

Alaska Workers' Compensation Appeals Commission

ANNUAL REPORT FOR CALENDAR YEAR 2012

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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 the Alaska Workers' Compensation Board (Board). An appeal to the Commission is a formal administrative appeal and appeal decisions must be published. The Commission is committed to ensuring that "hearings in workers' compensation cases shall be impartial and fair to all parties and that all parties shall be afforded due process and an opportunity to be heard and for their arguments and evidence to be fairly considered." AS 23.30.001(4).

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

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

Figure 1

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

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

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

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

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

COMMISSION MEMBERS

The Alaska Workers' Compensation Appeals Commission (Commission) consists of five (5) members: four (4) representative members and the chair. Each representative member must have at least 18 months of experience as a member of the Alaska Workers' Compensation Board. Two (2) members represent employees and two (2) represent employers. The chair must be an attorney who has been engaged in the active practice of law for at least five years in the State of Alaska with experience in workers' compensation law in this state.

The Chief Administrative Law Judge in the Office of Administrative Hearings announces and reviews the applications for each vacancy on the Commission and forwards a list of qualified nominees to the Governor for appointment. The Alaska State Legislature must confirm appointees.

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

The members of the Commission are, in order of expiration of term:

Philip E. Ulmer, employer representative, Eagle River, is a Certified Workers' Compensation Professional, currently employed as Sr. Manager of Safety and Workers' Compensation for GCI. He is a previous national president of the American Society of Safety Engineers and of the National Institute for Engineering Ethics, and a 1994 Engineer of the Year finalist with the Alaska Society of Professional Engineers. He served as a member for industry on the Alaska Workers' Compensation Board. He was appointed as a member of the Commission to a four-year term in November 2005 and reappointed to a five-year term in March 2009. **His term expires on March 1, 2014.**

Laurence P. Keyes was appointed as chair of the Commission by Governor Sean Parnell on February 2, 2010. Mr. Keyes took office on March 1, 2010. He was appointed to a five-year term. Chair Keyes resides in Anchorage. He has practiced law in Kodiak and Anchorage since 1982. Since 1990, he has specialized in litigation of bodily injury and property damage claims, including workers' compensation claims. He also served as an arbitrator of personal injury claims and as an adjunct professor at the University of Alaska Anchorage Justice Center, lecturing in Maritime and Fisheries Law. He received his LL.M. in maritime law from the

University of London in 1988, his J.D. *magna cum laude* from Gonzaga University in 1981, and his B.A. in philosophy from the University of Wisconsin-Madison in 1970. **His term expires on March 1, 2015.**

James N. Rhodes, employee representative, Ketchikan, is a 17-year member of the International Brotherhood of Electrical Workers Union Local 1547. He served as a member for labor on the Alaska Workers' Compensation Board from August 2001 until March 2005. He was appointed by Governor Sean Parnell as a member of the Commission to complete a four-year term. **His term expires on March 1, 2016.**

S. T. Hagedorn, employer representative, Anchorage, retired from the Alaska Railroad Corporation in June 2009 after a 34-year career, the last 24 years as the corporate Risk Manager. He was appointed to the Alaska Workers' Compensation Board in 1991 as a member for industry by Governor Walter Hickel, reappointed twice by Governor Tony Knowles, and reappointed in 2006 by Governor Frank Murkowski (15 years of service on the Board). He has a B.A. in history from the University of Northern Iowa. He was appointed by Governor Sarah Palin as a member of the Commission in March 2007 to a five-year term, and reappointed by Governor Sean Parnell to another five-year term in February 2012. **His term expires on March 1, 2017.**

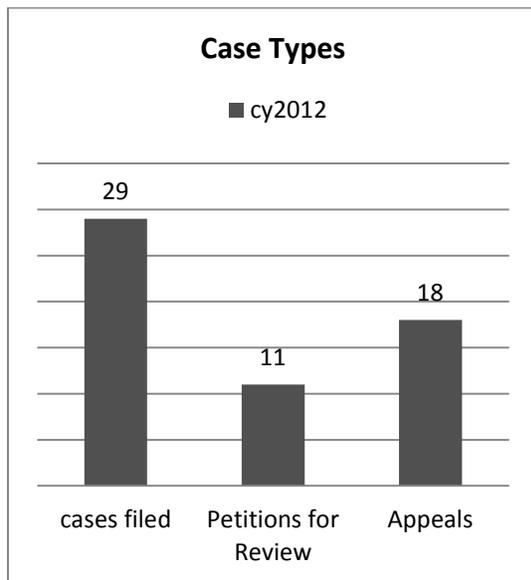
David W. Richards, employee representative, Eagle River, is a retired member of the Carpenters' Union Local 2247 and a current member of Laborers' Local 341. He served as a member for labor on the Alaska Workers' Compensation Board in Juneau until 1991. He was appointed as a member of the Commission to a five-year term in March 2008 and reappointed to a five-year term in February 2013. **His term expires on March 1, 2018.**

