

# Alaska Workers' Compensation Appeals Commission

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## ANNUAL REPORT FOR CALENDAR YEAR 2013

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# Alaska Workers' Compensation Appeals Commission

## Annual Report for Calendar Year 2013

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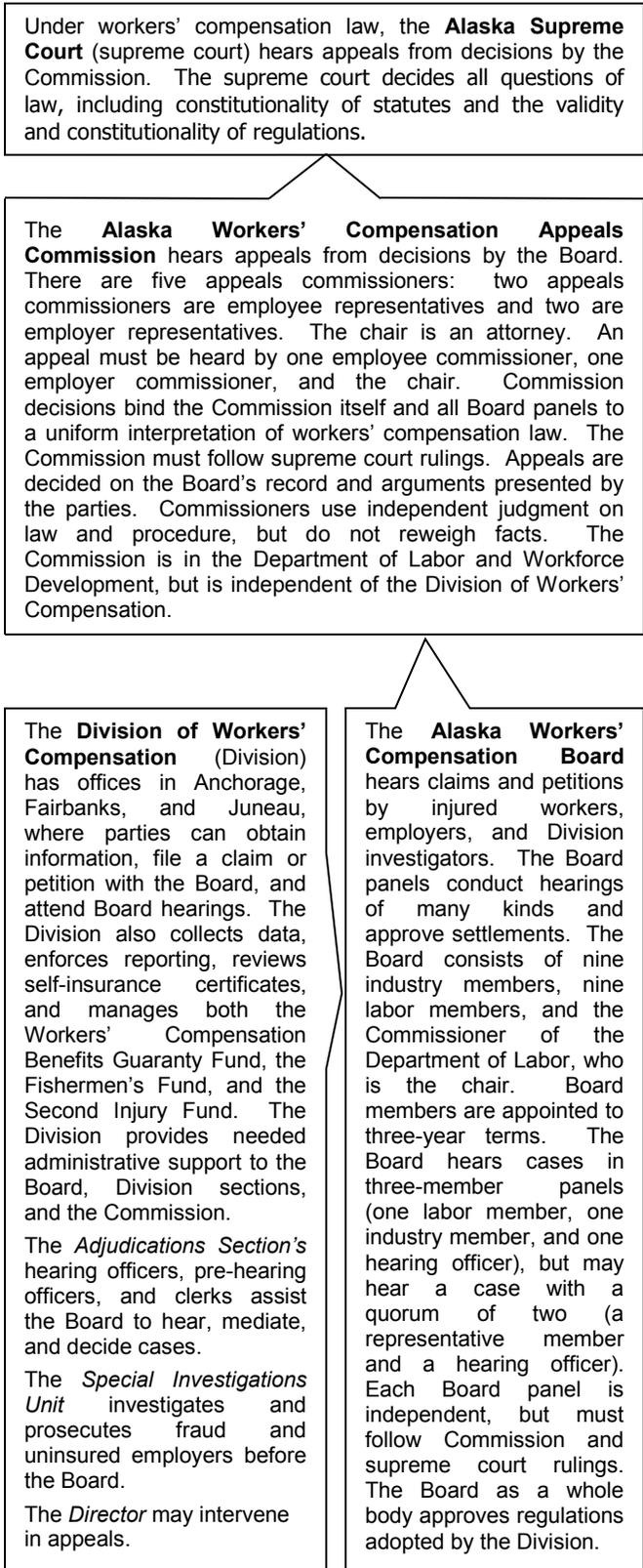
# INTRODUCTION

The Alaska Workers' Compensation Appeals Commission (Commission) is charged with providing fair, prompt, and thoughtful adjudication of appeals from decisions by 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 to file with the office of 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**



## COMMISSION MEMBERS

The 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 Board. Two members represent employees and two represent employers. The chair must be an attorney who has been engaged in the active practice of law for at least five years in 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 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:

**Laurence P. Keyes, chair**, of Anchorage, was appointed to a five-year term as the chair of the Commission by Governor Sean Parnell on February 2, 2010, and took office on March 1, 2010. 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.**

**James N. Rhodes, an employee representative**, of Ketchikan, is an 18-year member of the International Brotherhood of Electrical Workers Union Local 1547. He served as a member for labor on the Board from August 2001 until March 2005. He was appointed by Governor Sean Parnell to complete a four-year term as commissioner in 2012. **His term expires on March 1, 2016.**

