaska Railroad Corporation in June 2009 after a 34-year career, the last 24 years as the corporate Risk Manager. He was appointed to the Alaska Workers' Compensation Board in 1991 as a member for industry by Governor Walter Hickel, reappointed twice by Governor Tony Knowles, and reappointed in 2006 by Governor Frank Murkowski (15 years service on the Board). He has a B.A. in history from the University of Northern Iowa. Appointed by Governor Sarah Palin in March 2007 to a five-year term. **His term expires on March 1, 2012.**

David W. Richards, employee representative, is a retired member of the Carpenters' Union Local 2247 and a current member of Laborers' Local 341. He served as a member for labor on the Alaska Workers' Compensation Board in Juneau until 1991. He was appointed to a five-year term in March 2008. **His term expires on March 1, 2013.**

Philip Ulmer, employer representative, is a Certified Workers' Compensation Professional, currently employed as Sr. Manager of Safety and Workers' Compensation for GCI. He is a previous national president of the 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 was member for industry on the Alaska Workers' Compensation Board. He was reappointed to a five-year term in March 2009. **His term expires on March 1, 2014.**

Jim Robison, employee representative, 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 under Governor William Sheffield. He has served as a member for labor on the Alaska Workers' Compensation Board. Appointed by Governor Frank Murkowski to a one-year term in November 2005, reappointed to a five-year term in 2006, and reappointed to another five-year term in 2011 by Governor Sean Parnell. **His term expires on March 1, 2016.**

Laurence P. Keyes was appointed as chair of the commission by Governor Sean Parnell on February 2, 2010.

Mr. Keyes took office on March 1, 2010. He was appointed to a five-year term. Mr. Keyes resides in Anchorage. He has practiced law in Kodiak and Anchorage since 1982. Since 1990, he has specialized in litigation of bodily injury and property damage claims, including workers' compensation claims. Keyes also served as an arbitrator of personal injury claims and as an adjunct professor at the University of Alaska Anchorage Justice Center, lecturing in Maritime and Fisheries Law. He received his LL.M. in maritime law from the University of London in 1988, his J.D. *magna cum laude* from Gonzaga University in 1981, and his B.A. in philosophy from the University of Wisconsin-Madison in 1970. **His term expires on March 1, 2015.**

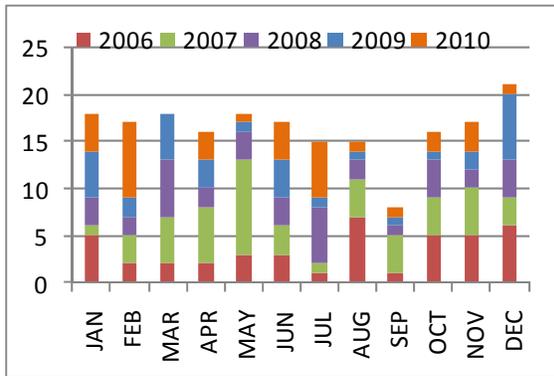
APPEALS COMMISSION CASES

▪ Cases Filed in 2010

The commission docketed 34 new cases in calendar year (CY) 2010. In addition to the cases docketed in 2010, the commission began 2010 with 22 cases on its docket, 1 filed in 2006 (remanded by the Supreme Court), 3 filed in CY 2008, and 18 filed in CY 2009. At the end of CY 2010, the commission had 21 cases on the docket, 1 filed in CY 2008, 2 filed in CY 2009, and 18 filed in CY 2010.

There is substantial seasonal variation in filing of appeals, as shown in Figure 2.

Figure 2



▪ Case Closure Rate

The current average time from filing a case to final decision is 327 days. The commission continues to close most cases within one year. Twenty-two (22) cases were on the docket at the beginning of CY 2010. Only 3 of these 22 remained on the docket at the end of 2010, 1 due to delay in 2009 for the

superior court to act on a guardian *ad litem* appointment for a pro se appellant and then due to brief deficiencies and requests for extensions of time by the guardian *ad litem*, 1 because the parties requested delays, and 1 due to the change in commission chair which caused a delay in hearing a motion for stay and then the parties requested delays. Of the 34 cases filed in CY 2010, 18 remained open on January 1, 2011.