APPEALS COMMISSION CASES

■ Cases Filed in 2012

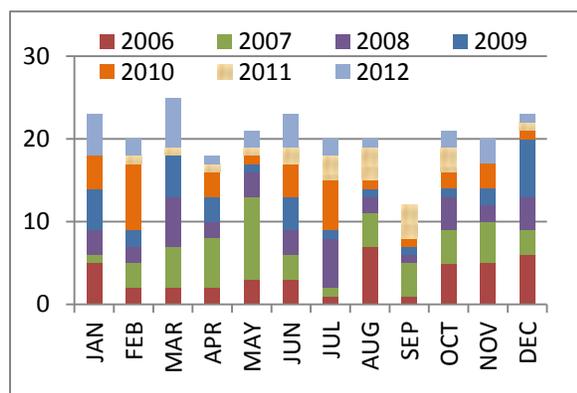
The Commission docketed 29 new cases (appeals and petitions for review) in calendar year (CY) 2012. Figure 2 compares total types of cases filed in 2012.

Figure 2



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

Figure 3



■ 2012 Commission Docket

In addition to the 29 new cases docketed in 2012, the Commission began 2012 with 20 cases on its docket, two (2) filed in CY 2010, and 18 filed in CY 2011.

At the end of CY 2012, the Commission had 18 cases on the docket, one (1) filed in CY 2010, three (3) filed in CY 2011, and 14 filed in CY 2012. Of the 18 cases on the docket at the end of CY 2012, four (4) of the 18 cases that were on the docket at the beginning of 2012 were still on the docket at the end of 2012. One (1) case remained on the docket due to a delay at the superior court to act on an appointment of a guardian *ad litem* for a self-represented appellant, one (1) case came back on the docket due to a remand from the Alaska Supreme Court (supreme court), one (1) case remained on the docket due to many requests for extensions of time by the parties to file their briefs, and one (1) remained on the docket due to a delay in a party obtaining an attorney and many requests for extensions of time by the parties to file their briefs.

Figure 4 shows the number of open cases on the Commission docket at the end of each month, new cases filed each month, and other types of production by the Commission, from January 2012 through December 2012.

Figure 4

Month	Open Cases on Docket	New Cases Filed	Oral Arguments/ Hearings Held	Decisions	Orders	Default Notices
Jan	25	5	1	1	9	0
Feb	26	2	0	2	14	0
Mar	26	6	2	0	15	0
Apr	20	1	2	0	12	0
May	21	2	1	1	6	1
Jun	24	4	2	1	7	2
Jul	28	2	1	1	7	1
Aug	22	1	2	5	13	2
Sep	18	0	1	2	10	1
Oct	19	2	0	0	7	0
Nov	21	3	2	2	7	0
Dec	18	1	1	1	7	0
Totals		29	15	16	114	7

The Commission's complete CY 2012 case list is in Appendix A. Appendix A 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.

Other Types of Production - Oral Arguments, Hearings, and Orders

The Commission held 13 oral arguments on appeal and two (2) hearings on motions for stays in CY 2012. Some appeal participants did not request oral argument.

The Commission in 2012 issued orders on non-routine motions such as motions for stay pending appeal, motions to dismiss an appeal, motions to waive filing fees and/or motions for exemption from payment of transcription costs due to indigence, motions for attorney fee awards, and motions for extensions of time to file late-filed appeals. 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 CY 2012, the Commission issued 114 unpublished orders of various types, a 25 percent increase from 2011.

▪ Average Time Period for Closure of CY 2012 Cases

In addition to the 20 cases that were on the docket at the beginning of CY 2012 and the 29 new cases that were filed in CY 2012, three (3) CY 010 cases and one (1) CY 2011 case were reopened on the Commission's CY 2012 docket due to supreme court appeals or petitions for review that were remanded to the Commission for further proceedings. One (1) CY 2010 case was also reopened at the end of 2012 due to several motions for reconsideration that were filed. Taken together, a total of 54 cases appeared on the CY 2012 Commission docket. See Appendix A for the Commission's complete CY 2012 docket.

