

# Alaska Workers' Compensation Appeals Commission

---

## ANNUAL REPORT FOR CALENDAR YEAR 2019

Submitted to the Office of the Lieutenant Governor  
March 6, 2020



Alaska Workers' Compensation Appeals Commission

3301 Eagle Street, Suite 305

Anchorage, AK 99503

Telephone: 907-269-6738

Facsimile: 907-269-6737

E-mail: [awcac.clerk@alaska.gov](mailto:awcac.clerk@alaska.gov)

**Alaska Workers' Compensation Appeals Commission**  
**Annual Report for Calendar Year 2019**

**TABLE OF CONTENTS**

	Page
INTRODUCTION	2
COMMISSION MEMBERS	3
COMMISSION CASES	
New Cases Filed in 2019	6
2019 Commission Docket	6
Oral Arguments, Hearings, and Unpublished Orders	7
Average Time Period for Cases Closed in 2019	7
Resolution of Cases in 2019	8
Indigent Participants	8
Attorney Representation	8
COMMISSION DECISIONS	
Published Decisions	9
Time Period between Initial Receipt and Decision on the Merits of an Appeal	9
Published Decisions – Case Resolutions	10
ALASKA SUPREME COURT ACTION	10
REGULATION CHANGES	11
APPENDIX A: 2019 APPEALS COMMISSION DOCKET	12
APPENDIX B: TABLE OF 2019 PUBLISHED DECISIONS	16

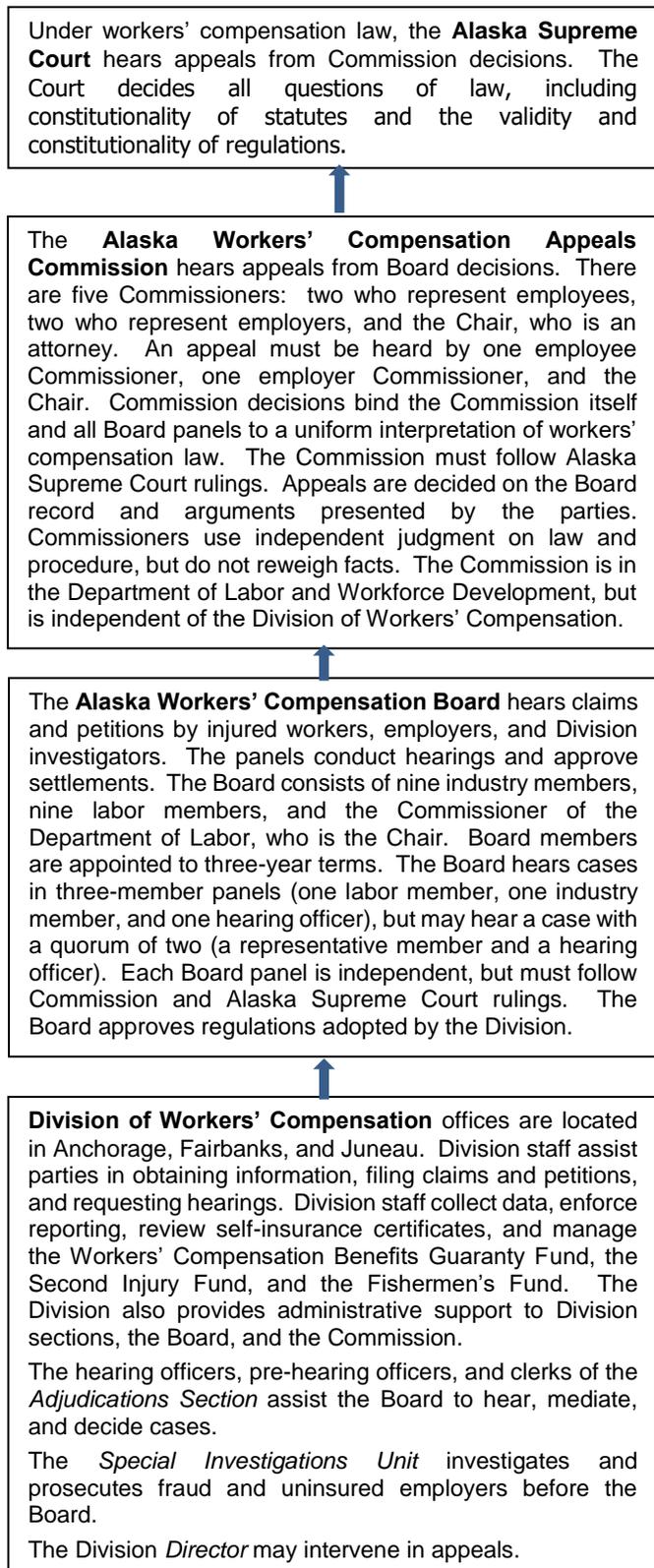
## INTRODUCTION

The Alaska Workers' Compensation Appeals Commission (Commission) is charged with providing fair, prompt, and thoughtful adjudication of appeals from decisions issued by the Alaska Workers' Compensation Board (Board). An appeal to the Commission is a formal administrative appeal and 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 those duties is to make available to the public, and file with the lieutenant governor's office, a report of the Commission's activity for the prior calendar year, including data regarding time periods between initial receipt and final decisions on the merits of appeals, no later than March 15 of each year. This report is filed to satisfy that duty.