Taken together, this means that 62% of the cases that appeared on the 2010 docket were closed in 2010. The closure rate for cases filed and closed in 2010 was 47%.

▪ 2010 Commission Docket

The commission's complete CY 2010 docket is found at Appendix A.

Figure 3 shows the number of active cases on the commission docket at the end of each month, the new cases filed, and production by the commission, from January 2010 through December 2010.

Figure 3

Month	Active Cases on Docket	New Cases Filed	Hearings Held	Decisions	Orders	Default Notices
Jan	26	4	3	1	7	0
Feb	32	8	3	1	14	0
Mar	25	0	2	4	22	1
Apr	27	3	1	2	12	1
May	22	1	0	1	10	2
Jun	24	4	3	1	12	0
Jul	26	6	3	0	16	0
Aug	26	1	2	1	12	2
Sep	26	1	2	1	8	0
Oct	26	2	1	1	11	1
Nov	26	3	1	1	13	1
Dec	21	1	2	4	9	0
Totals		34	23	18	146	8

- **Indigent Participants**

In CY 2010, the commission granted one of three motions to waive filing fees due to indigence. The commission granted five out of five motions for exemption from payment of transcript costs due to indigence. One indigent was granted partial exemption. In 2010, the commission paid \$3,244 for transcripts of board hearings in indigents' appeals before the commission, and \$197.50 for a transcript of another board hearing for the commission's use.

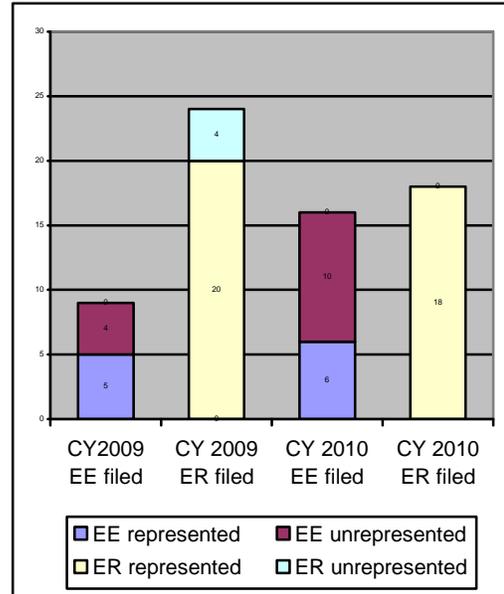
- **Attorney Representation**

Self-represented employees filed 10 of the 34 cases in CY 2010. In all of the appeals filed by self-represented employees, the opposing party was represented by counsel. Six (6) cases were filed by employees represented by counsel.

The remaining 18 appeals or motions for review were filed by employers or other parties who were represented by counsel. In most of these cases the employee was represented. In 4 of these cases the employee was self-represented.

Figure 5 compares represented to unrepresented appeal participants. The number of appeals filed by self-represented employees increased by 6 in 2010 from 2009. The number of represented employees increased by one compared to 2009.

Figure 5



APPEALS COMMISSION DECISIONS

- **Published Decisions**

In 2010, 18 published decisions were issued by the end of the reporting period. Appendix B lists the commission's 2010 published decisions, with days to decision and appeals to the Alaska Supreme Court noted. Decisions issued in 2010 on cases heard in 2009 are also listed in Appendix B.

The CY 2010 average time from oral argument (or close of briefing if no hearing was held) to decision distribution for decisions issued in 2010 is 82 days, well within the statutory allowance of 90 days. Notice was given to the parties in cases requiring delays of more than 90 days owing to absence of commissioners during deliberation or draft circulation.

- **Orders on Motions**

The commission held 23 hearings in 2010, but not all were hearings of oral argument on an appeal. Not all hearings resulted in a published decision.

