

Alaska Workers' Compensation Appeals Commission

ANNUAL REPORT FOR CALENDAR YEAR 2018

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Alaska Workers' Compensation Appeals Commission

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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, no later than March 15 of each year. This report is filed to satisfy that duty.

Figure 1

Under workers' compensation law, the **Alaska Supreme Court** hears appeals from Commission decisions. The 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 Board decisions. There are five Commissioners: two who represent employees, two who represent employers, and the Chair, who is an attorney. An appeal must be heard by one employee Commissioner, one 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 Alaska Supreme Court rulings. Appeals are decided on the Board 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** has offices in Anchorage, Fairbanks, and Juneau, where parties can obtain information, file claims and petitions, and attend hearings. The Division collects data, enforces reporting, reviews self-insurance certificates, and manages the Workers' Compensation Benefits Guaranty Fund, the Second Injury Fund, and the Fishermen's Fund. The Division also provides administrative support to Division sections, the Board, and Commission.

The hearing officers, pre-hearing officers, and clerks of the *Adjudications Section* assist the Board to hear, mediate, and decide cases.

The *Special Investigations Unit* investigates and prosecutes fraud and uninsured employers before the Board.

The *Director* may intervene in appeals.

The **Alaska Workers' Compensation Board** hears claims and petitions by injured workers, employers, and Division investigators. The panels conduct hearings and approve settlements. The Board consists of nine industry members, nine labor members, and the Commissioner of the Department of Labor, who is the Chair. Board members are appointed to three-year terms. The Board hears cases in three-member panels (one labor member, one industry member, and one hearing officer), but may hear a case with a quorum of two (a representative member and a hearing officer). Each Board panel is independent, but must follow Commission and Alaska Supreme Court rulings. The Board approves regulations adopted by the Division.

COMMISSION MEMBERS

The Commission consists of five members: two who represent employees, two who represent employers, and the Chair. Each representative member must have at least 18 months of experience as a Board member. The Chair must be an attorney who has 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 a panelist may not hear a case if there is a conflict of interest, avoiding vacancies is a concern of the Commission.

The members of the Commission during 2018 were:

Deirdre D. Ford, Chair, of Anchorage, was appointed Chair by Governor Bill Walker and took office on October 31, 2016. Prior to her appointment, Ms. Ford was retired from the practice of law. From March 2009 to July 2012, Ms. Ford was a Hearing Officer with the Board in Anchorage. From June 1985 through February 2009, Ms. Ford practiced law with Delisio Moran Geraghty & Zobel, with an emphasis in Workers' Compensation law, primarily

representing employers. She received her J.D. cum laude from the University of San Francisco, School of Law in 1984, her M.A. in Political Science from the University of Illinois Chicago in 1973, her M.L.S. in Library Science from the University of California Berkeley, and her B.A. in Political Science from Whittier College in 1963. **Her term expires on March 1, 2020.**

Philip E. Ulmer, an employer representative, an Eagle River resident for 35 years, is a Certified Workers' Compensation Professional currently employed as Sr. Advisor of Safety and Risk Management 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 when the Commission began, 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 expired on March 1, 2019**, and the Commission members and staff wish him well in his future endeavors. The Commission is currently awaiting appointment of a new employer representative Commissioner.

James N. Rhodes, an employee representative, of Ketchikan, is a 24-year member of the International Brotherhood of Electrical Workers 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 a four-year term as Commissioner in February 2012, and was reappointed to a 5-year term by Governor Bill Walker in January 2016. **His term expires on March 1, 2021.**

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, reappointed by Governor Sean Parnell to another five-year term in February 2012; and reappointed by Governor Bill Walker to an additional five-year term in February 2017. **His term expires on March 1, 2022.**

Michael J. Notar, an employee representative, of Juneau, was appointed as Commissioner in September 2015 by Governor Bill Walker, and reappointed by Governor Bill Walker to a five-year term on January 4, 2018. After graduating high school in 1970 and a brief stint in college, he started his working career as a Surveyor with the State of Alaska in 1971. He also worked as a Teamster Surveyor before joining the International Brotherhood of Electrical Workers (IBEW) Local 1547 in 1977, where he worked as an Apprentice Electrician and Communications Technician. He was appointed in 1995 to the IBEW Local 1547 Assistant Business