**Figure 1**



## COMMISSION MEMBERS

The Commission consists of 5 members: 2 who represent employees, 2 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 5 years in Alaska with experience in workers' compensation law in this state.

The Chief Administrative Law Judge in the Office of Administrative Hearings announces vacancies 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' 5-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 2019 were:

**Deirdre D. Ford, Chair**, of Anchorage, was appointed by Governor Bill Walker and took office on October 31, 2016, and reappointed by Governor Mike Dunleavy to a 5-year term in March 2020. 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, 2025.**

**Philip E. Ulmer, an employer representative**, an Eagle River resident for 35 years, is a Certified Workers' Compensation Professional. He is a previous national president of the American Society of Safety Engineers and of the National Institute for Engineering Ethics, and a 1994 Engineer of the Year finalist with the Alaska Society of Professional Engineers. He was appointed by Governor Frank Murkowski to a 4-year term in November 2005 when the Commission began, reappointed by Governor Sarah Palin to a 5-year term in March 2009, and reappointed by Governor Sean Parnell to a 5-year term in March 2014. **His last term expired on March 1, 2019**, and the Commission members and staff wish him well in his future endeavors.

**James N. Rhodes, an employee representative**, of Ketchikan, is a 25-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 4-year term in February 2012, and 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 5-year term as Commissioner in March 2007, reappointed by Governor Sean Parnell to another 5-year term in February 2012; and reappointed by Governor Bill Walker to an additional 5-year term in February 2017. **His term expires on March 1, 2022.**

**Michael J. Notar, an employee representative**, of Juneau, was appointed in September 2015 by Governor Bill Walker, and reappointed by Governor Bill Walker to a 5-year term in January 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 and Hour Supervising Investigator. He retired from active employment in 2013 and is a lifelong Alaskan. **His term expires on March 1, 2023.**

**Amy M. Steele, an employer representative**, of Anchorage, is the Senior Claims Coordinator at Chenega Corporation, where she has worked since 2009. Prior to her work with Chenega, she was a Senior Claims Examiner with Alaska National Insurance Company. Before moving to Alaska in 2002, she worked as a principal member of the risk management staff at Allegis Group, Inc. where she had worked since 1995. She graduated in 1995 from The New York State University at Oneonta with a Bachelor of Science Degree in Biology. She earned her Associate in Risk Management designation in 1999. She was appointed as a member for industry to the Board in 2011 by Governor Sean Parnell and reappointed by Governor Bill Walker until her term ended in March 2019. Ms. Steele was appointed to the Commission by Governor Mike Dunleavy in June 2019. **Her term expires on March 1, 2024.**

**Andrew M. Hemenway, Chair *pro tempore***, of Juneau, was appointed by the Chief Administrative Law Judge in the Office of Administrative Hearings to hear several appeals due to potential conflicts of interest for the Chair. Prior to this, Mr. Hemenway served as Chair from March 2015 through April 2016 and as Chair *pro tempore* from May 2016 through October 2016. Prior to being appointed Chair in 2015, Mr. Hemenway was an Administrative Law Judge in the Office of Administrative Hearings. In that capacity he conducted hearings and

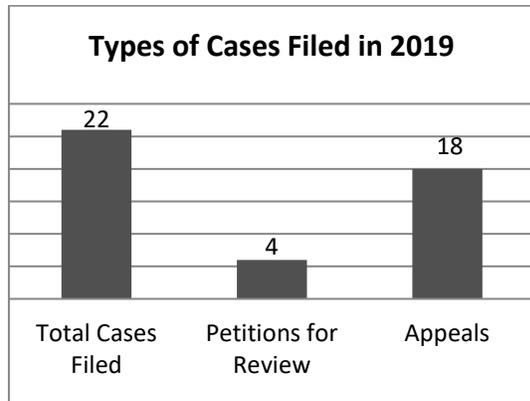
issued decisions for a variety of administrative agencies. He had experience in workers' compensation law as a staff attorney for the Alaska Supreme Court and in private practice, and had previously served as a Chair *pro tempore* of the Commission. He received his LL.M. in law and maritime affairs from the University of Washington in 1986, his J.D. from the University of Houston in 1976, and his B.A. in philosophy from Amherst College in 1970.

