

Alaska Workers' Compensation Appeals Commission

ANNUAL REPORT FOR CALENDAR YEAR 2011

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INTRODUCTION

The Alaska Workers' Compensation Appeals Commission (Commission) is charged with providing fair, prompt, and thoughtful adjudication of appeals from the Alaska Workers' Compensation Board (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(4).

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

Under workers' compensation law, the **Alaska Supreme Court** hears appeals from decisions by the Alaska Workers' Compensation Appeals Commission. The supreme court decides all questions of law, including constitutionality of statutes and the validity and constitutionality of regulations.

The **Alaska Workers' Compensation Appeals Commission** hears appeals from decisions by the Alaska Workers' Compensation Board. There are 5 appeals commissioners: 2 appeals commissioners are employee representatives, and 2 are employer representatives. The chair is a lawyer. An appeal must be heard by 1 employee commissioner, 1 employer commissioner, and the chair. Commission decisions bind the Commission itself and all Board panels to a uniform interpretation of workers' compensation law. The Commission must follow supreme court's rulings. Appeals are decided on the Board's record and arguments presented by the parties. Commissioners use independent judgment on law and procedure, but do not reweigh facts. The Commission is in the Department of Labor and Workforce Development, but is independent of the Division of Workers' Compensation.

The **Division of Workers' Compensation** (Division) maintains offices in Anchorage, Juneau, and Fairbanks where interested parties can obtain information, file a claim, or petition at the Board, and attend Board hearings.

- The *Adjudications Section* hearing officers, pre-hearing officers and clerks assist the Board to hear, mediate, and decide cases.
- The *Investigations Section* investigates and prosecutes uninsured employers and fraud of all kinds before the Board.
- The Division also handles inquiries about workers' compensation, collects data, enforces reporting, reviews certificates of self-insurance, manages the Workers' Compensation Benefits Guaranty Fund, Fishermen's Fund, Second Injury Fund, and provides administrative support to the Board, Division sections, and Commission.

The **Alaska Workers' Compensation Board** hears claims and petitions by injured workers, employers, and the Division's investigators. Board panels approve settlements and conduct hearings of many kinds. The Board has 9 industry members, 9 labor members; the Commissioner of the Department of Labor is chair. Board members are appointed for a 3-year term. The Board hears cases in 3-member panels (1 labor member, 1 industry member, and 1 hearing officer), but may hear a case with a quorum of 2 (a representative member plus a hearing officer). Each Board panel is independent, but must follow Commission and Alaska Supreme Court rulings. The Board as a whole body approves regulations adopted by the Division.

COMMISSION MEMBERS

The Workers' Compensation Appeals Commission (Commission) consists of five (5) members: four (4) 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 (2) members represent employees and two (2) represent employers. The chair must be an attorney who has been engaged in the active practice of law for 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 Commission are, in order of expiration of term:

David W. Richards, employee representative, Eagle River, 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 as a member of the Commission to a five-year term in March 2008. **His term expires on March 1, 2013.**

Philip E. Ulmer, employer representative, Eagle River, 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 served as a member for industry on the Alaska Workers' Compensation Board. He was appointed as a member of the Commission to a four-year term in November 2005 and reappointed to a five-year term in March 2009. **His term expires on March 1, 2014.**

James N. Rhodes, employee representative, Ketchikan, is a 17-year member of the International Brotherhood of Electrical Workers Union Local 1547. He served as a member for labor on the Alaska Workers' Compensation Board

from August 2001 until March 2005. He was appointed by Governor Sean Parnell as a member of the Commission to complete a four-year term. **His term expires on March 1, 2016.**

S. T. Hagedorn, employer representative, Anchorage, 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 of service on the Board). He has a B.A. in history from the University of Northern Iowa. He was appointed by Governor Sarah Palin as a member of the Commission in March 2007 to a five-year term, and reappointed by Governor Sean Parnell to another five-year term in February 2012. **His term expires on March 1, 2017.**

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. Chair 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. He 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.**

Jim Robison, employee representative, Eagle River, was 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; and a former commissioner of the Alaska Department of Labor under Governor William Sheffield. He served as a member for labor on the Alaska Workers' Compensation Board. He was appointed by Governor Frank Murkowski as a member of the Commission 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.