**S. T. Hagedorn, an employer representative**, of Anchorage, retired from the Alaska Railroad Corporation in June 2009 after a 34-year career, with the last 24 years as Corporate Risk Manager. He was appointed as a member for industry to the Board in 1991 by Governor Walter Hickel, reappointed twice by Governor Tony Knowles, and reappointed in 2006 by Governor Frank Murkowski (15 years of Board service). He has a B.A. in history from the University of Northern Iowa. He was appointed by Governor Sarah Palin to a five-year term as commissioner in March 2007, and reappointed by Governor Sean Parnell to another five-year term in February 2012. **His term expires on March 1, 2017.**

**David W. Richards, an employee representative**, of Eagle River, is a

retired member of Carpenters' Union Local 2247 and a current member of Laborers' Local 341. He served as a member for labor on the Board in Juneau until 1991. He was appointed by Governor Sarah Palin to a five-year term as commissioner in March 2008 and reappointed by Governor Sean Parnell to a five-year term in February 2013. **His term expires on March 1, 2018.**

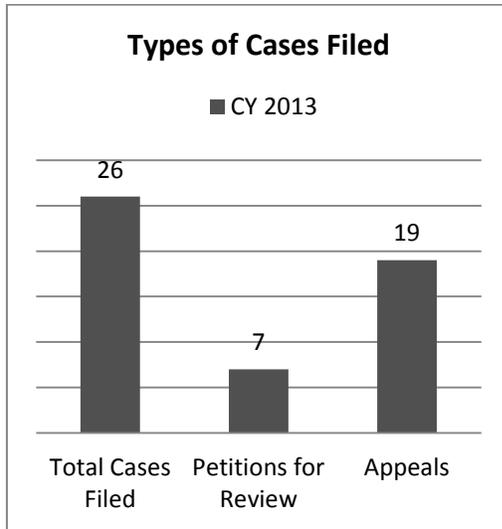
**Philip E. Ulmer, an employer representative**, of Eagle River, is a Certified Workers' Compensation Professional, currently employed as Sr. Manager of Safety and Workers' Compensation for GCI. He is a previous national president of the American Society of Safety Engineers and of the National Institute 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 Board. He was appointed by Governor Frank Murkowski to a four-year term as commissioner in November 2005, reappointed by Governor Sarah Palin to a five-year term in March 2009, and reappointed by Governor Sean Parnell to a five-year term in March 2014. **His term expires on March 1, 2019.**

# COMMISSION CASES

## Cases Filed in 2013

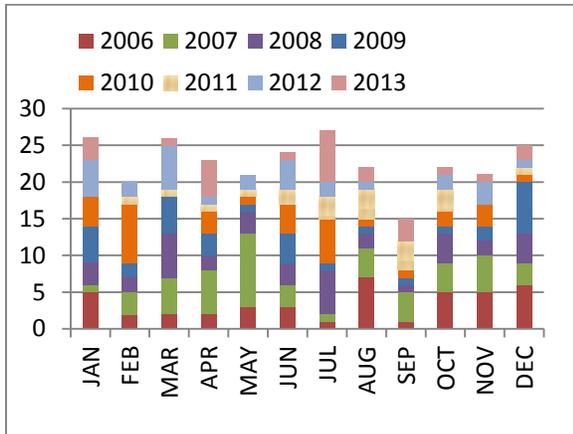
The Commission docketed 26 new cases in calendar year (CY) 2013. Figure 2 shows the types of cases filed in 2013.

**Figure 2**



There is substantial seasonal variation in the filing of appeals and petitions for review, as shown in Figure 3.

**Figure 3**



## 2013 Commission Docket

In addition to the 26 new cases docketed in 2013, the Commission began 2013 with 18 cases on its docket: one

filed in CY 2010, three filed in CY 2011, and 14 filed in CY 2012.

At the end of 2013, the Commission had 15 cases on its docket: one filed in CY 2010 and 14 filed in 2013. One case on the docket at the beginning of 2013 was still on the docket at the end of 2013, due to a pending case before the superior court regarding appointment of a guardian *ad litem* for a self-represented appellant.