## COMMISSION CASES

### New Cases Filed in 2019

The Commission docketed 22 new cases in 2019, 4 fewer than the number of new cases filed in 2018. Figure 2 shows the types of cases filed in 2019.

**Figure 2**



### Appeals

Of the 22 new cases filed in 2019, 18 were appeals: 3 resulted in published final decisions on the merits of the appeal in 2019; 1 resulted in a published final decision on the merits of the appeal in early 2020; 1 was converted to a petition for review and denied in 2019; 3 settled in 2019; 2 settled in early 2020; 1 was dismissed in 2019; 1 is stayed pending further Board action; 1 2019 appeal was consolidated with a related 2018 appeal; and 5 are currently pending.

### Petitions for Review

Of the 22 new cases filed in 2019, 4 were petitions for review: 1 was denied in 2019; 2 were denied in early 2020; and 1 was settled in 2019.

### 2019 Commission Docket

A total of 49 cases appeared on the Commission's 2019 docket, an increase of 1 case from 2018. See Figure 3.

In addition to the 22 new cases filed in 2019, the Commission began 2019 with 21 cases on its docket: 3 filed in 2017 and 18 filed in 2018.

The first 2017 case was still on the docket at the beginning of 2019 as it was filed in November 2017, several extensions of time were granted as the parties negotiated settlement, and one party filed for bankruptcy, which stayed the appeal proceeding.

The second 2017 case was still on the docket at the beginning of 2019 as it was filed in late December 2017 and several extensions of time were granted.

The third 2017 case came back on the docket in October 2018 due to an Alaska Supreme Court Memorandum Opinion and Judgment which necessitated further Commission proceedings.

**Figure 3**

### Total Number of Cases on the Docket

	2018	2019
<b>Cases on Docket at Start of Year</b>	19	21
<b>New Cases Filed</b>	26	22
<b>Alaska Supreme Court Remands</b>	3	6
<b>Total Number of Cases</b>	48	49

At the end of 2019, the Commission had 15 cases on its docket. Two 2017 cases were on the docket due to remands from the Alaska Supreme Court in December 2019.

One 2018 case was still on the docket at the end of 2019 due to several granted extensions of time and a stay of appeal proceedings pending Board action on petitions filed by the appellant.

The remaining 12 cases were filed in 2019.

Figure 4 shows the number of open cases on the Commission docket at the end of each month during 2019, as well

as the number of new cases filed, oral arguments and hearings held, published final decisions on the merits of appeals, 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.	23	4	1	1	0	16
Feb.	24	0	1	0	0	15
Mar.	21	1	1	3	0	14
Apr.	18	3	1	1	0	14
May	19	2	0	0	1	10
Jun.	21	3	3	1	0	10
Jul.	20	0	1	2	0	9
Aug.	19	2	2	1	0	12
Sep.	19	3	2	4	0	6
Oct.	16	2	1	2	0	16
Nov.	16	1	1	0	0	7
Dec.	15	1	0	3	0	7
<b>Totals</b>		22	14	18	1	136

Appendix A is the Commission's complete 2019 docket. It contains for each case the date filed, type of case, attorney representation, Commission action, and any Alaska Supreme Court action.

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 2019.

### **Oral Arguments, Hearings, and Unpublished Orders**

The Commission held 14 oral arguments and hearings in 2019, 4 more than were held in 2018. There were 8 oral arguments on the merits of appeals, 1 oral argument on a petition for review, and 5 hearings on motions for stay.

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 2019 with those held in 2018.

**Figure 5**  
**Hearings and Oral Arguments**

	2018	2019
<b>Oral Arguments on Merits of Appeal</b>	9	8
<b>Oral Arguments on Petitions for Review</b>	1	1
<b>Hearings on Motions for Stay</b>	0	5
<b>Totals</b>	10	14

The Commission issued unpublished orders on motions for extensions of time to file appeals and petitions for review, stays of Board orders, dismissals, waivers of filing fees and/or transcript costs, attorney fees, reconsideration, stays of appeals, clarification, and granting or denying petitions for review. The Chair issued orders on procedural matters such as motions for extensions of time and notices of default and orders to comply. In 2019, a total of 136 unpublished orders were issued, an increase of 33 unpublished orders from 2018.

### **Average Time Period for Cases Closed in 2019**

#### **All Cases Closed in 2019**

Of the 49 cases that appeared on the Commission's 2019 docket, 34 were closed in 2019. This is a closure rate of 69% of the total number of cases that appeared on the 2019 docket, an increase of 13% from the closure rate in 2018. See Figure 6.

