

# Alaska Workers' Compensation Appeals Commission

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## ANNUAL REPORT FOR CALENDAR YEAR 2020

Submitted to the Office of the Lieutenant Governor  
March 15, 2021



Alaska Workers' Compensation Appeals Commission

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# Alaska Workers' Compensation Appeals Commission Annual Report for Calendar Year 2020

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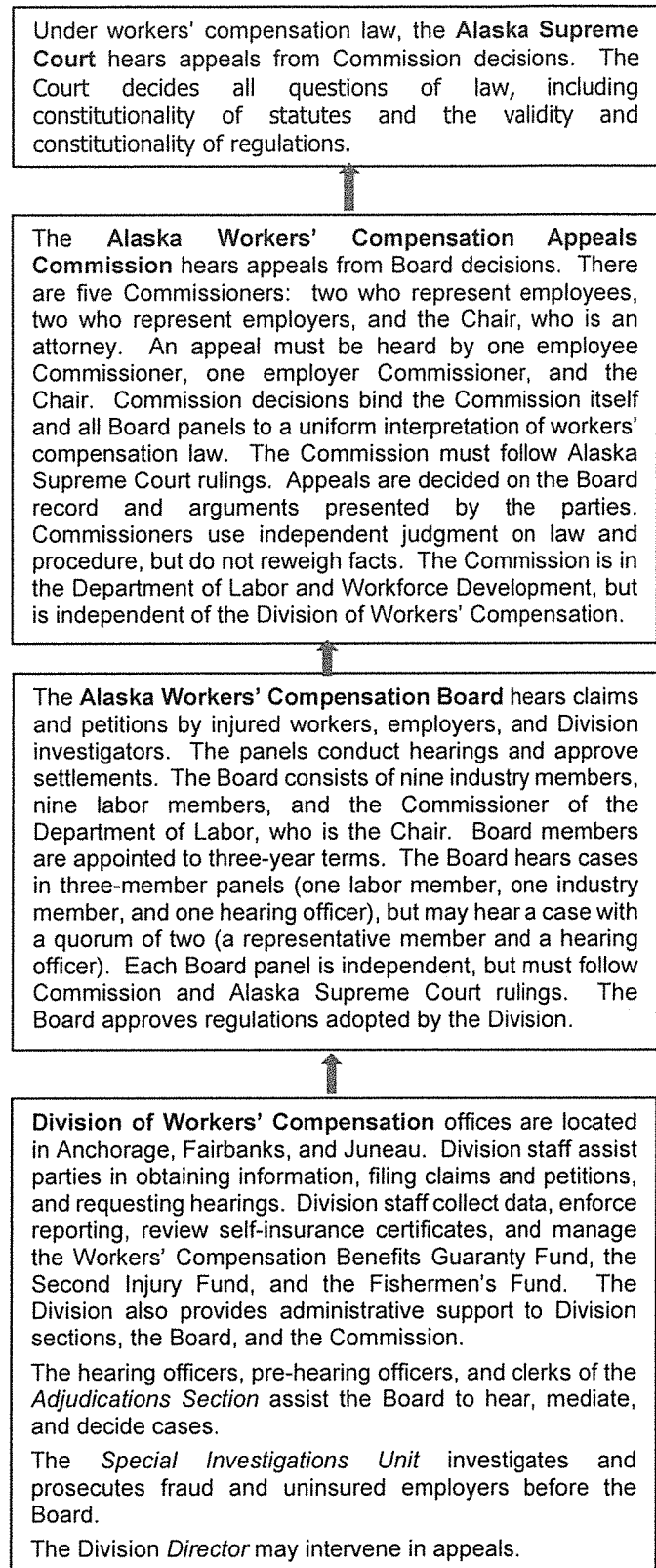
## INTRODUCTION

The Alaska Workers' Compensation Appeals Commission (Commission) is charged with providing fair, prompt, and thoughtful adjudication of appeals from decisions 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<sup>th</sup> of each year. This report is filed to satisfy that duty.