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 transcription costs and/or filing fees due to 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.

Most motions are decided without a formal hearing. Unless the commission's 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 146 unpublished orders of various types during CY 2010, a 16% increase from CY 2009.

One case filed in CY 2010 called for appointment of a chair *pro tem* due to the commission chair's term ending. The chair *pro tem* was drawn from the Office of Administrative Hearings. In addition, while the chair was absent in July 2010, a part-time *pro tem* was

appointed to continue issuing minor orders and conduct hearings as needed.

- **Case Resolution**

Eighteen (18) cases on the CY 2010 docket were closed in 2010 following a decision on the merits. In addition to cases closed by decisions on the merits, 7 cases were closed by order of dismissal due to settlement, 2 were voluntarily dismissed by the appellant without settlement, and 4 were dismissed after notice of default due to failure to prosecute. One (1) case was a late-filed appeal that was denied. See Appendix A, the list of cases on the 2010 commission docket, contains notes on case results and status.

SUPREME COURT ACTION

Eight (8) commission decisions or orders were appealed to the supreme court in CY 2010 and 1 in CY 2011. Two (2) appeals filed in CY 2010 have settled and 1 is stayed pending settlement. Appendix B, the list of 2010 published commission decisions, contains notes indicating which CY 2010 published decisions were appealed. Two (2) appeals filed in CY 2009 settled in CY 2010. Appendix A, the list of cases on the 2010 commission docket, contains notes indicating other decisions or orders that were appealed to the supreme court.

Seven (7) commission decisions presently await a supreme court decision on appeal, including two

appeals filed in 2009, four appeals filed in 2010, and 1 appeal filed in 2011.

The supreme court decided three appeals on commission decision in CY 2010. *Shehata v. Salvation Army*, 225 P.3d 1106, reversing in part the commission's decision affirming the board's reimbursement order, affirming that part of the commission's decision requiring Shehata to repay one week of benefits, and reversing the commission's decision awarding attorneys fees for the appeal; *Rivera v. Wal-Mart Stores, Inc.*; Supreme Ct. Slip Op. No. 6537, affirming the commission's decision affirming the board's decision; and *DeNino v. Yukon Flats School District*, Memorandum Opinion and Judgment No. 1362, affirming the commission's decision affirming the board's decision.

The supreme court also issued an opinion on a board decision appealed through the superior court prior to the commission's existence, *Pietro v. Unocal Corporation*, 233 P.3d 604, affirming the board's finding that Unocal rebutted the presumption of compensability, vacating the board's decisions denying Pietro's claims and remanding to the board to make appropriate findings regarding whether Pietro proved his claims by a preponderance of the evidence.

REGULATION CHANGES

In CY 2010, the commission focused on revising its regulations. The regulations were updated and revised to clarify commission procedures

particularly to make them more user-friendly for self-represented litigants. The commission began the process of updating its procedural regulations in June of 2010. After public notices and periods for public comment ending in 2010, the commission adopted changes to its regulations in a formal public meeting on February 22, 2011. The Lieutenant Governor filed the commission's regulation revisions on February 25, 2011, effective on March 27, 2011.