Of the 54 cases that appeared on the CY 2012 docket, 36 cases were closed in 2012. The average time period (time period being the period of time from the date of filing to the date a case is closed) for the 36 cases that were closed in 2012 is 194 days. This results in a closure rate of 67 percent of the cases that appeared on the 2012 docket and were closed in 2012. Compared to the closure rate for CY 2011, this is a 13 percent increase. Of the 29 cases filed in CY 2012, 15 of these cases were closed in 2012. The average time period for the

15 cases filed in CY 2012 that were closed in 2012 is 77 days, which results in a closure rate of 52 percent for cases filed and closed in CY 2012. This is a significant increase compared to the closure rate of 19 percent in CY 2011 for cases filed and closed in CY 2011.

▪ **Case Resolution for 2012 Cases**

Thirty-six (36) Commission cases that were on the CY 2012 docket were closed. Fifteen (15) of these cases resulted in a decision on the merits of an appeal and one (1) was a decision on a motion for reconsideration. Two (2) cases were closed by order of dismissal due to settlement, seven (7) were closed by order of dismissal due to failure to prosecute or show good cause, and four (4) were dismissed for other reasons. Seven (7) cases were petitions for review that were denied. See Appendix A for a complete list of cases on the CY 2012 Commission docket, which also contains notes on the results of those cases.

▪ **Indigent Participants**

In CY 2012, the Commission granted two (2) of three (3) motions to waive a filing fee due to indigence. The Commission granted two (2) of three (3) motions for exemption from payment of transcript costs due to indigence. In 2012, the Commission paid a total of \$795 to have Board hearings transcribed for unrepresented employees who were determined to be indigent.

▪ **Attorney Representation**

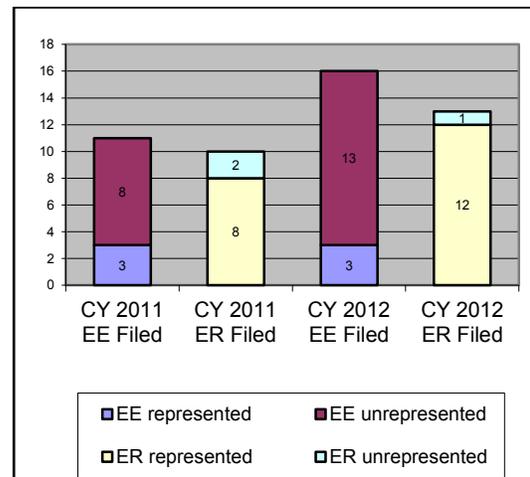
Employees unrepresented by an attorney filed 13 of the 29 new cases in

CY 2012. In all of the cases filed by unrepresented employees, the opposing parties were represented by an attorney. Three (3) cases were filed by employees represented by an attorney with the opposing parties represented by an attorney.

Twelve (12) cases were filed by employers in CY 2012. In 10 of those cases the opposing party, the employee, was represented by an attorney. In one (1) case the opposing party, the State of Alaska, was represented, and in another case the opposing party, the employee, was unrepresented.

Figure 5 compares represented participants to unrepresented participants. The number of cases filed by unrepresented employees increased by five (5) in 2012 compared to 2011. The number of cases filed by represented employees remained the same. The number of cases filed by represented employers increased by four (4) and the number of cases filed by unrepresented employers decreased by one (1) in 2012 compared to 2011.

Figure 5



APPEALS COMMISSION DECISIONS

▪ Published Decisions

In CY 2012, 16 Commission decisions were published by the end of the reporting period. One (1) of the decisions was a decision on reconsideration. See Appendix B for a list of the Commission's 2012 published decisions, with days to decision and whether the decision was appealed to the supreme court. Decisions published in 2012 on cases heard in 2011 are also listed in Appendix B.

The average time from oral argument (or from the closing of the record, if oral was not requested) to the distribution of a decision for decisions issued 2012 is 57 days, well within the statutory allowance of 90 days.