**Figure 6**  
**Closure Rate for All Cases**

	2018	2019
<b>Total Cases on Docket</b>	48	49
<b>Cases Closed</b>	27	34
<b>Closure Rate</b>	56%	69%

The average time period from date of filing to date of closure for those 34 cases was 224 days, a decrease of 6 days from the 2018 average, 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**

	2018	2019
<b>Total Cases on Docket</b>	48	49
<b>Cases on Docket Closed</b>	27	34
<b>Number of Days from Filing to Closing</b>	230	224

All Cases Filed and Closed in 2019

Nine of the 22 cases filed in 2019 were also closed in 2019, a closure rate of 41% for cases both filed and closed in 2019. This is an increase of 10% from the 2018 closure rate for cases filed and closed in the same year. *See* Figure 8.

**Figure 8**  
**Closure Rate for All Cases Filed and Closed in Same Year**

	2018	2019
<b>Cases Filed</b>	26	22
<b>Cases Filed and Closed in Same Year</b>	8	9
<b>Closure Rate</b>	31%	41%

The average time period from date of filing to date of closure for the cases that were both filed and closed in 2019 was 134 days, an increase of 49 days from 2018. Again, this is well under the Commission’s target of processing cases within 360 days. *See* Figure 9.

**Figure 9**  
**Average Time from Filing to Closure for All Cases Both Filed and Closed in Same Year**

	2018	2019
<b>Cases Filed</b>	26	22
<b>Cases Filed and Closed in Same Year</b>	8	9
<b>Number of Days from Filing to Closing</b>	85	134

**Resolution of Cases in 2019**

Of the 34 cases on the 2019 docket that were closed, 17 resulted in decisions on the merits of appeals; 3 resulted in orders after Alaska Supreme Court Opinions; 7 settled; 3 petitions for review were denied; 1 petition for review resulted in a memorandum decision; and 3 cases were dismissed. *See* Appendix A.

**Indigent Participants**

In 2019, 3 unrepresented employees filed motions to waive payment of both the filing fee and transcript cost: 2 were granted in full and 1 was partially granted. Two waivers of payment of the filing fee were granted, for a total of \$100.00. All 3 waivers of payment of transcript cost were granted; however, 1 case settled prior to the transcript being ordered. In 2019, the Commission paid a total of \$990.00 to have Board hearing recordings transcribed on behalf of 2 indigent unrepresented parties.

**Attorney Representation**

Employees

Employees filed 15 of the 22 new cases in 2019, with 6 of those filed by unrepresented employees. In all cases filed by employees, all opposing parties were represented.

Figure 10 compares unrepresented and represented employees. Compared with 2018, the number of cases filed by unrepresented employees decreased by 3 and the number of cases filed by represented employees decreased by 4. Seven fewer cases were filed by employees in 2019 than in 2018.

**Figure 10**

**Number of New Cases Filed by Employees**

	2018	2019
New Cases Filed by Unrepresented Employees	9	6
New Cases Filed by Represented Employees	13	9
Total Cases Filed by Employees	22	15

Employers

Represented employers filed 7 of the 22 new cases in 2019. In 5 of those cases, the employee was represented and in 2 cases the employee was not represented. No cases were filed by an unrepresented employer.

Figure 11 compares unrepresented and represented employers. When compared to 2018, the number of cases filed by represented employers increased by 3 and the number of cases filed by unrepresented employers remained at zero.

**Figure 11**

**Number of New Cases Filed by Employers**

	2018	2019
New Cases Filed by Unrepresented Employers	0	0
New Cases Filed by Represented Employers	4	7
Total Cases Filed by Employers	4	7

## COMMISSION DECISIONS

### Published Decisions

In 2019, 19 Commission decisions were published: 17 final decisions on the merits of appeals, 1 memorandum decision on a petition for review, and 1 decision on reconsideration of a final decision. Appendix B is the list of the Commission's 2019 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, and whether the Commission's decision was appealed or petitioned for review to the Alaska Supreme Court.

In the 17 cases where a final decision on the merits of the appeal was issued in 2019, the average time from oral argument or record closure to the issuance of the final decision was 89 days, 1 day less than the statutory allowance of 90 days.

### Time Period between Initial Receipt and Decision on the Merits of an Appeal

The Commission's target is to process cases within 360 days from initial receipt. Figure 12 below shows a timeline of approximately 255 days for an appeal if there is no cross-appeal, stay of appeal proceedings, or extensions of time. Appeal proceedings may be stayed or an extension of time may be granted for the parties to negotiate settlement.