During the summer of 2011, Jim Robison died from cancer. Jim was loyal to many governors and served many terms with the Board and the Commission. He is greatly missed by the Commission, as well as all those he served for many years in many capacities. **His term was due to expire on March 1, 2016.**

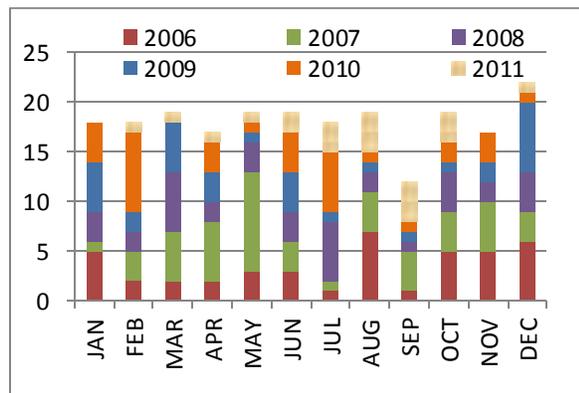
APPEALS COMMISSION CASES

■ Cases Filed in 2011

The Commission docketed 21 new cases in calendar year (CY) 2011. In addition to the cases docketed in 2011, the Commission began 2011 with 20 cases on its docket, one (1) filed in CY 2008, two (2) filed in CY 2009, and 17 filed in CY 2010. At the end of CY 2011, the Commission had 19 cases on the docket, two (2) filed in CY 2010 and 17 filed in CY 2011.

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

Figure 2



■ Case Closure Rate for Final Decisions

The current average time from the filing of an appeal to the issuance of a final decision in CY 2011 is 422 days. This number is high due to a 2008 appeal that was filed in May of 2008 and required 1070 days to issue a final decision. This appeal highly skewed the Commission's average time for numerous reasons: 1) the self-represented

appellant requested many extensions of time for various reasons; 2) the self-represented appellant petitioned the superior court for appointment of a guardian in April of 2009; 3) the superior court issued a Finding and Order of Limited Guardianship on October 30, 2009, which were not filed with the Commission until December of 2009; 4) several deficiency notices were issued by the Commission regarding the opening brief and excerpt of record filed by the appellant through her guardian *ad litem*; and 5) the appellant through her guardian filed many requests for extensions of time to file a reply brief due to the guardian's unavailability. With the removal of this appeal from the average, the Commission's average time from the filing of an appeal to the issuance of a final decision is 368 days.

Two (2) appeals filed at the end of CY 2009, also had high closure rates from the filing of the appeal to the issuance of a final decision. One (1) was due to the parties requesting a four-month stay of the appeal proceeding and the parties requesting multiple extensions of time to file their briefs. The other appeal had a high closure rate due to a delay in holding a hearing on a motion for stay due to the appointment of the new Commission chair, some requests for extensions of time to file briefs, and a request by one of the parties to postpone oral argument for approximately three months.

Another appeal filed at the beginning of CY 2010 also had a high closure rate due to the appointment of the new Commission chair which delayed ruling on a motion and multiple brief and excerpt of record deficiencies filed by the appellant. Removing these three (3) appeals from CY 2011's average time from filing an appeal with the Commission to the issuance of a final decision, changes the average number of days to 342.

Other than the above-mentioned appeals, the Commission continues to close cases within one year. Twenty (20) cases were on the docket at the beginning of CY 2011. Only two (2) of these 20 cases remained on the docket at the end of 2011, one (1) due to a delay for the superior court to act on an appointment of a guardian *ad litem* for a self-represented appellant, and one (1) due to a long delay in obtaining a complete Board record and three postponements of oral argument. Of the 21 cases filed in CY 2011, by January 1, 2012, 17 remained open and four (4) were closed.

The Commission began CY 2011 with 20 cases on the docket and 21 new cases filed in CY 2011. Taken together, 41 cases appeared on the 2011 Commission docket and 22 cases were closed, this accounts for a 54 percent closure rate for CY 2011. The closure rate for cases filed and closed in 2011 was 19 percent. This is a decrease of 40 percent from CY 2010's closure rate, primarily due to a seven-month vacancy

seat of a labor appeals commissioner. The Commission had only one labor commissioner available to handle the Commission's case load.

▪ **2011 Commission Docket**

The Commission's complete CY 2011 docket is in Appendix A. Appendix A also includes prior year Commission cases that were appealed or petitioned to the Alaska Supreme Court and contains notes on the status of those cases.