APPENDIX A: 2010 APPEALS COMMISSION DOCKET

Docket number	Date filed	Case type	Case Title	App'nt att'y	App'ee att'y	Result/Status
06-039	12/18/06	Appeal	<i>Guys With Tools, Inc. v. Thurston</i>	YES	YES	2009 supreme ct. remanded with inst. to remand to bd., comm'n order on remand, 12/8/9009. Comm'n order on motion for att'y fees in 2010
07-008	3/20/07	Appeal	<i>DeNino v. Yukon Flats School District</i>	NO	YES	Supreme ct. MOJ aff'd comm'n dec. in 2010
07-021	5/16/07	Appeal	<i>Shehata v. Salvation Army</i>	YES	YES	Supreme ct. rev'd in part, aff'd in part, rev'd comm'n dec. awarding att'y fees. Comm'n returned jurisdiction to bd. on 4/13/2010
07-041	10/25/07	Appeal	<i>Moore v. Afognak Native Corp.</i>	YES	YES	12/24/09 supreme ct. dismissed appeal on parties' notice of joint agreement. Comm'n returned jurisdiction to bd. on 3/15/10
08-014	5/7/08	Appeal	<i>McCullough v. Job Ready Inc.</i>	NO	YES	Multiple applt extensions, appeal suspended for super. ct. appt'd guardian. Appeal resumed, many br. deficiency notices for applt by guardian for opening br., multiple extensions for applt by guardian for reply br., briefing completed 1/25/11, dec. pending
08-020	7/17/08	Appeal	<i>McKenzie v. Assets, Inc.</i>	NO	YES	2009 appealed to supreme ct., multiple stays, briefing stage
08-022	7/23/08	Appeal	<i>McGahuey v. Whitestone Logging, Inc.</i>	NO	YES	Appealed to supreme ct., briefing stage
08-032	8/6/09	Appeal	<i>Voorhees Concrete Cutting v. Monzulla</i>	YES	YES	2009 appealed to supreme ct., ripe for dec.
08-034	11/28/08	Appeal	<i>Lewis-Walunga and Soule v. Municipality</i>	YES	YES	2009 pet. for review filed with supreme ct., pet. granted, appeal ripe for dec.
08-035	12/8/08	Appeal	<i>Griffiths v. Andy's Body and Frame, Inc.</i>	YES	YES	2009 appealed to supreme ct., dismissed on parties' stip. On 2/16/2010 the comm'n dismissed appeal on parties' stip. to dismiss due to settlement
08-038	12/31/08	Appeal	<i>Gibson v. Arco Alaska, Inc.</i>	YES	YES	Aff'd and modified, aff'd, vacated and remanded to bd.
09-003	1/29/09	Appeal	<i>Reeder v. Municipality</i>	YES	YES	2009 appealed to supreme ct., 2011 supreme ct. dismissed appeal on parties' stip.
09-004	1/30/09	Appeal	<i>State, Dep't of Educ. v. Ford</i>	YES	YES	2010 appealed to supreme ct., appeal dismissed 1/20/11
09-005	1/30/09	Appeal	<i>Rivera v. Wal-Mart Stores, Inc.</i>	YES	YES	Supreme ct. aff'd comm'n dec. on 2/11/11