**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

\*30 days if a cross-appeal is filed.

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 2019 docket was 329 days, 31 days less than the Commission's target of 360 days.

## **Published Decisions – Case Resolutions**

The results of Commission decisions published in 2019 are summarized in Appendix B. Of the 17 published final decisions issued on the merits of appeals, 9 affirmed the Board's decision; 1 affirmed the Board's decision in part and remanded; 2 affirmed the Board's decision in part and reversed in part; 1 remanded to the Board; 2 reversed and remanded the Board's decision; and 2 affirmed in part, reversed in part, and remanded the Board's decision.

The Commission published 1 decision on reconsideration which modified a prior decision and remanded to the Board.

The Commission also published 1 memorandum decision on a petition for review in 2019, which affirmed in part, reversed in part, and remanded to the Board. 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**

Ten Commission decisions issued in 2019 were appealed to the Alaska Supreme Court; all are currently pending. *See* Appendix A.

In addition, 1 Commission order issued in 2019 was appealed to the Alaska Supreme Court and is currently pending. *See* Appendix A.

Three Commission orders issued in 2019 were petitioned for review to the Alaska Supreme Court: 2 were denied and 1 is currently pending. *See* Appendix A.

A total of 17 Commission decisions or orders presently await Alaska Supreme Court rulings: 4 issued in 2018, 12 issued in 2019, and 1 issued in early 2020. *See* Appendix A.

In 2019, the Alaska Supreme Court decided 6 appeals (2 of which were consolidated at the Court) and 3 petitions for review of Commission decisions and orders.

Of the 8 decisions, the Alaska Supreme Court issued 2 memorandum opinions and judgments which do not create legal precedent:

Memorandum Opinion and Judgment No. 1712, February 13, 2019, in a 2017 case, *McKee v. Alaska Functional Fitness, LLC*, which affirmed the Commission's decision which affirmed the Board's decision.

Memorandum Opinion and Judgment No. 1748, November 20, 2019, in a 2018 case, *Parsons v. Craig City School District*, which affirmed the Commission's decision which affirmed the Board's decision.

In 2019, the Alaska Supreme Court issued 6 opinions on appeals and petitions for review of Commission decisions and orders, which created legal precedent:

Opinion No. 7333, February 8, 2019, in a 2016 case, *Unisea, Inc. v. Morales de Lopez*, 435 P.3d 961, which affirmed the Commission's decision which reversed the Board's decision.

Opinion No. 7353, April 19, 2019, in a 2017 case, *Morrison v. Alaska Interstate Construction, Inc. and SKW Eskimos, Inc.*, 440 P.3d 224, which reversed the

Commission's decision and ordered the Board's award be reinstated.

Opinion No. 7356, April 26, 2019, in a 2016 case, *Warnke-Green v. Pro West Contractors, LLC*, 440 P.3d 283, which reversed and remanded the Commission's order on attorney fees.

Opinion No. 7383, July 5, 2019, in a 2017 case, *D&D Services d/b/a Novus Auto Glass v. Cavitt*, 444 P.3d 165, which affirmed the Commission's order on attorney fees.

Opinion No. 7402, August 30, 2019, in a 2017 case, *Tobar v. Remington Holdings LP*, 447 P.3d 747, which vacated the Commission's decision and remanded to the Commission with instructions to remand to the Board for further proceedings.

Opinion No. 7422, December 6, 2019, in 2 consolidated 2017 cases, *Rusch v. Southeast Alaska Regional Health Consortium* and *Dockter v. Southeast Alaska Regional Health Consortium*, 453 P.3d 784, which affirmed the Commission's decisions in part, reversed the Commission's decisions in part, and remanded to the Commission with instructions to remand to the Board for further proceedings.

## **REGULATION CHANGES**

In September 2019, the Commission Chair and Clerk attended training regarding updating the Commission's regulations. A rough draft of proposed changes was begun; however, this project has been put on hold until after the 2020 legislative session as there is a bill pending, that if passed, would repeal the Commission.