Figure 3 shows the numbers of active cases on the Commission docket at the end of each month, new cases filed each month, and other types of production by the Commission, from January 2011 through December 2011.

Figure 3

Month	Active Cases on Docket	New Cases Filed	Hearings Held	Decisions	Orders	Default Notices
Jan	19	0	0	2	8	0
Feb	17	1	2	0	7	0
Mar	13	1	0	4	8	0
Apr	11	1	1	1	5	0
May	10	1	1	1	2	0
Jun	10	2	1	2	5	0
Jul	15	3	0	0	6	0
Aug	17	4	0	1	5	0
Sep	19	4	1	0	8	0
Oct	21	3	1	1	11	1
Nov	18	0	0	0	13	0
Dec	19	1	1	1	8	0
Totals		21	8	13	86	1

▪ **Indigent Participants**

In CY 2011, the Commission granted one (1) of one (1) motion to waive a filing fee due to indigence. The Commission granted four (4) out of four (4) motions for exemption from payment of transcript costs due to indigence. One (1) indigent was granted partial

exemption. In 2011, the Commission paid a total of \$4,473.50 for transcript costs for the transcription of Board hearings in indigent appeals before the Commission.

▪ **Attorney Representation**

Self-represented employees filed eight (8) of the 21 new cases filed in CY 2011. In seven (7) of the cases filed by self-represented employees, the opposing party was represented by counsel. The remaining case was dismissed by the Commission because there was no Board decision for the employee to appeal.

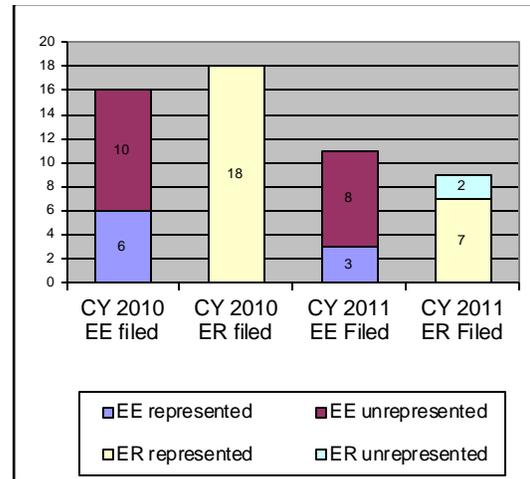
Three (3) cases were filed by employees represented by counsel with the opposing parties represented by counsel. One (1) case was filed by a rehabilitation specialist represented by counsel with the opposing party represented by counsel.

Seven (7) cases were filed by employers represented by counsel with the opposing party, the employee, represented by counsel. One (1) case was filed by an employer represented by counsel with the opposing party, the employee, not represented by counsel. Two (2) cases were filed by self-represented employers with the opposing parties represented by counsel.

Figure 5 compares represented to unrepresented participants. The number of cases filed by self-represented employees decreased by two (2) in 2011 compared to 2010. The number of cases filed by represented employees

decreased by three (3) compared to 2011.

Figure 5



APPEALS COMMISSION DECISIONS

▪ **Published Decisions**

In CY 2011, thirteen (13) Commission decisions were published by the end of the reporting period. Appendix B lists the Commission’s 2011 published decisions, with days to decision and whether the decision was appealed to the Alaska Supreme Court. Decisions published in 2011 on cases heard in 2010 are also listed in Appendix B.

The average time from oral argument (or the close of briefing, if no oral argument was held) to decision distribution for decisions published in 2011 is 70 days, well within the statutory allowance of 90 days.

▪ **Orders on Motions**

The Commission held eight (8) hearings in 2011, 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 orders on such motions provide guidance by illuminating a point of law, or are otherwise significant to the Commission's jurisprudence, these orders are not published.

In CY 2011, the Commission issued 86 unpublished orders of various types, a 59 percent decrease from CY 2010.

While the chair was absent in 2011, a part-time chair *pro tem* was appointed to continue issuing minor orders and conduct hearings as needed. The chair *pro tem* was drawn from the Office of Administrative Hearings.