Docket number	Date filed	Case type	Case Title	App'nt att'y	App'ee att'y	Result/Status
09-007	2/03/09	Appeal	<i>City of Kenai v. Watson, Rust, Hensler</i>	YES	NO, NOYES	<i>Aff'd in part, rev'd in part, vacated in part and remanded to bd.</i>
09-012	3/31/09	MER	<i>Alaska Gen. Seafoods, v. Turpin</i>	YES	YES	<i>Settlement approved. Appeal dismissed for want of prosecution</i>
09-014	4/15/09	MER	<i>Providence Health System v. Hessel</i>	YES	NO	<i>2010 appealed to supreme ct., dismissed as settled 9/2/10</i>
09-015	4/20/09	Appeal	<i>Municipality of Anchorage v. Mahe</i>	YES	YES	<i>Vacated, modified, and remanded to RBA</i>
09-016	5/13/09	Appeal	<i>Strong v. Chugach Elec. Ass'n, Inc.,</i>	YES	YES	<i>Comm'n remanded to bd. for clarification, retained jurisdiction. Comm'n suspended appeal proceedings per parties' request to settle, comm'n resumed and dismissed appeal</i>
09-018	6/02/09	Appeal	<i>Lowes HIW v. Anderson</i>	YES	YES	<i>Aff'd and modified, rev'd and modified, vacated and remanded to bd.</i>
09-019	6/08/09	Appeal	<i>H & H Contractors, Inc. v. Onigkeit</i>	YES	YES	<i>Appealed to supreme ct., stayed pending settlement 12/20/10</i>
09-023	9/25/09	Appeal	<i>Estate of Frank Dinello, d/b/a Alaska N. Country Enterprises v. Alaska Workers' Comp. Benefits Guar. Fund</i>	YES	YES	<i>Settlement approved, appeal dismissed for failure to prosecute</i>
09-024	10/15/09	Appeal	<i>Roberts d/b/a K Supply Co. v. State, Workers' Comp. Div.</i>	NO	YES	<i>Dismissed for failure to prosecute</i>
09-025	11/02/09	Appeal	<i>Landry v. Trinion Quality Care Servs., Inc.</i>	YES	YES	<i>Affirmed bd. dec.</i>
09-027	12/08/09	Appeal	<i>M-K Rivers v. Harris</i>	YES	YES	<i>Dec. issued 3/4/11, rev'd, aff'd, and remanded.</i>
09-028	12/11/09	Appeal	<i>Mayflower Contract Servs., Inc. and Travelers Ins. Co. v. Redgrave</i>	YES	NO	<i>Aff'd in part, rev'd in part, vacated in part and remanded to bd.</i>
09-029	12/18/09	Appeal	<i>Martin v. Nabors Alaska Drilling, Inc</i>	NO	YES	<i>Affirmed bd. dec.</i>
09-030	12/28/09	Appeal	<i>Parker v. Safeway Inc.</i>	NO	YES	<i>Affirmed bd. dec.</i>
09-031	12/29/09	MER	<i>J.C. Mktg. and James Cottrell IV v. You Don't Know Jack, Inc. and Siemens</i>	YES	YES	<i>MER denied</i>
09-032	12/30/09	Appeal	<i>Uresco Constr. Materials v. Porteleki</i>	Yes	YES	<i>Oral argument heard 2/17/11, dec. pending</i>
09-033	12/31/09	Appeal	<i>Wasser & Winters Co., Inc. v. Linke</i>	YES	YES	<i>Vacated in part and remanded to bd. per instructions</i>
10-001	1/4/10	Appeal	<i>Runstrom v. Alaska Native Med. Ctr.</i>	NO	YES	<i>Oral argument heard 2/3/11, dec. pending</i>
10-002	1/20/10	Appeal	<i>Thompson v. Alyeska Pipeline Serv. Co.</i>	YES	YES	<i>Dismissed as settled</i>
10-003	1/27/10	MER	<i>ConocoPhillips Alaska, Inc. v. Hale</i>	YES	YES	<i>Dismissed as settled</i>