Figure 4 shows the number of open cases on the Commission docket at the end of each month, the number of new cases filed each month, and other types of production in 2013.

**Figure 4**

Month	Cases on the Docket	New Cases Filed	Oral Arguments/Hearings	Decisions Issued	Orders Issued	Default Notices Issued
Jan.	20	3	1	2	2	0
Feb.	16	0	1	1	6	0
Mar.	14	1	1	3	6	0
Apr.	16	5	2	2	17	0
May	15	0	1	0	6	0
Jun.	14	1	1	2	5	2
Jul.	18	7	1	1	7	0
Aug.	15	2	1	3	14	0
Sep.	15	3	2	1	8	0
Oct.	15	1	1	0	9	0
Nov.	15	1	1	0	9	0
Dec.	15	2	0	2	5	0
<b>TOTALS</b>		26	13	17	94	2

Appendix A is the Commission's complete 2013 docket, which also includes cases from prior years that were appealed or petitioned for review to the supreme court, and contains notes on the status of those cases.

## Oral Arguments, Hearings, and Orders

The Commission held a total of 13 hearings in 2013 – seven oral arguments on appeal, two oral arguments on petitions for review, and four hearings on motions for stays. Some appeal

participants did not request oral argument.

The Commission issued orders on motions regarding such issues as extensions of time to file appeals, stays pending appeal, dismissals, waivers of filing fees and/or transcription costs due to indigence, attorney fees, clarification, reconsideration, suspension of appeal proceedings, and orders granting or denying petitions for review. The Commission chair issued orders on motions for extensions of time to file briefs, notices of default with orders to comply, and similar procedural matters. In 2013, the Commission issued 94 unpublished orders, an 18% decrease from CY 2012.

### Average Time Period for Cases Closed in 2013

In addition to the 18 cases that were on the docket at the beginning of 2013 and the 26 new cases that were filed in 2013, one CY 2011 case was reopened on the 2013 docket due to a supreme court appeal that was remanded to the Commission for further proceedings. Taken together, a total of 45 cases appeared on the 2013 Commission docket (Appendix A).

Of the 45 cases that appeared on the 2013 docket, 30 cases were closed in 2013. This resulted in a closure rate of 67% of the cases that appeared on the 2013 docket, the same rate as in CY 2012. The average time period from the date of filing to the date of closure for those 30 cases was 204 days.

Of the 26 cases filed in 2013, 12 were also closed in 2013, resulting in a closure rate of 46% for cases filed and closed in 2013. This is a decrease of 6%

compared to CY 2012. The average time period from the date of filing to the date of closure for cases that were filed and closed in 2013 was 105 days.

### Resolution of Cases in 2013

Thirty cases that were on the 2013 docket were closed. Eleven resulted in decisions on the merits appeals; one resulted in both a decision on the merits of an appeal and a decision on reconsideration; three resulted in decisions on petitions for review; and, two resulted in decisions on remand from the supreme court. Seven cases were closed due to settlement; one was dismissed voluntarily; four were petitions for review that were denied; and one was a motion for reconsideration that was denied (Appendix A).

### Indigent Participants

In 2013, the Commission granted two of three motions to waive payment of a filing fee due to indigence. There were three motions for waiver of payment of transcript costs due to indigence: one was granted and two were partially granted. In 2013, the Commission paid a total of \$2,924.50 to have Board hearings transcribed for indigent employees. Of that amount, \$985.00 was for two CY 2012 cases where waivers were granted at the end of CY 2012 and costs were paid in 2013.

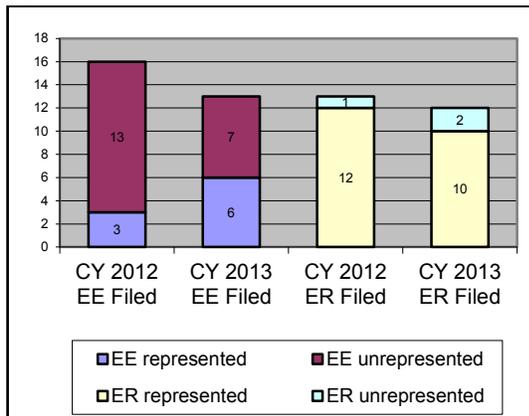
### Attorney Representation

Unrepresented employees filed seven of the 26 new cases in 2013. In the cases filed by unrepresented employees, all the opposing parties were represented by an attorney. Six cases were filed by represented employees with all of the opposing parties being represented.