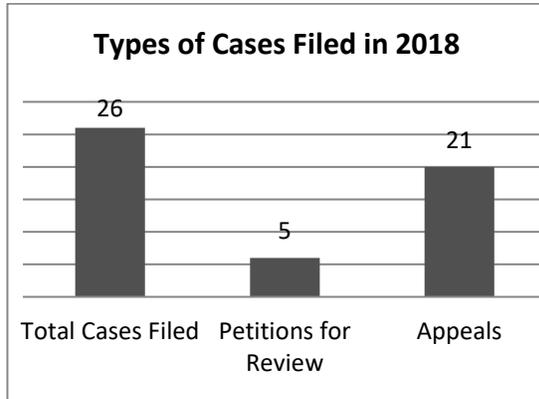
Manager position in Juneau, where he served for 15 years. He returned to State of Alaska service in 2010 at the Department of Labor and Workforce Development and served as a Wage and Hour Investigator, Special Assistant to the Commissioner, and Southeast Wage & Hour Supervising Investigator. He retired from active employment in 2013 and is a lifelong Alaskan. **His term expires on March 1, 2023.**

COMMISSION CASES

New Cases Filed in 2018

The Commission docketed 26 new cases in 2018, the same number of new cases filed in 2017. Figure 2 shows the types of cases filed in 2018.

Figure 2



Of the 5 new petitions for review, 2 were originally filed as appeals and converted to petitions for review.

Of the 21 new appeals, 1 was originally filed as a petition for review and converted to an appeal.

2018 Commission Docket

There was a total of 48 cases on the Commission's 2018 docket, an increase of 5 cases from 2017. See Figure 3.

In addition to the 26 new cases filed in 2018, the Commission began 2018 with 19 cases on its docket: 1 filed in 2015, 1 filed in 2016, and 17 filed in 2017.

The 2015 case was still on the docket at the beginning of 2018 due to having been filed in late 2015 and stayed in 2016 pending further Board action. The Board issued a decision in 2017 which was appealed to the Commission.

The 2016 case was still on the docket at the beginning of 2018 due to having been filed in late 2016, extensions of time granted in 2017, and oral argument held in late 2017. The final decision was issued in January 2018.

A 2014 case came back on the docket due to an Alaska Supreme Court Opinion which necessitated an order to the Board reversing the Commission's order on attorney fees.

A 2015 case and a 2016 case that had been consolidated while before the Commission came back on the docket due to an Alaska Supreme Court Opinion which necessitated an order remanding the case to the Board for further proceedings.

A 2017 case came back on the docket due to an Alaska Supreme Court Memorandum Opinion and Judgment remanding the case back to the Commission for further proceedings.

Figure 3

Total Number of Cases on the Docket

	2017	2018
Cases on Docket at Start of Year	16	19
New Cases Filed	26	26
Alaska Supreme Court Remands	1	3
Total Number of Cases	43	48

At the end of 2018, the Commission had 21 cases on its docket. One case filed in 2017 was still on the docket due to having been filed in late 2017, and numerous extensions granted for settlement negotiations during 2018. The uninsured employer filed bankruptcy in late 2018, and the case was dismissed in January 2019.

Another 2017 case was still on the docket at the end of 2018 due to having been filed at the end of 2017, and several extensions of time granted in 2018. Oral

argument was held in late 2018, and the decision is currently pending.

The remaining 19 cases were filed in 2018.

Figure 4 shows the number of open cases on the Commission docket at the end of each month during 2018, as well as the number of new cases filed, oral arguments and hearings held, published final decisions, published memorandum decisions, and unpublished orders issued during each month.

Figure 4

Month	Cases on Docket	New Cases Filed	Oral Arguments & Hearings	Pub. Final Dec.	Pub. Mem. Dec.	Unpub. Orders
Jan.	19	1	2	2	0	14
Feb.	15	1	2	1	0	8
Mar.	14	1	0	2	0	9
Apr.	13	2	0	1	0	4
May	15	2	2	1	0	5
Jun.	14	2	1	2	0	7
Jul.	16	4	1	0	1	13
Aug.	15	1	0	2	0	10
Sep.	14	2	0	0	0	7
Oct.	15	3	1	1	0	8
Nov.	20	6	0	1	0	9
Dec.	21	1	1	0	0	9
Totals		26	10	13	1	103

Appendix A is the Commission's complete 2018 docket and contains data for each case such as date filed, type of case, attorney representation, results of Commission action, and any action taken at the Alaska Supreme Court.

Appendix A also includes cases from prior calendar years that are currently on appeal or petition for review before the Alaska Supreme Court, as well as cases from prior calendar years that were remanded to the Commission for further action in 2018.

Oral Arguments, Hearings, and Orders

The Commission held 10 oral arguments and hearings in 2018, 6 less than were held in 2017. There were 9

oral arguments on the merits of appeals and 1 oral argument on a petition for review. Oral argument was not requested in some appeals and those were decided on the record and written briefs. Figure 5 compares the number and types of hearings held by the Commission in 2018 with the number and types held in 2017.