▪ Case Resolution

Nineteen (19) Commission cases on the CY 2011 docket were closed; 13 Commission decisions were closed following a decision on the merits and six (6) were closed by order of dismissal due to settlement or dismissed for other

reasons. See Appendix A, for a complete list of cases on the CY 2011 Commission docket. Appendix A also includes Commission cases from prior years that were appealed or petitioned to the Alaska Supreme Court and contains notes on the status of those cases.

SUPREME COURT ACTION

In CY 2011, seven (7) Commission decisions were appealed to the Alaska Supreme Court. One (1) supreme court appeal was remanded back to the Commission because the Alaska Worker's Compensation Board found a large number of missing Board records. Another case was appealed to the supreme court then ordered to be filed as a Petition for Review because it was a remand to the Board by the Commission. The supreme court granted the Petition for Review, and reversed and remanded the Commission's decision. A nother supreme court appeal has been stayed pending further Board action. See Appendix B for a list of CY 2011 published Commission decisions, which contains notes on which 2011 published decisions were appealed to the Alaska Supreme Court.

Two (2) supreme court appeals of Commission decisions that were filed in CY 2009 were dismissed in 2011 due to settlement and two (2) appeals filed in CY 2010 were dismissed in 2011 due to settlement. Appendix A provides more information on these cases.

Five (5) Commission decisions presently await a supreme court decision

on appeal. The supreme court decided three (3) appeals on Commission decisions in CY 2011. *Rivera v. Wal-Mart Stores, Inc.*, 247 P.3d 957, affirming the Commission's decision affirming the Board's decision; *Monzulla v. Voorhees Concrete Cutting*, 254 P.3d 341, affirming the Commission's decision and stating "because discretionary review of non-final Board orders is necessarily incident to the Commission's express power to hear appeals from final Board decisions, the supreme court affirmed the commission's decision that it had jurisdiction to stay and review the Board's venue decision in this case."; and *McGahuey v. Whitestone Logging, Inc.*, 262 P.3d 613, affirming the Commission's decision affirming the Board's decision.

The supreme court issued an opinion in 2011 on a petition for review. *Lewis-Walunga v. Municipality of Anchorage*, 249 P.3d 1063, reversing the Commission's decision not to award Lewis-Walunga attorney's fees and remanding to the Commission for an appropriate attorney's fees award.

On January 18, 2012, the supreme court issued a Memorandum Opinion and Judgment on an appeal filed in 2010; Supreme Court No. S-14092, *Rockstad v. Chugach Eareckson Support Services, et al.*, affirming the Commission's decision which affirmed the Board's decision.

REGULATION CHANGES

In CY 2011, the Commission adopted new regulations for Petitions and Cross-

Petitions for Review, 8 AAC 57.073, 57.075, and 57.077. These regulations became effective on December 23, 2011.

In January of 2012, the Commission adopted a change in the regulations for 8 A AC 57.100. Applications for Stays. These regulations become effective on March 24, 2012.