Employers filed 12 cases, with two of those were filed by unrepresented employers. In all but two of those 12 cases, all of the opposing parties were represented; one had an unrepresented, non-participating service provider; and, one had an unrepresented employee. One case was filed by the Workers' Compensation Benefits Guaranty Fund, which was represented, and the employee was represented, but the unrepresented, uninsured employer did not participate.

Figure 5 compares unrepresented participants to represented participants. When compared to CY 2012, the number of cases filed by unrepresented employees decreased by six, cases filed by represented employees increased by three, cases filed by represented employers decreased by two, and cases filed by unrepresented employers increased by one.

**Figure 5**



## COMMISSION DECISIONS

### Published Decisions

In 2013, 17 Commission decisions were published. Twelve were on the merits of an appeal, one was on reconsideration, one was on remand from the supreme court, and three were

decisions on petitions for review. Appendix B is a list of the Commission's 2013 published decisions, with notes on the number of days to decision and whether the decision was appealed or petitioned for review to the supreme court.

The average time from oral argument (or record closure if oral argument was not requested) to the issuance of a decision in 2013 was 33 days, well within the statutory allowance of 90 days.

### Time Period between Initial Receipt and Decision on Appeal

As shown in Appendix B, the average time period between the initial receipt of an appeal and the issuance of a decision on the merits for cases on the 2013 docket, was 315 days. This is an average of 46 fewer days than CY 2012.

### Published Decisions – Case Resolution

The results of Commission decisions published in 2013 are summarized in Appendix B. In nine decisions on the merits of an appeal, the Commission affirmed the Board's decision (one being on remand from the supreme court). One decision the Commission reversed in part, vacated in part, and remanded to the Board; one decision the Commission affirmed in part, and vacated and remanded in part; one decision the Commission reversed in part and reversed and remanded in part; and, two decisions the Commission reversed, vacated, and remanded to the Board (one was on reconsideration).

The Commission issued three decisions on petitions for review of interlocutory decisions in 2013. The Commission does not consider the

granting or denial of a petition for review to be a decision on the merits of the challenged Board decision. Of the three decisions on petitions for review that were issued, one decision reversed the Board's decision; one reversed and remanded to the Board; and, one reversed in part and affirmed in part the Board's decision.

## **SUPREME COURT ACTION**

In 2013, four Commission decisions or orders were appealed to the supreme court. One was dismissed, leaving three 2013 Commission decisions or orders awaiting a supreme court ruling.

Three Commission decisions on petitions for review were petitioned for review to the supreme court and are awaiting decisions.

In 2013, three Commission orders where petitioned for review to the supreme court; two were denied, and one was granted and awaits a supreme court ruling.

A total of 10 Commission decisions or orders presently await a supreme court ruling: two issued in CY 2011; one issued in CY 2012; and, seven issued in 2013. See Appendix A to see which decisions or orders await supreme court rulings.

In 2013, the supreme court decided six appeals of Commission decisions.

The supreme court issued an opinion in 2013 on an appeal filed in 2010, *Pruitt vs. Providence Extended Care*, 297 P.3d 891, which affirmed the Commission's decision, which affirmed the Board's decision.

The supreme court issued an opinion in 2013 on another appeal filed in 2010,

*ARCTEC Services vs. Cummings*, 295 P.3d 916, affirming the Commission's decision, which affirmed the Board's decision.

The supreme court issued an opinion in 2013 on an appeal filed in 2011, *Sosa de Rosario vs. Chenega Lodging*, 297 P.3d 139, reversing the Commission's decision and remanding to the Commission with instructions to reinstate the board's order.

The supreme court issued an opinion in 2013 on another appeal filed in 2011, *Rosales vs. Icycle Seafoods, Inc.*, 316 P.3d 580, affirming the Commission's decision, which affirmed the Board's decision.

The supreme court issued an opinion in 2013 on an order denying stay of future benefits issued in 2012, *Municipality of Anchorage v. Adamson*, 301 P.3d 569, affirming the commission's order.