APPENDIX A: CY 2019 APPEALS COMMISSION DOCKET<sup>1</sup>

Docket Number	Date Filed	Case Filed As	Case Title	Appellant Attorney	Appellee Attorney	Result/Status
15-029	11/12/15	Appeal	<i>State, Workers' Comp. Benefits Guar. Fund v. Adams and Heath d/b/a O&amp;M Enter.</i>	YES	Adams: YES Heath: NO	Appeal stayed in 2016 pending further Board action; Board decision appealed to Commission in 2017; reversed Board in 2018; appellee appealed to supreme court; ripe for decision.
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 in 2019.
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 in 2019.
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; Commission decision reversed and remanded in 2019.
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; Commission decision affirmed in part, reversed in part, and remanded to Commission to remand to Board for further proceedings in 2019.
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; Commission decision affirmed in part, reversed in part, and remanded to Commission to remand to Board for further proceedings in 2019.
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 in 2019.
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; Commission decision reversed and remanded in 2019.
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; Commission decision vacated and remanded to Commission to remand to Board for further proceedings.
17-015	9/12/17	Appeal	<i>ARCTEC Alaska v. Traugott</i>	YES	YES	Reversed Board in 2018; appellee appealed to supreme court; ripe for decision.
17-017	9/26/17	Appeal	<i>Cavitt v. D &amp; 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; Commission order affirmed in 2019.

<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 CY 2019, 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
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; settled in 2019.
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 2017; appellant appealed to supreme court in 2018; reversed and remanded to Commission in 2018 for further proceedings; affirmed Board decision in 2019; appellant appealed to supreme court in 2020; 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 in 2019.
	11/17/17	Cross-Appeal				
17-023	12/18/17	Appeal	<i>Butts v. State</i>	YES	YES	Affirmed Board in 2018; appellant appealed to supreme court; ripe for decision.
17-025	12/22/17	Appeal	<i>Weaver v. ASRC Fed. Holding Co. and Arctic Slope Reg'l Corp.</i>	YES	YES	Affirmed Board in 2019; appellant appealed to supreme court; ripe for decision.
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; Commission decision affirmed in 2019.
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 in 2019.
	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	Affirmed Board in 2019; appellant appealed to supreme court; ripe for decision.
18-007	5/8/18	Appeal	<i>Davis v. Wrangell Forest Prod. and Wausau Underwriters Ins. Co.</i>	NO	YES	Reversed Board in 2019.
18-008	6/8/18	Appeal	<i>Murphy v. Fairbanks North Star Borough</i>	YES	YES	Affirmed Board in 2019; appellant appealed to supreme court; briefing stage.
	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	Affirmed Board in 2019; appellant appealed to supreme court in 2020; briefing stage.
	7/10/18	Cross-Appeal				
18-012	7/20/18	Appeal	<i>Cavitt v. D &amp; D Servs., LLC d/b/a Novus Auto Glass and Ohio Cas. Ins. Co.</i>	YES	YES	Affirmed Board in 2019; appellant appealed to supreme court; ripe for decision.
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; ripe for decision.
18-015	9/10/18	Appeal	<i>Lewis v. Hickel Inv. Co. and Alaska Nat'l Ins. Co.</i>	NO	YES	Affirmed Board in part, reversed in part, and remanded to Board in 2019.
18-016	9/28/18	Appeal	<i>Nabors Indus., Ltd. v. Biledo and Second Injury Fund</i>	YES	YES	Dismissed as settled.
18-017	10/8/18	Appeal	<i>Sumpter v. Fairbanks North Star Borough Sch. Dist.</i>	YES	YES	Affirmed Board in 2019; appellant appealed to supreme court; briefing stage.
18-018	10/8/18	Appeal	<i>Gonzales v. Bethel Native Corp. and Commerce and Indus. Ins. Co.</i>	YES	YES	Remanded to Board in 2019.