APPENDIX A: 2011 APPEALS COMMISSION DOCKET¹

Docket number	Date filed	Case type	Case Title	Applt att'y	Appe att'y	Result/Status
08-014	5/7/08	Appeal	<i>McCullough v. Job Ready, Inc.</i>	NO	YES	<i>Multiple br. extensions. Appeal suspended in 2009 for super. ct. guardian appointment, appeal resumed, multiple br. deficiency notices to applt by guardian for opening br., multiple extensions to applt by guardian for reply br. Aff'd bd. dec. Applt appealed to supreme ct. on 4/12/11; appeal stayed pending bd. action.</i>
08-020	7/17/08	Appeal	<i>McKenzie v. Assets, Inc.</i>	NO	YES	<i>Appealed by applt to supreme ct. in 2009, multiple stays. Appeal dismissed as settled in 2011.</i>
08-022	7/23/08	Appeal	<i>McGahuey v. Whitestone Logging, Inc.</i>	NO	YES	<i>Appealed by applt to supreme ct. in 2010. In 2011, supreme ct. aff'd comm'n dec.</i>
08-032	8/6/09	Appeal	<i>Voorhees Concrete Cutting v. Monzulla</i>	YES	YES	<i>Appealed by appellee to supreme ct. in 2010. In 2011, supreme ct. aff'd comm'n dec.</i>
08-034	11/28/08	Appeal	<i>Lewis-Walunga and Soule v. Mun. of Anchorage</i>	YES	YES	<i>Pet. for review of order on att'y fees filed by applt with supreme ct. in 2010; pet. for review granted in 2010. Supreme court issued an opinion in 2011, reversing the order and remanding it to the comm'n. Order on att'y fees.</i>
09-003	1/29/09	Appeal	<i>Reeder v. Mun. of Anchorage</i>	YES	YES	<i>Appealed by applt to supreme ct. in 2009. Appeal dismissed on parties' stipulation in 2011.</i>
09-004	1/30/09	Appeal	<i>State, Dep't of Educ. v. Ford</i>	YES	YES	<i>Appealed by appellee to supreme ct. in 2010. Appeal dismissed in 2011.</i>
09-005	1/30/09	Appeal	<i>Rivera v. Wal-Mart Stores, Inc.</i>	YES	YES	<i>Appealed by applt to supreme ct. in 2010. Supreme ct. aff'd comm'n dec. in 2011.</i>
09-019	6/08/09	Appeal	<i>H & H Contractors, Inc. v. Onigkeit</i>	YES	YES	<i>Appealed by appellee to supreme ct. in 2010. Appeal dismissed in 2011.</i>
09-027	12/08/09	Appeal	<i>M-K Rivers v. Harris</i>	YES	YES	<i>Rev'd in part, aff'd in part, remanded in part with instruct. Appealed by appellee to supreme ct. in 2011, briefing stage.</i>
09-032	12/30/09	Appeal	<i>Uresco Constr. Materials v. Porteleki</i>	Yes	YES	<i>Bd. dec. vacated, remanded.</i>
10-001	1/4/10	Appeal	<i>Runstrom v. Alaska Native Med. Ctr.</i>	NO	YES	<i>Aff'd bd. dec. in 2011. Appealed by applt to supreme ct., oral argument set 3/28/12.</i>
10-003	1/27/10	MER	<i>ConocoPhillips Alaska, Inc. v. Hale</i>	YES	YES	<i>Dismissed as settled.</i>

¹ Also includes Commission cases from prior years that where appealed or petitioned to the Alaska Supreme Court, includes the disposition of those cases if resolved in 2011, and the current status if still pending before the supreme court.

Docket number	Date filed	Case type	Case Title	Applt att'y	Appe 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>Aff'd in part, rev'd in part, remanded with instruct.; comm'n order on mot. for clarification.</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 and remanded in part with instruct. In 2010. Order on att'y fees 2011.</i>
10-008	2/8/10	Appeal	<i>Rockstad v. Chugach Eareckson Support Servs.</i>	NO	YES	<i>Aff'd bd. dec. in 2010. Appealed by applt to supreme ct. in 2010; on 1/18/12 supreme ct. aff'd comm'n dec.</i>
10-009	2/11/10	Appeal	<i>Milton v. UIC Constr.</i>	NO	YES	<i>Aff'd bd. in 2010. Appealed by applt to supreme ct. in 2011. On 1/19/12 supreme ct. remanded to comm'n due to deficiency in bd. rec.</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>Bd. dec. rev'd.</i>
10-014	4/8/10	Appeal	<i>State, Second Injury Fund v. Tongass Bus. Ctr., Commerce & Indus. Ins. Co., Chartis/Northern Adjusters, Inc., and Banie</i>	YES	YES, YES	<i>Order on mot. to accept late-filed appeal denied and case dismissed in 2010. Appealed by applt to supreme ct. in 2010. Draft dec. circulating.</i>
10-015	4/23/10	Appeal	<i>Denny's of Alaska. v. Colrud</i>	YES	NO	<i>Rev'd bd. dec., remanded.</i>
10-017	6/2/10	Appeal	<i>Stonebridge Hospitality Assoc., LLC v. Settje</i>	YES	NO	<i>Vacated bd. dec., remanded.</i>
10-018	6/10/10	Appeal	<i>Lynden Transp., Inc. v. Mauget</i>	YES	YES	<i>Vacated bd. dec., remanded. Pet. for rev. filed by appellee to supreme ct., 1/27/12 supreme ct. granted pet. for review, rev'd comm'n dec. and remanded to comm'n.</i>
10-020	6/29/10	Appeal	<i>Wolf v. Wolf Dental Servs., Inc.</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 cont'd. 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>Dismissed as settled.</i>
10-025	7/22/10	Appeal	<i>Winkelman v. Wolverine Supply, Inc.</i>	NO	YES	<i>Rev'd in part, aff'd in part.</i>
10-027	8/26/10	Appeal	<i>State, Second Injury Fund v. North Slope Borough, Wilton Adjustment Servs., and Wood</i>	YES	YES	<i>Dismissed as settled.</i>
10-028	9/8/10	Appeal	<i>ARCTEC Servs. v. Cummings</i>	YES	YES	<i>Aff'd bd. dec. Appealed by applt to supreme ct., briefing stage.</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>Aff'd bd. dec. Appealed by applt to supreme ct.</i>
10-031	11/12/10	Appeal	<i>Failla v. Fairbanks Res. Agency</i>	NO	YES	<i>Oral argument set 3/13/12.</i>