In 2013, the supreme court issued Memorandum Opinion and Judgment No. 1466 on an appeal filed in 2010, *Milton vs. UIC Construction*, affirming the Commission's decision, which affirmed the Board's decision.

## **REGULATION CHANGES**

No changes were made to the Commission's regulations during 2013.

APPENDIX A: 2013 APPEALS COMMISSION DOCKET<sup>1</sup>

Docket Number	Date Filed	Case Type	Case Title	Appellant Attorney	Appellee Attorney	Result/Status
08-014	5/7/08	Appeal	<i>McCullough v. Job Ready, Inc.</i>	NO	YES	Multiple brief extensions. Appeal suspended and resumed in 2009 for appointment of appellant's guardian; multiple opening brief deficiencies and reply brief extensions by appellant's guardian through 2010. Affirmed board decision in 2011. Appellant appealed to supreme court; multiple stays through 2013 pending further board action and a commission decision on related Appeal No. 13-025 filed 12/9/13.
09-027	12/08/09	Appeal	<i>M-K Rivers v. Harris</i>	YES	YES	Affirmed in part, reversed in part, remanded to board in 2011. Appellee appealed to supreme court in 2011; draft decision circulating.
10-009	2/11/10	Appeal	<i>Milton v. UIC Constr.</i>	NO	YES	Affirmed board decision in 2010. Appellant appealed to supreme court in 2011; remanded to commission in 2012 due to board record deficiency; affirmed board decision. Appellant appealed to supreme court in 2012; supreme court affirmed commission decision in 2013.
10-023	7/15/10	Appeal	<i>Carey v. Veco, Inc.</i>	NO	YES	Appeal continued pending appointment of guardian for appellant in 2010; guardianship case still pending in superior court through 2013.
10-028	9/8/10	Appeal	<i>ARCTEC Servs. v. Cummings</i>	YES	YES	Affirmed board decision in 2011; appellant appealed to supreme court. Supreme court affirmed commission decision in 2013.
10-032	11/22/10	Appeal	<i>Pruitt v. Providence Extended Care</i>	NO	YES	Reversed and remanded to board in 2011. Commission decision on reconsideration affirmed board decision in 2012. Appellant appealed to supreme court in 2012; supreme court affirmed commission decision in 2013.
11-003	4/13/11	Appeal	<i>Chenega Lodging d/b/a Hotel Clarion v. Sosa de Rosario</i>	YES	NO	Reversed board decision in 2012; appellee appealed to supreme court. Supreme court reversed and remanded to commission with instructions to reinstate board decision in 2013. Commission remanded to board with instructions to reinstate board decision.
11-004	5/13/11	Appeal	<i>Coppe v. Bleicher and Bleicher</i>	NO	YES	Affirmed board decision in 2012; appellant appealed to supreme court; supreme court affirmed commission decision on 2/14/14.
11-006	6/14/11	Appeal	<i>Unocal Corp. v. Pietro</i>	YES	YES	Vacated and remanded to board by commission majority, dissent by Chair in 2012. Appellee filed petition for review in supreme court; commission decision reversed and remanded for remaining issues in 2012. Final decision on remand affirmed board decision in 2013.
11-007	7/1/11	Appeal	<i>Rosales v. Icicle Seafoods, Inc.</i>	NO	YES	Affirmed board decision in 2012; appellant appealed to supreme court. Supreme court opinion affirmed commission decision in 2013.

<sup>1</sup> Also includes Commission cases from prior years that were appealed or petitioned for review to the Alaska Supreme Court, disposition of those cases if resolved in 2013, and current status if still pending before the supreme court.