▪ Time Periods Between Initial Receipt and Decisions on Appeal

The average time period between the initial receipt of an appeal and the issuance of a decision on the merits for CY 2012 is 361 days. One (1) appeal filed at the end of CY 2010 had a time period of 574 days from the initial receipt of the appeal to the distribution of the decision. This was due to a delay in obtaining a complete Board record and due to multiple postponements in the scheduling of oral argument. Three (3) appeals filed in CY 2011 had time periods of 470, 450, and 446 days due to a back log in the scheduling of oral arguments, which was due to a seven-

month vacancy of a labor appeals commissioner position. During that time the Commission had only one labor commissioner available to handle its case load. If the time periods for these four (4) appeals are removed from the average time period for appeals that resulted in final decisions then the average time period would be 316 days for CY 2012. See Appendix B: Table of 2012 Published Decisions.

▪ Published Decisions - Case Resolution

The results of Commission decisions distributed in CY 2012 are summarized in Appendix B. In 10 decisions the Commission affirmed the Board's decision outright and in one (1) decision it reversed the Board's decision. In two (2) decisions the Commission affirmed the Board's decision in part and reversed in part. In one (1) decision the Commission vacated and remanded to the Board, in one (1) decision it affirmed in part, reversed in part and remanded to the Board, and in one (1) decision it affirmed in part, reversed in part, vacated in part and remanded to the Board.

The Commission received 11 petitions for review in CY 2012, and granted two (2) of them. 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.

SUPREME COURT ACTION

In CY 2012, seven (7) Commission decisions or orders were appealed to the supreme court. The appealed order was dismissed as settled before the supreme court; therefore, six (6) 2012 Commission decisions presently await a supreme court ruling on appeal.

In CY 2012, two (2) Commission decisions that were remanded to the Board were petitioned for review to the supreme court. One (1) was reversed and remanded to the Commission to address any remaining issues on appeal, and the other presently awaits a supreme court ruling on the petition for review.

In CY 2012, five (5) Commission orders were petitioned for review to the supreme court. Three (3) were denied, and two (2) were granted and are awaiting a supreme court ruling.

Two (2) supreme court appeals of Commission decisions that were filed in CY 2011 presently await a supreme court ruling. A total of 11 Commission decisions or orders regarding cases on the CY 2012 Commission docket presently await a supreme court ruling on appeal or petition for review.

See Appendix A and B for cases before the commission in 2012, which also contain notes on which 2012 published decisions or orders were appealed or petitioned for review to the supreme court.

In CY 2012, the supreme court decided two (2) appeals on Commission

decisions, one (1) appeal of a Commission order and two (2) petitions for review on a Commission decision.

The supreme court issued Memorandum Opinion and Judgment No. 1405 in 2012 on an appeal filed in 2010, *Rockstad v. Chugach Eareckson Support Services, et al.*, affirmed the Commission's decision, which affirmed the Board's decision.

The supreme court issued an opinion in 2012 on an appeal filed in 2011, *Runstrom v. Alaska Native Medical Center, et al.*, 280 P.3d 567, affirmed the Commission's decision, which affirmed the Board's decision.

The supreme court issued an opinion in 2012 on appeal of a Commission order dismissing the case by denying a late-filed appeal that was filed in 2010, *State, Division of Workers' Compensation, Second Injury Fund v. Tongass Business Center, et al.*, 276 P.3d 453, reversed the Commission's order dismissing the appeal and remanded the matter back to the Commission to hear the appeal on the merits.

Also in 2012, the supreme court issued two (2) orders on petitions for review of two (2) Commission decisions that vacated and remanded to the Board. *Mauget v. Lynden Transport, Inc. et al.*, reversed the Commission's decision and remanded the matter to the Commission for any remaining unaddressed issues, and *Pietro v. UNOCAL Corp.*, reversed the Commission's decision and remanded to the Commission for consideration of

any other issues that were presented for appeal.