Figure 5

Hearings and Oral Arguments

	2017	2018
Oral Argument on Merits of Appeal	9	9
Oral Argument on Petitions for Review	1	1
Hearings on Motions for Stay	6	0
Totals	16	16

The Commission issued unpublished orders on motions for extensions of time to file appeals and petitions for review, stays of Board orders pending appeal, dismissals, waivers of filing fees and/or transcript costs, attorney fees, stays of appeals, reconsideration, clarification, and granting or denying petitions for review. The Commission Chair issued orders on procedural matters such as motions for extensions of time and notices of default with orders to comply. In 2018, the Commission issued a total of 103 unpublished orders, a decrease of 10 unpublished orders, or 9%, from 2017.

Average Time Period for Cases Closed in 2018

All Cases Closed in 2018

Of the 48 cases that appeared on the Commission's 2018 docket, 27 were closed in 2018. This is a closure rate of 56% of the total number of cases that appeared on the 2018 docket, the same closure rate as in 2017. See Figure 6.

Figure 6

Closure Rate for All Cases

	2017	2018
Total Cases on Docket	43	48
Cases Closed	24	27
Closure Rate	56%	56%

The average time period from the date of filing to the date of closure for those 27 cases was 230 days, an increase of 46 days from the 2017 average time period, and well under the Commission’s target of processing cases within 360 days.

This increase was due in large part to the 2015 case still on the docket at the beginning of 2018 due to having been filed in late 2015 and stayed in 2016 pending further Board action. The Board issued a decision in 2017 which was appealed to the Commission, and a final decision was issued in 2018.

If the 2015 case that was stayed pending further Board action is not counted, as it is unusual for the Commission to have an appeal stayed for such a long period of time, the average time period from the date of filing to the date of closure for the remaining 26 cases closed in 2018 was 200 days, an increase of 16 days from the 2017 average time period, and well under the Commission’s target of processing cases within 360 days. *See* Figure 7.

Figure 7

Average Time from Filing to Closure for All Closed Cases

	2017	2018
Total Cases on Docket	43	48
Cases on Docket Closed	24	27
Number of Days from Filing to Closing	184	230*

* If the 2015 case that was stayed pending further Board action is not counted, the average time period from the date of filing to the date of closure for the remaining 26 cases closed in 2018 was 200 days.

All Cases both Filed and Closed in 2018

Eight of the 26 cases filed in 2018 were also closed in 2018, a closure rate of 31% for cases both filed and closed in 2018. This is a decrease of 4% from the 2017 closure rate for cases both filed and closed in the same year. *See* Figure 8.

Figure 8

Closure Rate for All Cases Filed and Closed in Same Year

	2017	2016
Cases Filed	26	26
Cases Filed and Closed in Same Year	9	8
Closure Rate	35%	31%

The average time period from the date of filing to the date of closure for the cases that were both filed and closed in 2018 was 85 days, the same average time period as in 2017. *See* Figure 9.

Figure 9

Average Time from Filing to Closure for All Cases Filed and Closed in Same Year

	2017	2016
Cases Filed	26	26
Cases Filed and Closed in Same Year	9	8
Number of Days from Filing to Closing	85	85

Resolution of Cases in 2018

Of the 27 cases on the 2018 docket that were closed, 13 resulted in decisions on the merits of appeals; 2 resulted in orders after Alaska Supreme Court Opinions; 3 settled; 4 petitions for review were denied; 1 petition for review resulted in a memorandum decision; 1 petition for review resulted in an order and remand to the Board; and, 3 cases were withdrawn. (*See* Appendix A.).

Indigent Participants

In 2018, 5 unrepresented employees filed motions to waive payment of both the filing fee and transcript cost, 4 of which were granted, while 1 was partially granted. Two unrepresented employees paid the filing fee and filed motions to waive payment of the transcript cost, both of which were granted. In one petition for review, the Commission requested and paid for the transcript. In 2018, the Commission paid a total of \$1,878.00 to have Board hearing recordings transcribed; \$1,362.00 was on behalf of indigent parties.

Attorney Representation

Employees

Employees filed 22 of the 26 new cases in 2018, with 9 of those filed by unrepresented employees and 13 filed by represented employees. In all cases filed by employees, all opposing parties were represented. In 1 case filed by a represented employee, the Workers' Compensation Benefits Guaranty Fund was also represented.

Figure 10 compares unrepresented and represented employees. When compared to 2017, the number of cases filed by unrepresented employees remained the same, and the number of cases filed by represented employees increased by 5.