Docket Number	Date Filed	Case Type	Case Title	Appellant Attorney	Appellee Attorney	Result/Status
11-011	8/1/11	Appeal	<i>Titan Enter., LLC, Titan Topsoil, Inc., CCO Enter., LLC, and Christianson v. State, Div. of Workers' Comp.</i>	YES	YES	Multiple brief extensions. Reversed in part, vacated in part, and remanded to board in 2013. Order on attorney fees in 2013; appellee filed petition for review of order on attorney fees in supreme court; petition granted; briefing stage.
11-017	9/26/11	Appeal	<i>Mun. of Anchorage v. Adamson</i>	YES	YES	Order denying stay of future benefits in 2012. Appellant filed petition for review in supreme court; commission order affirmed in 2013. Commission affirmed in part, reversed in part, and remanded to board by commission majority, dissent by Chair in 2012. Appellant filed petition for review in supreme court in 2013; appellee filed cross-petition for review; both granted; oral argument set for 5/13/14.
11-021	12/29/11	Appeal	<i>Humphrey v. Lowe's HIW</i>	YES	YES	Affirmed in part, vacated and remanded in part in 2013; motion for reconsideration denied; appellant appealed to supreme court; oral argument set for 4/23/14.
12-001	1/3/12	Appeal	<i>City and Borough of Juneau v. Olsen</i>	YES	YES	Order granting motion for stay in 2012; appellee filed petition for review in supreme court; petition granted; supreme court vacated and remanded to commission in 2013. Decision on appeal reversed, vacated, and remanded in 2013; decision on remand reversed, vacated, and remanded in 2013.
12-002	1/9/12	Appeal	<i>Birotte v. Portland Habitation Ctr.</i>	NO	YES	Affirmed board decision in 2012; motion for reconsideration deemed denied in 2013.
12-003	1/27/12	Petition Appeal	<i>Fred Meyer Stores, Inc. v. Giroux</i>	YES	NO	Petition for review granted in 2012; reversed and remanded to board in 2013.
12-004	1/30/12	Petition Appeal	<i>Alaska Mech., Inc. v. Harkness</i>	YES	YES	Petition for review granted in 2012; reversed board decision in 2013. Petitioner petitioned for review to supreme court; converted to appeal; in briefing stage.
12-008	3/7/12	Appeal	<i>Bielski v. Norcon, Inc.</i>	YES	YES	Affirmed board decision in 2012; appellant appealed to supreme court; dismissed for want of prosecution in 2013.
12-013	3/27/12	Appeal	<i>Mun. of Anchorage v. Hanson</i>	YES	YES	Reversed in part, reversed and remanded in part to the board in 2013.
12-015	5/4/12	Appeal	<i>Livingreen Servs., Inc. v. State, Div. of Workers' Comp.</i>	YES	YES	Dismissed as settled in 2013.
12-016	5/9/12	Appeal	<i>ARCO Alaska, Inc. v. McKenna</i>	YES	YES	Affirmed board decision 2013.
12-019	6/28/12	Appeal	<i>Central Peninsula Gen. Hosp. v. Stroup</i>	YES	YES	Dismissed as settled in 2013.
12-021	7/11/12	Appeal	<i>Osobampo v. Icicle Seafoods, Inc.</i>	NO	YES	Affirmed board decision in 2013.
12-022	7/26/12	Appeal	<i>Louie v. B.P. Exploration (Alaska), Inc.</i>	YES	YES	Affirmed board decision in 2013; appellant appealed to supreme court; submitted on briefs; ripe for decision.