Docket number	Date filed	Case type	Case Title	Applt att'y	Appe att'y	Result/Status
10-032	11/22/10	Appeal	<i>Pruitt v. Providence Extended Care</i>	NO	YES	<i>Rev'd bd. dec., remanded. Mot. for recons., amended comm'n dec. rev'd bd. dec., remanded. Mot for recons., comm'n dec. on recons. 1/27/12 aff'd bd. dec.</i>
10-034	12/3/10	MER	<i>State and Harbor Adjustment Servs. v. Greer</i>	YES	YES	<i>MER denied in 2010. Pet. for review filed by movants in supreme ct., pet. for review denied in 2011.</i>
11-001	2/28/11	MER	<i>Tyler Rental, Inc. v. Snow</i>	YES	YES	<i>Denied MER. Pet. for review filed by movants in supreme ct., remanded to comm'n. MER denied again. Order on att'y fees, order on req. for recons. of order on att'y fee. Pet. for review filed by movants in supreme ct., dismissed on parties' stipulation. Order on stipulation of att'y fees and costs.</i>
11-002	3/31/11	Appeal	<i>Anchorage Midtown Motel, Inc. v. State, Div. of Workers' Comp.</i>	YES	YES	<i>Aff'd in part, rev'd in part, vacated and remanded in part in Feb. 2012.</i>
11-003	4/13/11	Appeal	<i>Chenega Lodging d/b/a Hotel Clarion v. Sosa de Rosario</i>	YES	NO	<i>Bd. dec. rev'd in Feb. 2012.</i>
11-004	5/13/11	Appeal	<i>Coppe v. Bleicher and Bleicher</i>	NO	YES	<i>Oral argument pending.</i>
11-005	6/14/11	Appeal	<i>Mow v. Peter Pan Seafoods, Inc.</i>	NO	YES	<i>Comm'n order dismissing interlocutory appeal. Pet. for review filed by applt in supreme ct., pet. for review denied.</i>
11-006	6/14/11	Appeal	<i>Unocal Corp. v. Pietro</i>	YES	YES	<i>In briefing stage.</i>
11-007	7/1/11	Appeal	<i>Rosales v. Icicle Seafoods, Inc.</i>	NO	YES	<i>Oral argument pending.</i>
11-008	7/21/11	Appeal	<i>Monzulla v. Voorhees Concrete Cutting</i>	NO	YES	<i>Appeal dismissed for failure to prosecute in Feb. 2012.</i>
11-009	7/27/11	Appeal	<i>Miller, d/b/a Miller's Market v. State, Div. of Workers' Comp.</i>	NO	YES	<i>Oral argument pending.</i>
11-010	8/1/11	Appeal	<i>Perry-Plake v. State, Dep't of Fish and Game</i>	NO	YES	<i>In briefing stage.</i>
11-011	8/1/11	Appeal	<i>Titan Enter., LLC, Titan Topsoil, Inc., CCO Enter., and Christianson v. State, Div. of Workers' Comp.</i>	YES	YES	<i>In briefing stage.</i>
11-012	8/12/11	Appeal	<i>Widmer v. Mun. of Anchorage/ AFD</i>	YES	YES	<i>Oral argument pending.</i>
11-013	8/30/11	Appeal	<i>Olson v. Golden Wheel Amusement</i>	NO	NO	<i>Appeal dismissed.</i>
11-014	9/12/11	Appeal	<i>Mow v. Peter Pan Seafoods, Inc.</i>	NO	YES	<i>Comm'n docket notice for briefing. Pet. for review filed by applt in supreme ct.; pet. for review denied 1/19/12.</i>
11-015	9/21/11	Appeal	<i>Godwin Glacier Tours, LLC, Ultimate Tours, LLC, Cork, and Carter v. State, Div. of Workers' Comp.</i>	NO	YES	<i>Order to comply or show good cause.</i>