Figure 10

Number of New Cases Filed by Employees

	2017	2018
New Cases Filed by Unrepresented Employees	9	9
New Cases Filed by Represented Employees	8	13
Total Cases Filed by Employees	17	22

Employers

Represented employers filed 4 of the 26 new cases in 2018. In 3 of those cases the employee was represented. In the fourth case, the employee and a provider/claimant were not represented and did not participate. In 1 case filed by an employer, the Second Injury Fund was also represented. No cases were filed by an unrepresented employer.

Figure 11 compares unrepresented and represented employers. When compared to 2017, the number of cases filed by represented employers decreased by 5 and the number of cases filed by unrepresented employers remained the same at zero.

Figure 11

Number of New Cases Filed by Employers

	2017	2018
New Cases Filed by Unrepresented Employers	0	0
New Cases Filed by Represented Employers	9	4
Total Cases Filed by Employers	9	4

COMMISSION DECISIONS

Published Decisions

In 2018, 14 Commission decisions were published: 13 final decisions on the merits of appeals and 1 memorandum decision on a petition for review. Appendix B is the list of the Commission's 2018 published decisions, with notes on the number of days from filing to issuance of a final decision on the merits of the appeal, the number of days from oral argument or record closure to issuance of a final decision on the merits of the appeal, and whether the Commission's decision was appealed or petitioned for review to the Alaska Supreme Court.

In the 13 cases where a final decision on the merits of the appeal was issued in 2018, the average time from oral argument or record closure to the issuance of the final decision was 66 days, 24 days less than the statutory allowance of 90 days.

Time Period between Initial Receipt and Decision on Appeal

The Commission’s target is to process cases within 360 days from initial receipt. As shown in Figure 12 below, the timeline for an appeal is approximately 255 days if there are no extensions of time or stays of appeal proceedings. One reason why appeal proceedings may be stayed or an extension of time may be granted would be for settlement negotiations between the parties.

Figure 12

Appeal Timeline (No Extensions or Stays)

Appeal Steps	Days
Appeal filed	--
Board record and transcripts	45
Appellant’s brief	30
Appellee’s brief	30
Appellant’s reply brief	20
Request oral argument	10
Schedule oral argument	30
Issue Final Decision	90
Total	255

As shown in Appendix B, the average time period between the initial receipt of an appeal and the issuance of a final decision on the merits of the appeal for cases on the 2018 docket was 371 days. This is 11 more days than the Commission’s target of processing cases within 360 days.

If the 2015 case that was stayed pending further Board action is not counted, as it is unusual for the Commission to have an appeal stayed for

such a long period of time, the average time period between the initial receipt of an appeal and the issuance of a final decision on the merits of the appeal for the remaining 12 final decisions issued in 2018 was 318 days, well within the Commission’s target of processing cases within 360 days.

Published Decisions – Case Resolution

The results of Commission decisions published in 2018 are summarized in Appendix B. Of the 13 published final decisions issued on the merits of appeals of Board decisions, 7 affirmed the Board’s decision; 2 affirmed in part and remanded to the Board; 2 reversed the Board’s decision, 1 reversed in part and affirmed in part, and 1 was remanded to the Board.

The Commission published 1 memorandum decision on a petition for review in 2018, which vacated the Board’s decision and remanded.

The Commission received 5 petitions for review in 2018; 2 were granted and are currently pending, and 3 were denied. 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.

ALASKA SUPREME COURT ACTION

Seven Commission decisions issued in 2018 were appealed to the Alaska Supreme Court and 2 were petitioned for review. All are currently pending. See Appendix A.

In addition, 1 Commission order issued in 2018 was appealed to the Alaska Supreme Court and 1 was

petitioned for review. Both are pending. See Appendix A.

A total of 12 Commission decisions or orders presently await Alaska Supreme Court rulings: 1 issued in 2017, and 11 issued in 2018. See Appendix A for which decisions and orders await rulings.

In 2018, the Alaska Supreme Court decided 6 appeals and 1 petition for review of Commission decisions and orders. Of those 7 decisions, the Alaska Supreme Court issued 3 memorandum opinions and judgments which do not create legal precedent, 3 opinions creating legal precedent, and 1 published order denying the petition for review.

The Alaska Supreme Court issued Memorandum Opinion and Judgment No. 1672 on April 4, 2018, in a 2015 appeal, *McAlpine v. Denali Center*, which affirmed the Commission's decision which had affirmed the Board's decision.

The Alaska Supreme Court issued Order No. 103 on April 13, 2018, in a 2017 appeal, *Traugott v. ARCTEC Alaska, Inc.*, 420 P.3d 1142, which denied a petition for review of the Commission's order on a motion for stay.

The Alaska Supreme Court issued Opinion No. 7241 on May 11, 2018, in a 2014 appeal, *Burke v. Raven Electric, Inc.*, 420 P.3d 1196, which affirmed the Commission's decision which had affirmed the Board's decision, and reversed the Commission's award of attorney fees.