REGULATION CHANGES

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

APPENDIX A: 2012 APPEALS COMMISSION DOCKET¹

Docket number	Date filed	Case type	Case Title	Applt att'y	Appe att'y	Result/Status
08-014	5/7/08	Appeal	<i>McCullough v. Job Ready, Inc.</i>	NO	YES	<i>Mult. br. extensions. Appeal suspended in 2009 for super. ct. guardian apptmnt., appeal resumed, mult. opening br. deficiencies and reply br. extensions by guardian for applt. Aff'd bd. dec. in 2011. Applt appealed to supreme ct. in 2011; multiple stays pending bd. action.</i>
09-027	12/08/09	Appeal	<i>M-K Rivers v. Harris</i>	YES	YES	<i>Aff'd in part, rev'd in part and remanded to bd. in 2011. Appe appealed to supreme ct. in 2011, awaiting argument.</i>
10-001	1/4/10	Appeal	<i>Runstrom v. Alaska Native Med. Ctr.</i>	NO	YES	<i>Aff'd bd. dec. in 2011. Applt appealed to supreme ct. in 2011. Supreme ct. opinion aff'd comm'n dec. in 2012.</i>
10-008	2/8/10	Appeal	<i>Rockstad v. Chugach Eareckson Support Serv.</i>	NO	YES	<i>Aff'd bd. dec. in 2010. Applt appealed to supreme ct. in 2010. Supreme ct. MOJ aff'd comm'n dec. in 2012.</i>
10-009	2/11/10	Appeal	<i>Milton v. UIC Constr.</i>	NO	YES	<i>Aff'd bd. dec. in 2010. Applt appealed to supreme ct. in 2011. Remanded to comm'n in 2012 due to bd. rec. deficiency. Aff'd bd. dec. in 2012. Applt appealed to supreme ct. in 2012; awaiting conf.</i>
10-014	4/8/10	Appeal	<i>State, Second Injury Fund v. Tongass Bus. Ctr., Commerce & Indus. Ins. Co., Chartis/N. Adjusters, Inc., and Banie</i>	YES	YES, YES	<i>Mot. to accept late-filed appeal denied, case dismissed in 2010. Applt appealed to supreme ct. in 2010. Supreme ct. opinion, rev'd comm'n dec., remanded to comm'n in 2012. Appeal before comm'n dismissed as settled in 2012.</i>
10-018	6/10/10	Appeal	<i>Lynden Transp., Inc. v. Mauget</i>	YES	YES	<i>Vacated and remanded to bd. in 2011. Appe appealed to supreme ct. in 2011. Supreme ct. required pet. for review, granted, order on remand in 2012, rev'd comm'n dec., remanded to comm'n for remaining issues. Order on att'y fees in 2012.</i>
10-023	7/15/10	Appeal	<i>Carey v. Veco, Inc.</i>	NO	YES	<i>Appeal cont'd pending dec. on pet. for guardian of applt filed in super. ct. in 2010.</i>
10-028	9/8/10	Appeal	<i>ARCTEC Servs. v. Cummings</i>	YES	YES	<i>Aff'd bd. dec. in 2011. Applt appealed to supreme ct. in 2011, Supreme ct. opinion aff'd comm'n dec. in 2013.</i>

¹ Also includes Commission cases from prior years that were appealed or petitioned to the Alaska Supreme Court, includes the disposition of those cases if resolved in 2012, and the current status if still pending before the supreme court.