Docket Number	Date Filed	Case Type	Case Title	Appellant Attorney	Appellee Attorney	Result/Status
12-024	10/23/12	Petition	<i>City of Fort Yukon v. Carroll</i>	YES	YES	Petition for review denied in 2012; motion for attorney fees denied. Respondent appealed order on attorney fees in 2012; dismissed as settled in 2013.
12-025	10/24/12	Petition	<i>Cornelison v. Rappe Excavating, Inc.</i>	NO	YES	Petition for review denied in 2012; petitioner petitioned for review to supreme court in 2013; denied.
12-026	11/9/12	Petition	<i>Epps v. Labnongsang and State, Workers' Comp. Benefits Guar. Fund</i>	YES	YES	Dismissed as settled in 2013.
12-027	11/19/12	Appeal	<i>Buchinsky v. The Arc of Anchorage</i>	NO	YES	Affirmed board decision in 2013; motion for reconsideration deemed denied 1/31/14.
12-028	11/29/12	Appeal	<i>Mangrum v. PGS Exploration, Inc.</i>	NO	YES	Affirmed board decision in 2013.
12-029	12/18/12	Appeal	<i>Powell v. N. Country Constr.</i>	NO	YES	Affirmed board decision in 2013.
13-001	1/4/13	Appeal	<i>Arcterra Eng'g and Surveying, Inc., Arcterra Consulting, Inc., and Duffus v. State, Div. of Workers' Comp.</i>	YES	YES	Dismissed on motion in 2013.
13-002	1/18/13	Petition	<i>Woodward v. Twin Cities Veterinary Clinic, Inc.</i>	YES	YES	Petition for review denied in 2013.
13-003	1/23/13	Petition	<i>State, Workers' Comp. Benefits Guar. Fund v. Shepard and New City Painting, LLC</i>	YES	Shepard YES	Affirmed in part, reversed in part board decision in 2013; appellee Shepard petitioned for review to supreme court; converted to appeal; briefing stage.
					New City NO	
13-004	3/4/13	Appeal	<i>Flayac v. Banner Health Sys.</i>	NO	YES	Dismissed on settlement in 2013.
13-005	4/3/13	Appeal	<i>Harris v. Millennium Hotel</i>	YES	YES	Affirmed board decision in 2013; appellant appealed to supreme court; in briefing stage.
13-006	4/5/13	Petition	<i>Nordstrom, Inc. v. Acevedo</i>	YES	YES	Dismissed on settlement in 2013.
13-007	4/9/13	Appeal	<i>Fountainhead Dev., Inc. v. Arctic Hearth Assisted Living, Inc.</i>	YES	YES	Dismissed on settlement in 2013.
13-008	4/12/13	Appeal	<i>Municipality of Anchorage v. Stenseth</i>	YES	YES	Oral argument set for 3/26/14.
13-009	4/16/13	Appeal	<i>Misyuk v. Shastitko, Thompson Valley Funeral Home, Ltd, and State, Workers' Comp Benefits Guar. Fund</i>	NO	Shastitko YES	Oral argument has been requested.
					Thompson NO	
					State YES	
13-010	6/28/13	Appeal	<i>Dillard v. Dick Pacific/Ghemm Co. J.V. and Liberty Mut. Ins. Group</i>	YES	YES	In briefing stage.
13-011	7/9/13	Appeal	<i>Corey v. NANA Reg'l Corp., Inc.</i>	NO	YES	Oral argument held 1/29/14; decision pending.
13-012	7/10/13	Appeal	<i>Merritt v. State, Dep't of Transp.</i>	YES	YES	Oral argument has been requested.

Docket Number	Date Filed	Case Type	Case Title	Appellant Attorney	Appellee Attorney	Result/Status
13-013	7/12/13	Petition	<i>Engle d/b/a Asian Food Market v. Henry and State, Worker's Comp. Benefits Guar. Fund</i>	YES	Henry: NO State: YES	Petition for review denied in 2013; petitioner petitioned for review to supreme court; denied.
13-014	7/12/13	Petition	<i>ASRC Energy Servs., Inc. and Arctic Slope Reg'l Corp. v. Kollman</i>	YES	YES	Petition for review granted; decision on petition for review reversed board decision in part and affirmed in part in 2013; petitioner petitioned for review to supreme court; petition granted; briefing stage.
13-015	7/16/13	Petition	<i>Brown v. ASRC Energy Servs., Inc. and ASRC Serv. Ctr.</i>	NO	YES	Petition for review denied in 2013.
13-016	7/26/13	Appeal	<i>Ashwater-Burns, Inc. v. Huit</i>	YES	YES	Oral argument set 3/5/14.
13-017	7/30/13	Appeal	<i>Assets, Inc. v. Taylor</i>	YES	YES	Oral argument set 4/16/14.
13-018	8/1/13	Petition	<i>Olson v. Fed. Express Corp. and CARRS/Safeway, Inc.</i>	NO	YES	Petition for review denied in 2013.
13-019	8/28/13	Appeal	<i>Anchorage Oncology Centre, LLC v. State, Div. of Workers' Comp.</i>	NO	YES	Dismissed as settled in 2013.
13-020	9/5/13	Appeal	<i>Municipality of Anchorage v. Miller and State, Second Injury Fund</i>	YES	YES	In briefing stage.
13-021	9/16/13	Appeal	<i>Utility Technologies, Inc. v. King</i>	YES	YES	Oral argument was not requested; decision pending.
13-022	9/23/13	Appeal	<i>Rivero v. Coldfoot Env'tl. Servs., Inc.</i>	NO	YES	In briefing stage.
13-023	10/4/13	Appeal	<i>Stenseth v. Municipality of Anchorage</i>	YES	YES	In briefing stage.
13-024	11/15/13	Appeal	<i>Huguley v. City of Unalaska</i>	NO	YES	In briefing stage.
13-025	12/9/13	Appeal	<i>McCullough v. Job Ready, Inc.</i>	NO	YES	Awaiting board hearing transcripts.
13-026	12/23/13	Appeal	<i>Weed v. State, Dep't of Public Safety</i>	YES	YES	Awaiting board hearing transcripts.