The Alaska Supreme Court issued Opinion No. 7245 on May 11, 2018, in consolidated 2015 and 2016 appeals, *Kang d/b/a Lee's Massage v. Mullins*, 420 P.3d 1210, which reversed the

Commission's decision which had affirmed the Board's decision.

The Alaska Supreme Court issued Opinion No. 7300 on September 21, 2018, in another 2014 appeal, *Atkins v. Inlet Transportation & Taxi Service, Inc.*, 426 P.3d 1124, which affirmed the Commission's decision which had affirmed the Board's decision.

The Alaska Supreme Court issued Memorandum Opinion and Judgment No. 1697 on October 10, 2018, in a 2017 appeal, *Espindola v. Peter Pan Seafoods, Inc.*, which reversed and remanded the Commission's order dismissing a late filed appeal.

The Alaska Supreme Court issued Memorandum Opinion and Judgment No. 1703 on November 28, 2018, in a 2017 appeal, *Lunbeck v. First Group America, Inc.*, which affirmed the Commission's order dismissing a late filed appeal.

REGULATION CHANGES

No changes were made to the Commission's regulations during 2018.

APPENDIX A: CY 2018 APPEALS COMMISSION DOCKET¹

Docket Number	Date Filed	Case Filed As	Case Title	Appellant Attorney	Appellee Attorney	Result/Status
14-011	4/28/14	Appeal	<i>Atkins v. Inlet Transp. & Taxi Serv., Inc. and State, Workers' Comp. Benefits Guar. Fund</i>	YES	Inlet: Non-participant State YES	Remanded to Board in 2015; Commission affirmed Board decision on remand in 2016; appellant appealed to supreme court; Commission decision affirmed in 2018.
14-017	7/22/14	Appeal	<i>Eder v. M-K River</i>	NO	YES	Dismissed for failure to prosecute in 2015; appellant appealed to supreme court; Commission decision reversed and remanded in 2016; multiple appellant extensions; dismissed for failure to prosecute in 2017; appellant appealed to supreme court; dismissed for failure to prosecute in 2018.
14-022	9/15/14	Appeal	<i>Burke v. Raven Electric, Inc.</i>	NO	YES	Affirmed Board in 2015; appellant appealed to supreme court with attorney fee order; Commission's decision affirmed in 2018; Commission's attorney fee order reversed in 2018.
15-023	9/24/15	Appeal	<i>Kang, d/b/a Lee's Massage v. Mullins and State, Workers' Comp. Benefits Guar. Fund</i>	YES	Mullins: NO State: YES	Consolidated with 16-001; affirmed both Board decisions in 2016; appellant appealed to supreme court; Commission's decision reversed in 2018.
15-029	11/12/15	Appeal	<i>State, Workers' Comp. Benefits Guar. Fund v. Adams and Heath d/b/a O&M Enter.</i>	YES	Adams: YES Heath: NO	Appeal proceedings stayed in 2016 pending further Board action; Board decision appealed to Commission in 2017; reversed Board in 2018; appellee appealed to supreme court; briefing stage.
15-030	11/18/15	Petition for Review	<i>McAlpine v. Denali Center and Sentry Ins.</i>	NO	YES	Converted to an appeal; affirmed Board in 2017; appellant appealed to supreme court; Commission decision affirmed in 2018.
16-001	1/8/16	Appeal	<i>Kang, d/b/a Lee's Massage v. Mullins and State, Workers' Comp. Benefits Guar. Fund</i>	YES	Mullins: NO State: YES	Consolidated with 15-023; affirmed both Board decisions in 2016; appellant appealed to supreme court; Commission's decision reversed in 2018.
16-009	9/1/16	Appeal	<i>Morales de Lopez v. Unisea, Inc. and Alaska Nat'l Ins. Co.</i>	YES	YES	Consolidated with 16-011 in 2016; affirmed in part, reversed in part, and remanded to Board in 2017; appellant appealed to supreme court, appellees cross-appealed; Commission decision affirmed 2/8/19.
16-011	10/6/16	Appeal	<i>Morales de Lopez v. Unisea, Inc. and Alaska Nat'l Ins. Co.</i>	YES	YES	Consolidated with 16-009 in 2016; affirmed in part, reversed in part, and remanded to Board in 2017; appellant appealed to supreme court, appellees cross-appealed; Commission decision affirmed 2/8/19.
16-012	10/14/16	Appeal	<i>Narcisse v. Trident Seafood Corp. and Liberty Ins. Corp.</i>	NO	YES	Affirmed Board in part, reversed in part in 2018.

¹ 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 CY 2018, and a note if still pending before the Alaska Supreme Court.