Docket Number	Date Filed	Case Filed As	Case Title	Appellant Attorney	Appellee Attorney	Result/Status
18-019	10/24/18	Appeal	<i>Compton v. Fairbanks Taxi Serv., LLC and Travelers Ins. Co.</i>	YES	YES	Dismissed as settled in 2019.
18-020	11/7/18	Appeal	<i>Cavitt v. D &amp; D Servs., LLC d/b/a Novus Auto Glass and Ohio Cas. Ins. Co.</i>	YES	YES	Reversed and remanded to Board in 2019.
18-021	11/14/18	Petition for Review	<i>The Home Depot, Inc. and New Hampshire Ins. Co. v. Holt</i>	YES	YES	Affirmed Board in part, reversed in part, and remanded to Board in 2019.
18-022	11/26/18	Appeal	<i>Maalah v. Trident Seafoods and Liberty Ins. Corp.</i>	NO	YES	Affirmed Board in part, reversed in part, and remanded to Board in 2019; appellant appealed to supreme court; briefing stage.
18-023	11/26/18	Appeal	<i>Patterson v. Matanuska-Susitna Borough Sch. Dist.</i>	YES	YES	Appeal proceedings stayed for further Board action in 2019; appeal proceedings resumed; 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	Thomas: NO	Affirmed Board in 2019; appellant appealed to supreme court, appellees cross-appealed; briefing stage.
					UPT: YES	
18-025	11/28/18	Petition for Review	<i>McDonald v. Rock &amp; Dirt Envtl., Inc. and Ins. Co. of the State of Pennsylvania</i>	NO	YES	Denied petition for review; petitioner petitioned for review to supreme court; closure notice issued in 2019.
18-026	12/5/18	Appeal	<i>Carlyle v. ASRC Energy Servs. and Arctic Slope Reg'l Corp.</i>	NO	YES	Dismissed on settlement in 2019.
19-001	1/9/19	Appeal	<i>Roberge v. ASRC Constr. Holding Co. and Arctic Slope Reg'l Corp.</i>	YES	YES	Affirmed Board in part and remanded to Board in 2019.
19-002	1/30/19	Appeal	<i>Rife v. B.C. Excavating, LLC and Alaska Nat'l Ins. Co.</i>	NO	YES	Affirmed Board in 2019; appellant's motion for reconsideration denied on 2/27/20.
19-003	1/30/19	Appeal	<i>Rubke v. PCL Contractors and Risk Enter. Mgmt.</i>	NO	YES	Dismissed on settlement.
19-004	1/31/19	Appeal	<i>Matanuska-Susitna Borough Sch. Dist. v. Hickie</i>	YES	YES	Reversed Board in part, affirmed in part in 2019; appellant appealed to supreme court in 2020.
	2/8/19	Cross-Appeal				
19-005	3/8/19	Petition for Review	<i>Leigh v. Alaska Children's Servs. and Republic Indem. Co. of America</i>	NO	YES	Petition for review denied in 2019; petitioner petitioned for review with supreme court; stayed pending supreme court decision in related petition for review 18-014.
19-006	4/8/19	Appeal	<i>Jaycox v. State</i>	YES	YES	Affirmed Board on 2/13/20.
19-007	4/12/19	Appeal	<i>O'Brien v. Central Peninsula Gen. Hosp., Wausau Underwriters Ins. Co., and Alaska Nat'l Ins. Co.</i>	NO	YES	Briefing stage.
19-008	4/18/18	Appeal	<i>State, Dep't of Corr. v. Wozniak</i>	YES	YES	Decision pending.
19-009	5/6/19	Appeal	<i>Rosales v. Iccle Seafoods, Inc. and Seabright Ins. Co.</i>	NO	YES	Appeal dismissed in 2019; appellant appealed to supreme court; briefing stage.
19-010	5/22/19	Appeal	<i>Mansfield v. United Parcel Serv. and LM Ins. Corp.</i>	YES	YES	Dismissed as settled in 2019.
19-011	6/3/19	Petition for Review	<i>The Home Depot USA, Inc. and New Hampshire Ins. Co. v. Turri</i>	YES	YES	Petition for review denied in 2019.

Docket Number	Date Filed	Case Filed As	Case Title	Appellant Attorney	Appellee Attorney	Result/Status
19-012	6/18/19	Appeal	<i>Roberge v. ASRC Constr. Holding Co. and Arctic Slope Reg'l Corp.</i>	YES	YES	Dismissed as settled on 1/29/20.
19-013	6/26/19	Appeal	<i>Elardo v. Walmart, Inc. and New Hampshire Ins. Co.</i>	YES	YES	Dismissed as settled in 2019.
19-014	8/12/19	Petition for Review	<i>Alaska Reg'l Hosp. and Broadspire v. Woodell</i>	YES	YES	Petition for review denied in 2019.
19-015	8/15/19	Appeal	<i>Sernas v. Juneau Sch. Dist. and City and Borough of Juneau</i>	YES	YES	Oral argument scheduled for 3/27/20.
19-016	9/6/19	Appeal	<i>Butcher v. Federal Express Corp.</i>	NO	YES	Final Decision pending.
19-017	9/23/19	Appeal	<i>Turner v. Alaska Quality Sealcoat and Alaska Nat'l Ins. Co.</i>	YES	YES	Converted to petition for review and dismissed in 2019.
19-018	9/23/19	Appeal	<i>Sterling Assisted Living, Inc. and Liberty Northwest Ins. Co. v. Meili</i>	YES	YES	Remanded to Board in 2019; appeal stayed and jurisdiction retained pending Board action.
19-019	10/9/19	Appeal	<i>TC Constr., Inc. and American Interstate Ins. Co. v. Schranz</i>	YES	NO	Decision pending.
19-020	10/24/19	Appeal	<i>Patterson v. Matanuska-Susitna Borough Sch. Dist.</i>	YES	YES	Consolidated with 18-023 in 2019.
19-021	11/25/19	Petition for Review	<i>Beeson Plumbing, Inc. and Arrowood Indem. Co. v. Elliott</i>	YES	NO	Petition for review denied 2/7/20.
19-022	12/9/19	Appeal	<i>Pak v. ASRC Energy Servs.</i>	YES	YES	Dismissed as settled on 2/26/20.