Docket number	Date filed	Case type	Case Title	Applt att'y	Appe att'y	Result/Status
11-016	9/23/11	Appeal	<i>Hutto Consulting and McAlpine v. Banner Health Sys.</i>	YES	YES	<i>In briefing stage.</i>
11-017	9/26/11	Appeal	<i>Mun. of Anchorage v. Adamson</i>	YES	YES	<i>Motion on stay of future benefits denied, briefing stage. Pet. for review filed by applt with supreme ct. of order on mot. for stay.</i>
11-018	10/7/11	Appeal	<i>Awalin v. ASRC Energy Servs., Inc. and ASRC Serv. Ctr., Inc.</i>	YES	YES	<i>In briefing stage.</i>
11-019	10/12/11	Appeal	<i>Parsons v. Craig City School Dist.</i>	NO	YES	<i>In briefing stage.</i>
11-020	10/24/11	MER	<i>Central Peninsula Gen. Hosp. v. Stroup</i>	YES	YES	<i>Appeal suspended pending new bd. dec.</i>
11-021	12/29/11	Appeal	<i>Humphrey v. Lowe's Home Improvement Warehouse</i>	YES	YES	<i>Awaiting transcript.</i>

APPENDIX B TABLE OF 2011 PUBLISHED DECISIONS

DECISION No.	APPEAL No.	TITLE	DAYS TO DECISION	DECISION/APEALED
143	10-009	<i>Milton v. UIC Construction</i>		BOARD DECISION AFFIRMED IN 2010, APPEALED TO SUPREME COURT IN 2011
145	10-004	<i>State of Alaska, Workers' Compensation Benefits Guaranty Fund vs. West</i>	105	BOARD DECISION AFFIRMED IN PART, REVERSED IN PART, REMANDED
146	10-012	<i>City of Seward vs. Hansen</i>	72	BOARD DECISION REVERSED
147	09-027	<i>M-K Rivers vs. Harris</i>	85	BOARD DECISION REVERSED IN PART, AFFIRMED IN PART, REMANDED IN PART. APPEALED TO SUPREME COURT
148	10-015	<i>Denny's of Alaska vs. Colrud</i>	79	BOARD DECISION REVERSED, REMANDED
149	10-025	<i>Winkelman v. Wolverine Supply, Inc.</i>	48	BOARD DECISION REVERSED IN PART, AFFIRMED IN PART
150	10-001	<i>Runstrom vs. Alaska Native Medical Center</i>	49	BOARD DECISION AFFIRMED, APPEALED TO SUPREME COURT
151	08-014	<i>McCullough vs. Job Ready, Inc.</i>	77	BOARD DECISION AFFIRMED, APPEALED TO SUPREME COURT
152	09-032	<i>Uresco Construction Materials, Inc. vs. Porteleki</i>	83	BOARD DECISION VACATED, REMANDED
153	10-017	<i>Stonebridge Hospitality Associates, LLC vs. Settje</i>	84	BOARD DECISION VACATED, REMANDED
154	10-018	<i>Lynden Transport, Inc. vs. Mauget</i>	51	BOARD DECISION VACATED, REMANDED. PETITION FOR REVIEW FILED WITH SUPREME COURT, COMMISSION DECISION REVERSED AND REMANDED TO COMMISSION ON JANUARY 27, 2012
155	10-028	<i>ARCTEC Services vs. Cummings</i>	57	BOARD DECISION AFFIRMED, APPEALED TO SUPREME COURT
156	10-029	<i>George Miller Construction, Inc. vs. Harborview Medical Center</i>	49	BOARD DECISION AFFIRMED, APPEALED TO SUPREME COURT
157	10-032	<i>Pruitt vs. Providence Extended Care</i>	70	BOARD DECISION REVERSED, REMANDED. BOARD DECISION AFFIRMED ON RECONSIDERATION JANUARY 27, 2012

Shaded areas indicate cases heard in 2010, but the decisions were issued in 2011.