Figure 1



## 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 eighteen 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 vacancies, 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 2020 were:

**Deirdre D. Ford, Chair**, of Anchorage, was appointed by Governor Bill Walker and took office on October 31, 2016, and was reappointed by Governor Mike Dunleavy to a five-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.**

**James N. Rhodes, an employee representative**, of Ketchikan, is a twenty-six-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 in February 2012, reappointed to a five-year term by Governor Bill Walker in 2016, and reappointed to an additional five-year term by Governor Mike Dunleavy in January 2021. **His term expires on March 1, 2026.**

**S. T. Hagedorn, an employer representative**, of Anchorage, retired from the Alaska Railroad Corporation in June 2009 after a thirty-four-year career, with the last twenty-four 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 (fifteen 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 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 in September 2015 by Governor Bill Walker, and reappointed by Governor Bill Walker to a five-year term in 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 fifteen 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.**

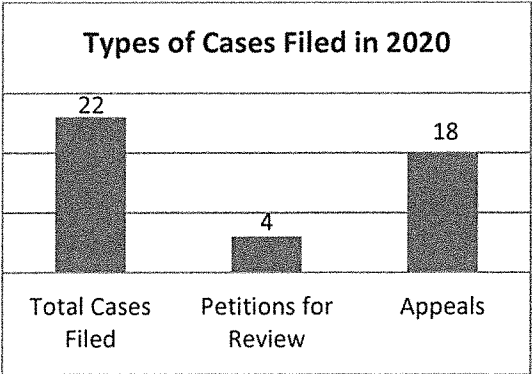
**Amy M. Steele, an employer representative**, of Anchorage, is the Senior Claims Coordinator at Chenega Corporation, where she has worked since 2009. Prior to her work with Chenega, she was a Senior Claims Examiner with Alaska National Insurance Company. Before moving to Alaska in 2002, she worked as 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.**

## **COMMISSION CASES**

### **New Cases Filed in 2020**

The Commission docketed twenty-two new cases in 2020, the same number of new cases as were filed in 2019. Figure 2 shows the types of cases filed in 2020.

**Figure 2**



## Appeals

Of the twenty-two new cases filed in 2020, eighteen were appeals: none resulted in published final decisions on the merits of the appeal in 2020; two settled in 2020; one settled in early 2021; one was dismissed in 2020; one is currently stayed pending mediation; one resulted in a final order on the parties' stipulation; one had oral argument in late 2020; two had oral arguments in early 2021; two were consolidated and are currently awaiting oral argument, one is awaiting oral argument, and the remaining six are currently in the briefing stage.

## Petitions for Review

Of the twenty-two new cases filed in 2020, four were petitions for review: three were denied in 2020, and one was granted in 2020 and the Board's decision was reversed and remanded.

## 2020 Commission Docket

A total of forty-three cases appeared on the Commission's 2020 docket, a decrease of six cases from 2019. See Figure 3.

In addition to the twenty-two new cases filed in 2020, the Commission began 2020 with sixteen cases on its docket: one filed in 2018, thirteen filed in 2019, and two filed in 2017 that were appealed to the Alaska Supreme Court and remanded to the Commission in late 2019.

The 2018 case was still on the docket at the beginning of 2020 due to several granted extensions of time as well as a stay of appeal proceedings pending action on petitions filed with the Board. The two 2017 cases came back on the docket in late 2019 due to an Alaska Supreme Court Opinion necessitating further Commission proceedings.

**Figure 3**  
**Total Number of Cases on the Docket**

	<b>2019</b>	<b>2020</b>
<b>Cases on Docket at Start of Year</b>	21	16
<b>New Cases Filed</b>	22	22
<b>Alaska Supreme Court Remands</b>	6	4
<b>Back on Docket Due to Reconsideration Motion in early 2020.</b>		1
<b>Total Number of Cases</b>	49	43

At the end of 2020, the Commission had sixteen cases on its docket. Two 2017 cases were still on the docket due a prolonged wait for an Alaska Supreme Court order regarding attorney fees. The remaining fourteen cases were filed in 2020.