Docket number	Date filed	Case type	Case Title	Applt att'y	Appe att'y	Result/Status
10-029	10/4/10	Appeal	<i>George Miller Constr., Inc. v. Harborview Med. Ctr. and Lawless</i>	YES	YES, YES	<i>Aff'd bd. dec. in 2011. Applt appealed to supreme ct. in 2011; dismissed as settled in 2012.</i>
10-031	11/12/10	Appeal	<i>Failla v. Fairbanks Res. Agency, Inc.</i>	NO	YES	<i>Aff'd in part, rev'd in part bd. dec. in 2012.</i>
10-032	11/22/10	Appeal	<i>Pruitt v. Providence Extended Care</i>	NO	YES	<i>Rev'd bd. dec., remanded in 2011. Comm'n dec. on recons., aff'd bd. dec. in 2012. Applt appealed to supreme ct. in 2012, draft circ.</i>
11-001	2/28/11	MER	<i>Tyler Rental, Inc. v. Snow</i>	YES	YES	<i>Denied MER in 2011. Movants filed pet. for review in supreme ct., remanded to comm'n in 2011. MER denied. Order on att'y fees. Respondent filed pet. for review in supreme ct. in 2011, dismissed on parties' stipulation. Order on stipulation of att'y fees and costs in 2012.</i>
11-002	3/31/11	Appeal	<i>Anchorage Midtown Motel, Inc. v. State, Div. of Workers' Comp.</i>	YES	YES	<i>Aff'd in part, rev'd in part, vacated in part and remanded to bd. in 2012.</i>
11-003	4/13/11	Appeal	<i>Chenega Lodging d/b/a Hotel Clarion v. Sosa de Rosario</i>	YES	NO	<i>Rev'd bd. dec. in 2012. Appe appealed to supreme ct. in 2012, draft circ.</i>
11-004	5/13/11	Appeal	<i>Coppe v. Bleicher and Bleicher</i>	NO	YES	<i>Aff'd bd. dec. in 2012. Applt appealed to supreme ct. in 2012, briefing stage.</i>
11-006	6/14/11	Appeal	<i>Unocal Corp. v. Pietro</i>	YES	YES	<i>Vacated and remanded to bd. by comm'n majority, dissent by Chair in 2012. Appe filed pet. for review in supreme ct., comm'n dec. rev'd, remanded in 2012 for remaining issues.</i>
11-007	7/1/11	Appeal	<i>Rosales v. Iccle Seafoods, Inc.</i>	NO	YES	<i>Aff'd bd. dec. in 2012. Applt appealed to supreme ct. in 2012, briefing stage.</i>
11-008	7/20/11	Appeal	<i>Monzulla v. Voorhees Concrete Cutting</i>	NO	YES	<i>Dismissed for failure to prosecute in 2012.</i>
11-009	7/27/11	Appeal	<i>Miller, d/b/a Miller's Market v. State, Div. of Workers' Comp.</i>	NO	YES	<i>Aff'd bd. dec. in 2012.</i>
11-010	8/1/11	Appeal	<i>Perry-Plake v. State, Dep't of Fish and Game</i>	NO	YES	<i>Aff'd bd. dec. in 2012.</i>
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	<i>Rev'd in part, vacated in part and remanded to bd. In 2013. Mot. for clarification pending.</i>
11-012	8/12/11	Appeal	<i>Widmer v. Mun. of Anchorage/ AFD</i>	YES	YES	<i>Aff'd bd. dec. in 2012.</i>
11-014	9/12/11	Appeal	<i>Mow v. Peter Pan Seafoods, Inc.</i>	NO	YES	<i>Comm'n docket notice for briefing in 2011. Applt filed pet. for review in supreme ct. in 2011; pet. for review denied 2012. Dismissed in 2012 for failure to prosecute.</i>

Docket number	Date filed	Case type	Case Title	Applt att'y	Appe att'y	Result/Status
11-015	9/21/11	Appeal	<i>Godwin Glacier Tours, LLC, Ultimate Tours, LLC, Cork, and Carter v. State, Div. of Workers' Comp.</i>	NO	YES	<i>Dismissed appeal in 2012 for failure to show good cause.</i>
11-016	9/23/11	Appeal	<i>Hutto Consulting v. Banner Health Sys. and McAlpine</i>	YES	YES	<i>Aff'd bd. dec. in 2012.</i>
11-017	9/26/11	Appeal	<i>Mun. of Anchorage v. Adamson</i>	YES	YES	<i>Order denying stay of future benefits in 2012. Applt filed pet. for review in supreme ct., ripe for decision. Comm'n aff'd in part, rev'd in part and remanded to bd. by comm'n majority, dissent by Chair in 2012. Applt filed pet. for review of comm'n dec. in supreme ct. in 2013. Appe filed cross-pet. for review. Petition and cross-pet. granted.</i>
11-018	10/7/11	Appeal	<i>Awalin v. ASRC Energy Servs.</i>	YES	YES	<i>Dismissed as settled in 2012.</i>
11-019	10/12/11	Appeal	<i>Parsons v. Craig City School Dist.</i>	NO	YES	<i>Rev'd in part, aff'd in part in 2012.</i>
11-020	10/24/11	MER	<i>Central Peninsula Gen. Hosp. v. Stroup</i>	YES	YES	<i>MER filed in 2011, proceedings stayed. Dismissed in 2012.</i>
11-021	12/29/11	Appeal	<i>Humphrey v. Lowe's HIW</i>	YES	YES	<i>Appeal filed in 2011. Ripe for decision.</i>
12-001	1/3/12	Appeal	<i>City and Borough of Juneau v. Olsen</i>	YES	YES	<i>Order granting mot. for stay in 2012. Appe filed pet. for review in supreme ct., ripe for decision. Comm'n appeal in briefing stage.</i>
12-002	1/9/12	Appeal	<i>Birotte v. Portland Habitation Ctr.</i>	NO	YES	<i>Aff'd bd. dec. in 2012. Mot. for reconsideration deemed denied 1/9/13.</i>
12-003	1/27/12	Petition Appeal	<i>Fred Meyer Stores, Inc. v. Giroux</i>	YES	NO	<i>Pet. for review granted in 2012. Ripe for decision.</i>
12-004	1/30/12	Petition Appeal	<i>Alaska Mech., Inc. v. Harkness</i>	YES	YES	<i>Pet. for review granted in 2012. Rev'd bd. dec. in 2013. Petitioner filed pet. for review in supreme ct. 2013</i>
12-005	1/30/12	Petition	<i>Schleiter v. Sam's Club</i>	NO	YES	<i>Pet. for review denied in 2012. Petitioner filed pet. for review in supreme ct., pet. for review denied in 2012.</i>
12-006	2/13/12	Appeal	<i>Fountainhead Dev., Inc. v. Arctic Hearth Assisted Living, Inc. and McKinnon</i>	YES	YES	<i>Dismissed in 2012 on appellee's mot. to dismiss.</i>
12-007	2/29/12	Petition	<i>A Happy Dog Day Camp, LLC v. State, Div. of Workers' Comp.</i>	NO	YES	<i>Dismissed for failure to prosecute in 2012.</i>
12-008	3/7/12	Appeal	<i>Bielski v. Norcon, Inc.</i>	YES	YES	<i>Aff'd bd. dec. in 2012. Applt appealed to supreme ct. in 2012, awaiting transcript.</i>
12-009	3/8/12	Appeal	<i>Fletcher v. Pacific Rim Geological Consulting, Inc.</i>	NO	YES	<i>Dismissed in 2012 on appellees' motion to dismiss.</i>
12-010	3/9/12	Petition	<i>Chugach Support Servs., Inc. v. Wariner</i>	YES	YES	<i>Pet. for review denied in 2012.</i>