Docket number	Date filed	Case type	Case Title	App'nt att'y	App'ee att'y	Result/Status
10-004	1/28/10	Appeal	<i>State of Alaska, Workers' Comp. Benefits Guar. Fund v. West, Alaska Open Imaging Ctr., and Midway Auto Park Sales and Rentals</i>	YES	YES, YES	<i>2011, aff'd in part, reversed in part, and remanded to bd. with instructions, mot. for clarification</i>
10-005	2/1/10	Appeal	<i>Bechtel Group, Inc. v. House</i>	YES	YES	<i>Dismissed as settled</i>
10-006	2/3/10	Appeal	<i>Bundy v. State, Dep't of Health and Social Servs.</i>	YES	YES	<i>Aff'd in part, vacated in part and remanded to bd. with instruct., settlement agreement</i>
10-007	2/4/10	MER	<i>Cominco Alaska Exploration v. Seybert</i>	YES	YES	<i>Dismissed as settled</i>
10-008	2/8/10	Appeal	<i>Rockstad v. Chugach Eareckson Support Servs.</i>	NO	YES	<i>Aff' bd. dec. Appealed to supreme ct., briefing stage</i>
10-009	2/11/10	Appeal	<i>Milton v. UIC Construction</i>	NO	YES	<i>Aff'd bd. Appealed to supreme ct., record on appeal filed</i>
10-010	2/16/10	Appeal	<i>Pennington v. Peter Pan Seafoods</i>	NO	YES	<i>Dismissed for failure to prosecute</i>
10-011	2/22/10	MER	<i>ConocoPhillips Alaska, Inc. v. Hale</i>	YES	YES	<i>Dismissed voluntarily</i>
10-012	2/24/10	Appeal	<i>City of Seward and Alaska Mun. League/Joint Ins. Ass'n v. Hansen</i>	YES	NO	<i>2011, rev' bd.'s dec. on compensability</i>
10-013	4/5/10	Appeal	<i>Miell v. Duane Grenny Framing</i>	NO	YES	<i>Dismissed for failure to prosecute</i>
10-014	4/8/10	Appeal	<i>State, Second Injury Fund v. Tongass Business Ctr, Commerce & Industry Insurance Co., and Chartis/Northern Adjusters, Inc., and Michael Banie</i>	YES	YES, YES	<i>Order on mot. to accept late-filed appeal, 5/6/2010, denied and dismissed, appealed to supreme ct., board's 12/21/09 dec. stayed pending appeal, briefing stage</i>
10-015	4/23/10	Appeal	<i>Denny's of Alaska. v. Colrud</i>	YES	NO	<i>Oral argument heard 12/21/10, dec. pending</i>
10-016	5/11/10	MER	<i>Municipality of Anchorage v. McKitrick</i>	YES	YES	<i>MER denied. Petitions for review to supreme ct. denied</i>
10-017	6/2/10	Appeal	<i>Stonebridge Hospitality Assoc., LLC v. Settje</i>	YES	NO	<i>Oral argument/dec. pending</i>
10-018	6/10/10	Appeal	<i>Lynden Transp., Inc. v. Mauget</i>	YES	YES	<i>Oral argument pending</i>
10-019	6/28/10	MER	<i>Mow v. Peter Pan Seafoods, Inc.</i>	NO	YES	<i>Dismissed voluntarily</i>
10-020	6/29/10	Appeal	<i>Wolf v. Wolf Dental Servs., Inc.</i>	YES	YES	<i>Oral argument set for 3/15/11</i>
10-021	7/1/10	Appeal	<i>Banner Health Systems v. Flayac</i>	YES	YES	<i>Mot. for stay denied, dismissed on stip. of parties</i>
10-022	7/15/10	Appeal	<i>Brown v. Fairbanks Daily News</i>	YES	YES	<i>Dismissed as settled</i>
10-023	7/15/10	Appeal	<i>Carey v. Veco, Inc./Valdez Oil Spill</i>	NO	YES	<i>Appeal continued pending dec. on pet. for guardian of applt filed in super. ct.</i>
10-024	7/20/10	Appeal	<i>Barratt Inn Mgmt. Co., LLC v. Ngayan</i>	YES	YES	<i>Mot. for stay granted for remand to bd. for reconsideration</i>
10-025	7/22/10	Appeal	<i>Winkelman v. Wolverine Supply, Inc.</i>	NO	YES	<i>Dec. pending</i>

Docket number	Date filed	Case type	Case Title	App'nt att'y	App'ee att'y	Result/Status
10-026	7/23/10	Appeal	<i>Poland v. NAPA Brown & Sons Auto Parts</i>	YES	YES	<i>Dismissed as settled</i>
10-027	8/26/10	Appeal	<i>State, Second Injury Fund v. North Slope Borough and Wilton Adjustment Servs., and Wood</i>	YES	YES	<i>Motions for stays granted, stayed pending settlement</i>
10-028	9/8/10	Appeal	<i>ARCTEC Servs. v. Cummings</i>	YES	YES	<i>In briefing</i>
10-029	10/4/10	Appeal	<i>George Miller Constr., Inc. and Alaska Nat'l Ins. Co. v. Harborview Med. Ctr. and Lawless</i>	YES	YES, YES	<i>Stipulation for stay granted, in briefing</i>
10-030	10/21/10	Appeal	<i>Westward Seafoods, Inc. v. Abdullah</i>	YES	NO	<i>Dismissed as settled</i>
10-031	11/12/10	Appeal	<i>Failla v. Fairbanks Resource Agency, Inc.</i>	NO	YES	<i>Record preparation</i>
10-032	11/22/10	Appeal	<i>Pruitt v. Providence Extended Care</i>	NO	YES	<i>In briefing</i>
10-033	11/29/10	Appeal	<i>Hanson v. Municipality of Anchorage</i>	YES	YES	<i>Appeal dismissed, mot. for stay moot</i>
10-034	12/3/10	MER	<i>State of Alaska and Harbor Adjustment Servs. v. Greer</i>	YES	YES	<i>MER denied</i>