Figure 4 shows the number of open cases on the Commission docket at the end of each month during 2020, 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**

<b>Month</b>	<b>Cases on Docket at End of Month</b>	<b>New Cases Filed</b>	<b>Oral Arguments and Hearings Held</b>	<b>Published Final Decisions</b>	<b>Published Memorandum Decisions</b>	<b>Unpublished Orders</b>
<b>Jan.</b>	16	4	1	0	0	13
<b>Feb.</b>	12	0	0	1	0	7
<b>Mar.</b>	10	1	2	1	0	7
<b>Apr.</b>	12	3	3	0	0	6
<b>May</b>	9	0	0	1	0	11
<b>Jun.</b>	10	2	2	1	1	10
<b>Jul.</b>	9	2	1	1	1	5
<b>Aug.</b>	11	1	0	0	0	4
<b>Sep.</b>	14	4	0	1	0	8
<b>Oct.</b>	13	1	0	0	0	6
<b>Nov.</b>	12	2	0	1	0	8
<b>Dec.</b>	16	2	1	0	0	16
<b>Totals</b>		22	10	7	2	101

Appendix A is the Commission’s complete 2020 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 2020.

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

The Commission held ten oral arguments and hearings in 2020, four less than were held in 2019. There were five oral arguments on the merits of appeals, four hearings on motions for stay, and one hearing for a show of good cause. Oral argument was not requested in some appeals and those were decided on the record and written briefs of the parties. Figure 5 compares the number and types of hearings held by the Commission in 2020 with those held in 2019.

**Figure 5**

### **Hearings and Oral Arguments**

	<b>2019</b>	<b>2020</b>
<b>Oral Arguments on Merits of Appeal</b>	8	5
<b>Oral Arguments on Petitions for Review</b>	1	0
<b>Hearings on Motions for Stay</b>	5	4
<b>Show of Good Cause</b>	0	1
<b>Totals</b>	14	10

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, clarification, and granting or denying petitions for review. The Chair issued orders on procedural matters such as motions for extensions of time, stays of appeals, and notices of default and orders to comply. In 2020, a total of 101 unpublished orders were issued, a decrease of thirty-five unpublished orders from 2019.

**Average Time Period for Cases Closed in 2020**

**All Cases Closed in 2020**

Of the forty-three cases that appeared on the Commission’s 2020 docket, twenty-nine were closed in 2020. This is a closure rate of sixty-seven percent of the total number of cases that appeared on the 2020 docket, a decrease of two percent from the closure rate in 2019. *See* Figure 6.

**Figure 6**

**Closure Rate for All Cases**

	<b>2019</b>	<b>2020</b>
<b>Total Cases on Docket</b>	49	43
<b>Cases Closed</b>	34	29
<b>Closure Rate</b>	69%	67%

The average time period from date of filing to date of closure for those twenty-nine cases was 167 days, a decrease of fifty-seven days from the 2019 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**

	<b>2019</b>	<b>2020</b>
<b>Total Cases on Docket</b>	49	43
<b>Cases on Docket Closed</b>	34	29
<b>Number of Days from Filing to Closing</b>	224	167

**All Cases Filed and Closed in 2020**

Eight of the twenty-two cases filed in 2020 were also closed in 2020, a closure rate of thirty-six percent for cases both filed and closed in 2020. This is a decrease of five percent from the 2019 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**

	<b>2019</b>	<b>2020</b>
<b>Cases Filed</b>	22	22
<b>Cases Filed and Closed in Same Year</b>	9	8
<b>Closure Rate</b>	41%	36%

The average time period from date of filing to date of closure for the cases that were both filed and closed in 2020 was ninety days, a decrease of forty-four days from 2019. 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**

	<b>2019</b>	<b>2020</b>
<b>Cases Filed</b>	22	22
<b>Cases Filed and Closed in Same Year</b>	9	8
<b>Number of Days from Filing to Closing</b>	134	90

**Resolution of Cases in 2020**

Of the twenty-nine cases on the 2020 docket that were closed, seven resulted in published decisions on the merits of appeals (two appeals were consolidated, resulting in six published decisions on the merits of appeals); one was dismissed; six were settled; five petitions for review were denied; five resulted in orders after Alaska Supreme Court Opinions; one resulted in a published decision after a remand from the Alaska Supreme Court; one resulted in an order on a motion for attorney fees filed in late 2019; one resulted in an order on reconsideration of a decision issued in late 2019; one resulted in an order on a stipulation regarding issues on appeal; and one petition for review was granted. *See* Appendix A.