Docket Number	Date Filed	Case Filed As	Case Title	Appellant Attorney	Appellee Attorney	Result/Status
16-014	11/10/16	Appeal	<i>Warnke-Green v. Pro West Contr., LLC and Liberty Northwest Ins. Corp.</i>	YES	YES	Affirmed Board in part, modified in part, and remanded to Board; order on attorney fees petitioned for review to supreme court in 2017; draft decision circulating.
17-001	1/19/17	Appeal	<i>Rusch v. Southeast Alaska Reg'l Health Consortium and Alaska Nat'l Ins. Co.</i>	YES	YES	Affirmed Board in 2018; appellant appealed to supreme court; oral argument set for 4/9/19.
17-002	1/19/17	Appeal	<i>Dockter v. Southeast Alaska Reg'l Health Consortium and Alaska Nat'l Ins. Co.</i>	YES	YES	Affirmed Board in 2018; appellant appealed to supreme court; submitted on briefs; awaiting conference.
17-006	2/24/17	Appeal	<i>McKee v. Alaska Functional Fitness, LLC and Ohio Cas. Ins. Co.</i>	NO	YES	Affirmed Board in 2017; appellant appealed to supreme court in 2018; Commission decision affirmed on 2/13/19.
17-007	2/27/17	Appeal	<i>Alaska Interstate Constr., LLC v. Morrison and ASRC d/b/a SKW Eskimos, Inc.</i>	YES	YES	Remanded to Board in 2018; appellee Morrison petitioned for review to supreme court; petition granted; draft decision circulating.
17-009	5/18/17	Appeal	<i>Erpelo v. Trident Seafoods and Liberty Ins. Corp.</i>	NO	YES	Affirmed Board in 2018.
17-012	7/6/17	Appeal	<i>Barragan v. Sitka Cabs, Inc. and State, Workers' Comp. Benefits Guar. Fund</i>	YES	Sitka Cabs: NO State: YES	Dismissed on settlement in 2018.
17-013	8/15/17	Appeal	<i>Tobar v. Remington Holdings, LP and Liberty Ins. Corp.</i>	NO	YES	Affirmed Board in 2018; appellant appealed to supreme court; ripe for decision.
17-014	8/22/17	Appeal	<i>Gillion v. The North West Co. Int'l and Berkshire Hathaway Homestate Ins. Co.</i>	YES	YES	Affirmed Board in part and remanded in 2018.
	11/2/17	Cross-Appeal				
17-015	9/12/17	Appeal	<i>ARCTEC Alaska v. Traugott</i>	YES	YES	Reversed Board in 2018; appellee appealed to supreme court; briefing stage.
17-016	9/26/17	Petition for Review	<i>Pichardo v. Assets, Inc. and Berkshire Hathaway Homestate Ins. Co.</i>	NO	YES	Converted to an appeal; affirmed Board in 2018.
17-017	9/26/17	Appeal	<i>Cavitt v. D & D Servs., LLC d/b/a Novus Auto Glass and Ohio Cas. Ins. Co.</i>	YES	YES	Affirmed Board in part and remanded in 2018. Order on attorney fees appealed to supreme court; submitted on briefs; awaiting conference.
17-018	10/26/17	Petition for Review	<i>Northern Constr. and Liberty Northwest Ins. Corp. v. James</i>	YES	YES	Petition for review granted; vacated Board order and remanded in 2018; respondent petitioned for review to supreme court; petition granted; briefing stage.
17-019	10/30/17	Appeal	<i>Espindola v. Peter Pan Seafoods, Inc. and Seabright Ins. Co.</i>	NO	YES	Motion for extension of time to file appeal denied in late 2017; appellant appealed to supreme court in early 2018; reversed and remanded to Commission in 2018; briefing stage.
17-020	11/2/17	Appeal	<i>Titan Enter., LLC, Titan Topsoil, Inc., CCO Enter., LLC, and Christianson v. State, Div. of Workers' Comp.</i>	YES	YES	Numerous extensions of time in 2018 while parties negotiated settlement; appellant filed for bankruptcy in late 2018; dismissed on parties' motion on 1/9/19.
	11/17/17	Cross-Appeal				
17-021	11/6/17	Appeal	<i>Lemus v. Miller Constr. Co., Alaska Nat'l Ins. Co., and Northern Adjusters, Inc.</i>	YES	YES	Dismissed on voluntary withdrawal in 2018.