Docket number	Date filed	Case type	Case Title	Applt att'y	Appe att'y	Result/Status
12-011	3/23/12	Appeal	<i>Jimenez v. Alaska Native Tribal Health Consortium</i>	NO	YES	<i>Dismissed in 2012 on applt's voluntary motion to dismiss.</i>
12-012	3/27/12	Appeal	<i>Sengmanyphet v. N. Pacific Seafoods., Inc.</i>	NO	YES	<i>Dismissed in 2012 for failure to show good cause.</i>
12-013	3/27/12	Appeal	<i>Mun. of Anchorage v. Hanson</i>	YES	YES	<i>Oral argument set for 3/28/13.</i>
12-014	4/6/12	Appeal	<i>Limas-Lozano v. Icycle Seafoods, Inc.</i>	NO	YES	<i>Dismissed in 2012 for failure to prosecute.</i>
12-015	5/4/12	Appeal	<i>Livinggreen Servs., Inc. v. State, Div. of Workers' Comp.</i>	YES	YES	<i>Dismissed as settled in 2013.</i>
12-016	5/9/12	Appeal	<i>ARCO Alaska, Inc. v. McKenna</i>	YES	YES	<i>Aff'd bd. dec. 2013.</i>
12-017	6/18/12	Petition	<i>Olson v. Fed. Express Corp. and Carrs/Safeway, Inc.</i>	NO	YES	<i>Pet. for review dismissed in 2012 on petitioner's voluntary motion.</i>
12-018	6/19/12	Petition	<i>Fairbanks N. Star Borough Sch. Dist. v. Andreassen</i>	YES	YES	<i>Pet. for review denied in 2012.</i>
12-019	6/28/12	Appeal	<i>Central Peninsula Gen. Hosp. v. Stroup</i>	YES	YES	<i>Dismissed as settled.</i>
12-020	6/28/12	Petition	<i>Central Peninsula Gen. Hosp. v. Stroup</i>	YES	YES	<i>Pet. for review and cross-pet. for review denied in 2012.</i>
12-021	7/11/12	Appeal	<i>Osobampo v. Icycle Seafoods, Inc.</i>	NO	YES	<i>Briefing stage.</i>
12-022	7/26/12	Appeal	<i>Louie v. B.P. Exploration (Alaska), Inc.</i>	YES	YES	<i>Ripe for decision.</i>
12-023	8/10/12	Petition	<i>Schleiter v. Sam's Club</i>	NO	YES	<i>Pet. for review denied in 2012. Petitioner filed pet. for review in supreme ct. in 2012, denied.</i>
12-024	10/23/12	Petition	<i>City of Fort Yukon v. Carroll</i>	YES	YES	<i>Pet. for review denied 2012. Order on mot. for att'y fees denied in 2012. Respondent filed an appeal in supreme ct. of order on mot. for att'y fees in 2012, dismissed as settled.</i>
12-025	10/24/12	Petition	<i>Cornelison v. Rappe Excavating, Inc.</i>	NO	YES	<i>Pet. for review denied in 2012. Petitioner filed pet. for review in supreme ct. in 2013, denied.</i>
12-026	11/9/12	Petition	<i>Epps v. Labnongsang and State, Workers' Comp. Benefits Guar. Fund</i>	YES	YES	<i>Proceedings stayed pending settlement.</i>
12-027	11/19/12	Appeal	<i>Buchinsky v. The Arc of Anchorage</i>	NO	YES	<i>Order granting mot. to accept late-filed appeal. Mot. for waiver of filing fee and transcription costs pending.</i>
12-028	11/29/12	Appeal	<i>Mangrum v. PGS Exploration, Inc.</i>	NO	YES	<i>Briefing stage.</i>
12-029	12/18/12	Appeal	<i>Powell v. N. Country Constr.</i>	NO	YES	<i>Order granting mot. to accept late-filed appeal. Awaiting record.</i>