**APPENDIX B: TABLE OF 2019 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 / RECORD CLOSURE TO FINAL DECISION</b>	<b>DECISION/APEALED</b>
256	18-007	<i>Davis v. Wrangell Forest Prods. and Wausau Underwriters Ins. Co.</i>	239	79	Reversed and remanded to Board for further proceedings.
257	18-005	<i>Lubov v. McDougall Lodge, LLC and State of Alaska, Workers' Comp. Benefits Guar. Fund</i>	321	104	Affirmed Board in part and reversed in part.
258	17-025	<i>Weaver v. ASRC Fed. Holding Co. and Arctic Slope Reg'l Corp.</i>	448 <sup>2</sup>	88	Affirmed Board; appealed to Alaska Supreme Court.
259	18-012	<i>Cavitt v. D &amp; D Servs., LLC d/b/a Novus Auto Glass and Ohio Cas. Ins. Co.</i>	252	102	Affirmed Board; appealed to Alaska Supreme Court.
260	18-006	<i>Vue v. Walmart Assocs., Inc. and New Hampshire Ins. Co.</i>	350	99	Affirmed Board; appealed to Alaska Supreme Court.
261	18-021	<i>The Home Depot, Inc. and New Hampshire Ins. Co. v. Holt</i>	N/A	N/A	Published memorandum decision on petition for review; affirmed Board in part, reversed in part, and remanded to Board for clarification.
262	18-008	<i>Murphy v. Fairbanks North Star Borough</i>	378 <sup>3</sup>	85	Affirmed Board; appealed to Alaska Supreme Court.
263	18-022	<i>Maalah v. Trident Seafoods and Liberty Ins. Corp.</i>	217	77	Affirmed Board in part, reversed in part, and remanded to Board for further proceedings; appealed to Alaska Supreme Court.
264	18-020	<i>Cavitt v. D &amp; D Servs., LLC d/b/a Novus Auto Glass and Ohio Cas. Ins. Co.</i>	243	84	Reversed Board and remanded to Board for further proceedings.
265	18-017	<i>Sumpter v. Fairbanks North Star Borough Sch. Dist.</i>	322	80	Affirmed Board; appealed to Alaska Supreme Court.
266	18-018	<i>Gonzales v. Bethel Native Corp. and Commerce and Indus. Ins. Co.</i>	330	82	Remanded to Board for further proceedings.
267	18-022	<i>Maalah v. Trident Seafoods and Liberty Ins. Corp.</i>	N/A	N/A	Modified Decision No. 263 and remanded to Board for further proceedings.
268	18-015	<i>Lewis v. Hickel Inv. Co. and Alaska Nat'l Ins. Co.</i>	373	85	Affirmed Board in part, reversed in part, and remanded to Board for further proceedings.
269	19-001	<i>Roberge v. ASRC Constr. Holding Co. and Arctic Slope Reg'l Corp.</i>	258	89	Affirmed Board in part and remanded to Board for further proceedings.
270	18-024	<i>State of Alaska, Dep't of Health and Soc. Servs. v. Thomas and United Physical Therapy, Inc.</i>	318	88	Affirmed Board; appealed to Alaska Supreme Court.
271	17-019	<i>Espindola v. Peter Pan Seafoods, Inc. and Seabright Ins. Co.</i>	348	81	Affirmed Board; appealed to Alaska Supreme Court.

<sup>2</sup> Multiple extensions of time for filing briefs were granted.

<sup>3</sup> Multiple extensions of time for filing briefs were granted.

DECISION No.	APPEAL No.	TITLE OF APPEAL	DAYS FROM FILING TO FINAL DECISION	DAYS FROM ORAL ARGUMENT / RECORD CLOSURE TO FINAL DECISION	DECISION/APEALED
272	18-009	<i>Mitchell v. United Parcel Serv. and Liberty Mut. Fire Ins. Co.</i>	534 <sup>4</sup>	100	Affirmed Board; appealed to Alaska Supreme Court.
273	19-004	<i>Matanuska-Susitna Borough Sch. Dist. v. Hickle</i>	323	91	Affirmed Board in part and reversed in part; appealed to Alaska Supreme Court.
274	19-002	<i>Rife v. B.C. Excavating, LLC and Alaska Nat'l Ins. Co.</i>	335	92	Affirmed Board.
<b>Averages</b>			<b>329</b>	<b>89</b>	

Shaded areas indicate cases heard in 2018, but the decisions were issued in 2019.

---

<sup>4</sup> Multiple extensions of time for filing briefs were granted.