Docket Number	Date Filed	Case Filed As	Case Title	Appellant Attorney	Appellee Attorney	Result/Status
17-022	11/6/17	Appeal	<i>Lunbeck v. Firstgroup America, Inc. and New Hampshire Ins. Co.</i>	NO	YES	Motion for extension of time to file appeal denied in 2017; appellant appealed to supreme court; Commission order affirmed in 2018.
17-023	12/18/17	Appeal	<i>Butts nee DeCastro v. State</i>	YES	YES	Affirmed Board in 2018; appellant appealed to supreme court; briefing stage.
17-024	12/20/17	Appeal	<i>Airport Equip. Rentals, Inc. and Liberty Northwest Ins. Co. v. Seneviratne</i>	YES	NO	Converted appeal to petition for review; denied and dismissed in 2018.
17-025	12/22/17	Appeal	<i>Weaver v. ASRC Fed. Holding Co. and Arctic Slope Reg'l Corp.</i>	YES	YES	Final Decision pending.
17-026	12/27/17	Petition for Review	<i>Rosales v. Icicle Seafoods, Inc. and Seabright Ins. Co.</i>	NO	YES	Petition for review granted; vacated Board order and remanded in 2018.
18-001	1/16/18	Appeal	<i>Reuer v. Firstgroup America, Inc. and New Hampshire Ins. Co.</i>	YES	YES	Dismissed on settlement.
18-002	2/6/18	Appeal	<i>First Student Servs. and Wilton Adjustment Servs. v. Lee</i>	YES	YES	Dismissed on settlement.
18-003	3/28/18	Appeal	<i>Jones v. AES Houston Contracting Co., Inc. and Arctic Slope Reg'l Corp.</i>	YES	YES	Dismissed on settlement.
18-004	4/5/18	Appeal	<i>Parsons v. Craig City School Dist. and Alaska Municipal League Joint Ins. Ass'n</i>	NO	YES	Affirmed Board in 2018; appellant appealed to supreme court; briefing stage.
18-005	4/20/18	Appeal	<i>Lubov v. McDougall Lodge, LLC and State, Workers' Comp. Benefits Guar. Fund</i>	YES	YES	Reversed Board in part and affirmed in part on 3/7/19.
	5/11/18	Cross-Appeal				
18-006	5/2/18	Appeal	<i>Vue v. Walmart Assoc., Inc. and New Hampshire Ins. Co.</i>	YES	YES	Final Decision pending.
18-007	5/8/18	Appeal	<i>Davis v. Wrangell Forest Prod. and Wausau Underwriters Ins. Co.</i>	NO	YES	Reversed Board on 1/2/19; appellees and Division moved for reconsideration; reconsideration partially granted on 3/1/19.
18-008	6/8/18	Appeal	<i>Murphy v. Fairbanks North Star Borough</i>	YES	YES	Oral argument scheduled for 3/28/19.
	6/20/18	Cross-Appeal				
18-009	6/25/18	Appeal	<i>Mitchell v. United Parcel Serv. and Liberty Mut. Fire Ins. Co.</i>	YES	YES	Briefing stage.
	7/10/18	Cross-Appeal				
18-010	7/5/18	Petition for Review	<i>Rife v. B. C. Excavating, LLC and Alaska Nat'l Ins. Co.</i>	NO	YES	Denied in 2018.
18-011	7/5/18	Appeal	<i>Weatherwax v. The Frameworks and Liberty Mut.</i>	NO	YES	Converted to petition for review; denied and dismissed in 2018.
18-012	7/20/18	Appeal	<i>Cavitt v. D & D Servs., LLC d/b/a Novus Auto Glass and Ohio Cas. Ins. Co.</i>	YES	YES	Final Decision pending.
18-013	7/26/18	Petition for Review	<i>Schwab v. Costco Wholesale and Helmsman Mgmt. Servs., Inc.</i>	NO	YES	Converted to an appeal; withdrawn in 2018.