APPENDIX B: TABLE OF 2012 PUBLISHED DECISIONS

DECISION No.	APPEAL NO.	TITLE	DAY FROM FILING TO FINAL DECISION	DAYS FROM ORAL ARGUMENT OR RECORD CLOSURE TO DECISION	DECISION/Appealed
158	10-032	<i>Pruitt vs. Providence Extended Care</i>	NA	15	BOARD DECISION AFFIRMED <u>DECISION UPON RECONSIDERATION</u> , APPEALED TO SUPREME COURT
159	11-002	<i>Anchorage Midtown Motel, Inc. vs. State, Div. of Workers' Comp.</i>	320	75	BOARD DECISION AFFIRMED IN PART, REVERSED IN PART, VACATED IN PART AND REMANDED
160	11-003	<i>Chenega Lodging d/b/a Hotel Clarion vs. Sosa de Rosario</i>	308	48	BOARD DECISION REVERSED, APPEALED TO SUPREME COURT
161	11-009	<i>Miller, d/b/a Miller's Market vs. State, Div. of Workers' Comp.</i>	292	46	BOARD DECISIONS AFFIRMED
162	10-031	<i>Failla vs. Fairbanks Resource Agency, Inc.</i>	574	87	BOARD DECISION AFFIRMED IN PART, REVERSED IN PART
163	11-007	<i>Rosales vs. Icicle Seafoods, Inc.</i>	376	78	BOARD DECISIONS AFFIRMED, APPEALED TO SUPREME COURT
164	11-004	<i>Coppe vs. Bleicher</i>	446	78	BOARD DECISION AFFIRMED, APPEALED TO SUPREME COURT
165	11-012	<i>Widmer vs. Municipality of Anchorage/AFD</i>	357	37	BOARD DECISION AFFIRMED
166	11-010	<i>Perry-Plake vs. State of Alaska, Department of Fish and Game</i>	371	62	BOARD DECISION AFFIRMED
167	10-009	<i>Milton vs. UIC Construction</i>	204	45	BOARD DECISION AFFIRMED, APPEALED TO SUPREME COURT
168	11-019	<i>Parsons vs. Craig City School District</i>	323	28	BOARD DECISION REVERSED IN PART, AFFIRMED IN PART
169	11-016	<i>Hutto Consulting and McAlpine vs. Banner Health System</i>	355	20	BOARD DECISION AFFIRMED
170	11-006	<i>UNOCAL Corporation vs. Pietro</i>	470	71	BOARD DECISION VACATED, REMANDED BY COMMISSION MAJORITY, DISSENT BY CHAIR, PETITION FOR REVIEW FILED WITH SUPREME COURT, COMMISSION DECISION REVERSED, REMANDED TO COMMISSION
171	12-002	<i>Birotte vs. Portland Habitation Ctr.</i>	305	77	BOARD DECISION AFFIRMED
172	12-008	<i>Bielski vs. Norcon, Inc.</i>	268	24	BOARD DECISION AFFIRMED, APPEALED TO SUPREME COURT
173	11-017	<i>Municipality of Anchorage vs. Adamson</i>	450	84	BOARD DECISION AFFIRMED IN PART, REVERSED IN PART AND REMANDED BY COMMISSION MAJORITY, DISSENT BY CHAIR, PETITION FOR REVIEW FILED WITH SUPREME COURT

Shaded areas indicate cases heard in 2011, but the decisions were issued in 2012.