**APPENDIX B: TABLE OF 2013 PUBLISHED DECISIONS**

<b>DECISION No.</b>	<b>APPEAL No.</b>	<b>TITLE OF APPEAL</b>	<b>DAYS FROM FILING TO FINAL DECISION</b>	<b>DAYS FROM ORAL ARGUMENT OR RECORD CLOSURE TO FINAL DECISION</b>	<b>DECISION/APPEALED</b>
174	12-016	<i>ARCO Alaska, Inc. and ACE USA vs. James G. McKenna</i>	239	37	Board decision affirmed.
175	11-011	<i>Titan Enterprises, LLC, Titan Topsoil, Inc., CCO Enterprises, LLC, and Todd Christianson vs. State of Alaska, Division of Workers' Compensation</i>	526	27	Board decision reversed in part, vacated in part, and remanded
176	12-004	<i>Alaska Mechanical, Inc. and Zurich American Insurance Company vs. Nathanael W. Harkness</i>	326	35	Commission decision on petition for review reversed board interlocutory decision.
177	12-003	<i>Fred Meyer Stores, Inc. and Sedgwick CMS vs. Nannette Giroux</i>	322	29	Commission decision on petition for review reversed and remanded board interlocutory decision.
178	11-006	<i>UNOCAL Corporation vs. Paul D. Pietro</i>	112	89	Commission final decision on remand affirmed board decision.
179	11-021	<i>Akeem J. Humphrey vs. Lowe's HIW, Inc. and New Hampshire Insurance Company</i>	455	23	Board decision affirmed in part, vacated and remanded in part; appealed to supreme court.
180	12-022	<i>Richard Louie vs. B.P. Exploration (Alaska), Inc. and ACE USA</i>	256	62	Board decision affirmed; appealed to supreme court.
181	12-021	<i>Jorge Osobampo vs. Icicle Seafoods, Inc. and Seabright Insurance Company</i>	285	11	Board decision affirmed.
182	12-013	<i>Municipality of Anchorage and NovaPro Risk Solutions vs. Brad J. Hanson</i>	442	48	Board decision reversed in part, reversed and remanded in part.
183	13-005	<i>Deborah Harris, domestic partner of Kerry Fadely, deceased vs. Millennium Hotel and New Hampshire Insurance Company</i>	86	3	Board decision affirmed.
184	12-001	<i>City and Borough of Juneau vs. Calli E. Olsen</i>	566	5	Board decision reversed, vacated, and remanded.
185	12-001	<i>City and Borough of Juneau vs. Calli E. Olsen</i>	9		Commission decision on reconsideration reversed, vacated, and remanded board decision.
186	13-014	<i>ASRC Energy Services, Inc. and Arctic Slope Regional Corporation vs. Jeffrey L. Kollman</i>	41	29	Commission decision on petition for review reversed in part and affirmed in part board interlocutory decision.
187	12-029	<i>Rodney N. Powell vs. North Country Construction and Alaska National Insurance Company</i>	248	10	Board decision affirmed.
188	12-028	<i>Admiral A. Mangrum, Jr. vs. PGS Exploration, Inc. and Travelers Insurance Company</i>	286	6	Board decision affirmed.
189	12-027	<i>Michele A. Buchinsky vs. The Arc of Anchorage and Seabright Insurance Company</i>	378	80	Board decision affirmed.
190	13-003	<i>State of Alaska, Workers' Compensation Benefits Guaranty Fund vs. Eugene H. Shepard, III and New City Painting, LLC</i>	331	36	Board decision affirmed; petition for review to supreme court.

*Shaded areas indicate cases heard in 2012, but the decisions were issued in 2013.*