Docket Number	Date Filed	Case Filed As	Case Title	Appellant Attorney	Appellee Attorney	Result/Status
18-014	8/10/18	Petition for Review	<i>Leigh v. Alaska Children's Serv. and Republic Indem. Co. of America</i>	YES	YES	Petition for review denied in 2018; petitioner petitioned for review to supreme court; briefing stage.
18-015	9/10/18	Appeal	<i>Lewis v. Hickel Inv. Co. and Alaska Nat'l Ins. Co.</i>	NO	YES	Briefing stage.
18-016	9/28/18	Appeal	<i>Nabors Indus., Ltd. v. Bileddo and Second Injury Fund</i>	YES	YES	Briefing stage.
18-017	10/8/18	Appeal	<i>Sumpter v. Fairbanks North Star Borough Sch. Dist.</i>	YES	YES	Briefing stage.
18-018	10/8/18	Appeal	<i>Gonzales v. Bethel Native Corp. and Commerce and Indus. Ins. Co.</i>	YES	YES	Briefing stage.
18-019	10/24/18	Appeal	<i>Compton v. Fairbanks Taxi Serv., LLC and Travelers Ins. Co.</i>	YES	YES	Briefing stage.
18-020	11/7/18	Appeal	<i>Cavitt v. D & D Servs., LLC d/b/a Novus Auto Glass and Ohio Cas. Ins. Co.</i>	YES	YES	Briefing stage.
18-021	11/14/18	Petition for Review	<i>The Home Depot, Inc. and New Hampshire Ins. Co. v. Holt</i>	YES	YES	Petition for review granted; awaiting supplemental briefs.
18-022	11/26/18	Appeal	<i>Maalah v. Trident Seafoods and Liberty Ins. Corp.</i>	NO	YES	Briefing stage.
18-023	11/26/18	Appeal	<i>Patterson v. Matanuska-Susitna Borough Sch. Dist.</i>	YES	YES	Briefing stage.
18-024	11/27/18	Appeal	<i>State, Dep't of Health and Social Servs. v. Thomas and United Physical Therapy, Inc.</i>	YES	NO	Awaiting transcript.
18-025	11/28/18	Petition for Review	<i>McDonald v. Rock & Dirt Envtl., Inc. and Ins. Co. of the State of Pennsylvania</i>	NO	YES	Order on petition for review pending.
18-026	12/5/18	Appeal	<i>Carlyle v. ASRC Energy Servs. and Arctic Slope Reg'l Corp.</i>	NO	YES	Dismissed on settlement on 3/8/19.

APPENDIX B: TABLE OF 2018 PUBLISHED DECISIONS

DECISION No.	APPEAL No.	TITLE OF APPEAL	DAYS FROM FILING TO FINAL DECISION ON MERITS	DAYS FROM ORAL ARGUMENT / RECORD CLOSURE TO FINAL DECISION ON MERITS	DECISION/APEALED
242	16-012	<i>Imhotep M. Narcisse v. Trident Seafoods Corporation and Liberty Insurance Corporation</i>	454	73	Reversed Board in part, affirmed in part.
243	17-007	<i>Alaska Interstate Construction, LLC v. Theodore D. Morrison and ASRC d/b/a SKW Eskimos, Inc.</i>	332	83	Remanded to Board.
244	17-013	<i>Silvia V. Tobar v. Remington Holdings, LP and Liberty Insurance Corporation</i>	190	14	Affirmed Board. Appealed to Alaska Supreme Court.
245	17-001	<i>Sandra Rusch v. Southeast Alaska Regional Health Consortium and Alaska National Insurance Company</i>	434	58	Affirmed Board. Appealed to Alaska Supreme Court.
246	17-002	<i>Brenda Dockter v. Southeast Alaska Regional Health Consortium and Alaska National Insurance Company</i>	434	58	Affirmed Board. Appealed to Alaska Supreme Court.
247	17-009	<i>Pedro Erpelo v. Trident Seafoods and Liberty Insurance Corporation</i>	321	33	Affirmed Board.
248	17-017	<i>Kiel L. Cavitt v. D & D Services, LLC d/b/a Novus Auto Glass and Ohio Casualty Insurance Company</i>	220	81	Affirmed Board in part and remanded.
249	17-015	<i>ARCTEC Alaska v. Joseph Traugott</i>	267	103	Reversed Board. Appealed to Alaska Supreme Court.
250	17-016	<i>Marcos J. Pichardo v. Assets, Inc. and Berkshire Hathaway Homestate Insurance Company</i>	259	29	Affirmed Board.
251	17-018	<i>Northern Construction and Liberty Northwest Insurance Corporation v. Andy James</i>	N/A	N/A	Vacated Board interlocutory decision and remanded to reinstate previous Board order in a Memorandum Decision on Petition for Review.
252	15-029	<i>State of Alaska, Workers' Compensation Benefits Guaranty Fund v. Virgil A. Adams, Michael A. Heath d/b/a O & M Enterprises, and Michael A. Heath Trust</i>	1005*	91	Reversed Board. Appealed to Alaska Supreme Court.
253	17-014	<i>Derrick Gillion v. The North West Company International and Berkshire Hathaway Homestate Insurance Company</i>	371	77	Affirmed Board in part and remanded.
254	17-023	<i>Sallyanne M. Butts, nee DeCastro v. State of Alaska</i>	298	87	Affirmed Board.
255	18-004	<i>Terry M. Parsons v. Craig City School District and Alaska Municipal League Joint Insurance Association</i>	235	70	Affirmed Board. Appealed to Alaska Supreme Court.

Shaded areas indicate cases heard in 2017, but the decisions were issued in 2018.

*This 2015 case was stayed pending further Board action; the Board's 2017 decision was also appealed to the Commission.