APPENDIX B TABLE OF 2010 PUBLISHED DECISIONS

DECISION No.	APPEAL No.	TITLE	DAYS TO DECISION	DECISION/Appealed
127	09-007	<i>City of Kenai vs. Watson</i>	90	BOARD DECISION AFFIRMED IN PART, REVERSED IN PART, VACATED IN PART AND REMANDED
128	09-016	<i>Strong vs. Chugach Electric Association, Inc.</i>	70	REMANDED FOR CLARIFICATION OF DECISION
129	09-015	<i>Municipality of Anchorage vs. Mahe</i>	89	BOARD DECISION VACATED, MODIFIED, AND REMANDED
130	09-018	<i>Lowe's HIW, Inc. vs. Anderson</i>	124	BOARD DECISION AFFIRMED AND MODIFIED, REVERSED AND MODIFIED, VACATED AND REMANDED
131	09-014	<i>Providence Health System vs. Hessel</i>	68	BOARD DECISION REVERSED AND REMANDED, APPEALED TO SUPREME COURT, SETTLED
132	09-031	<i>J.C. Marketing vs. You Don't Know Jack, Inc.</i>	33	MER DENIED
133	09-004	<i>State of Alaska, Dept. of Education vs. Ford</i>	91	BOARD DECISION REVERSED, AFFIRMED, REMANDED, REVERSED AND REMANDED, REVERSED, REVERSED, VACATED AND REMANDED. APPEALED TO SUPREME COURT, SETTLED
134	08-038	<i>Gibson vs. ARCO Alaska, Inc.</i>	119	BOARD DECISION AFFIRMED IN PART, MODIFIED IN PART, VACATED IN PART, REMANDED
135	09-019	<i>H & H Contractors, Inc. vs. Onigkeit</i>	28	BOARD DECISION VACATED AND REMANDED, AFFIRMED. APPEALED TO SUPREME COURT, STAYED PENDING SETTLEMENT
136	10-016	<i>Municipality of Anchorage vs. McKitrick</i>	20	MER DENIED, SUPREME COURT PETITIONS FOR REVIEW DENIED
137	09-025	<i>Landry vs. Trinion Quality Care Services, Inc.</i>	85	BOARD DECISION AFFIRMED
138	09-033	<i>Wasser & Winters Company vs. Linke</i>	28	BOARD DECISION VACATED IN PART AND REMANDED
139	09-029	<i>Martin vs. Nabors Alaska Drilling, Inc.</i>	82	BOARD DECISION AFFIRMED
140	10-008	<i>Rockstad vs. Chugach Eareckson Support Services</i>	65	BOARD DECISION AFFIRMED, APPEALED TO SUPREME COURT
141	09-028	<i>Mayflower Contract Services, Inc. vs. Redgrave</i>	152	BOARD DECISION AFFIRMED IN PART, REVERSED IN PART, VACATED IN PART, REMANDED
142	10-006	<i>Bundy vs. State of Alaska, Dept. of Health & Human Services</i>	88	BOARD DECISION AFFIRMED IN PART, VACATED IN PART, REMANDED
143	10-009	<i>Milton vs. UIC Construction</i>	62	BOARD DECISION AFFIRMED, APPEALED TO SUPREME COURT
144	09-030	<i>Parker vs. Safeway, Inc.</i>	68	BOARD DECISION AFFIRMED

Shaded areas indicate cases heard in 2009, but the decisions were issued in 2010