**Indigent Participants**

In 2020, two unrepresented employees filed motions to waive payment of both the filing fee and transcript cost; both were partially granted only as to the transcript cost. One unrepresented employee filed a motion to waive payment of the transcript cost, which was granted. No waivers of payment of the filing fee were granted in 2020. In 2020, the Commission paid no fees to have Board hearing recordings transcribed on behalf of the three indigent unrepresented employees, as the waivers were all granted in late 2020 and the transcript costs were billed and paid in early 2021.

## Attorney Representation

### Employees

Employees filed fourteen of the twenty-two new cases in 2020, with seven of those filed by unrepresented employees. In all cases filed by employees, all opposing parties were represented.

Figure 10 compares unrepresented and represented employees. Employees filed one less case in 2020 than in 2019. Compared with 2019, the number of cases filed by unrepresented employees increased by one, and the number of cases filed by represented employees decreased by two.

**Figure 10**

### **Number of New Cases Filed by Employees**

	<b>2019</b>	<b>2020</b>
<b>New Cases Filed by Unrepresented Employees</b>	6	7
<b>New Cases Filed by Represented Employees</b>	9	7
<b>Total Cases Filed by Employees</b>	15	14

### Employers

Represented employers filed eight of the twenty-two new cases in 2020. In five of those cases, the employee was represented and in three cases the employee was not represented. No cases were filed by an unrepresented employer.

Figure 11 compares unrepresented and represented employers. When compared to 2019, the number of cases filed by represented employers increased by one and the number of cases filed by unrepresented employers remained at zero.

**Figure 11**

### **Number of New Cases Filed by Employers**

	<b>2019</b>	<b>2020</b>
<b>New Cases Filed by Unrepresented Employers</b>	0	0
<b>New Cases Filed by Represented Employers</b>	7	8
<b>Total Cases Filed by Employers</b>	7	8

## **COMMISSION DECISIONS**

### Published Decisions

In 2020, nine Commission decisions were published: six final decisions on the merits of appeals, one final decision on a remand from the Alaska Supreme Court, one memorandum decision on a show of good cause, and one memorandum decision on a petition for review. Appendix B is the list of the Commission's 2020 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.

For the six published final decisions on the merits of appeals issued in 2020, the average time from oral argument or record closure to the issuance of the final decision was ninety-three days, three days more than the statutory allowance of ninety days.

**Time Period between Initial Receipt of an Appeal 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)**

<b>Appeal Steps</b>	<b>Days</b>
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
<b>Total</b>	<b>255</b>

\*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 2020 docket was 370 days, ten days more than the Commission’s target of 360 days.

**Published Decisions – Case Resolutions**

The results of Commission decisions published in 2020 are summarized in Appendix B. Of the six published final decisions issued on the merits of appeals, five affirmed the Board’s decision, and one reversed and remanded the Board’s decision. The Commission also published one decision after a remand from the Alaska Supreme Court which affirmed the Board’s decision.

The Commission also published two memorandum decisions: one on a petition for review, which reversed and remanded to the Board, and one which dismissed an appeal for failure to prosecute. 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

Three Commission decisions and three orders issued in 2020 were appealed or petitioned for review to the Alaska Supreme Court (Court). One was dismissed for failure to prosecute and the remaining five are currently pending. A total of ten Commission decisions or orders presently await Alaska Supreme Court rulings: five issued in 2019 and five issued in 2020. *See* Appendix A.

In 2020, the Court decided seven appeals and two petitions for review of Commission decisions and orders. The Court also dismissed one appeal as settled and dismissed two petitions for review for failure to prosecute.

Of the nine decisions the Court issued, two were memorandum opinions and judgments which do not create legal precedent:

Memorandum Opinion and Judgment No. 1787, September 2, 2020, in a 2019 case, *Rosales v. Icicle Seafoods, Inc.*, which affirmed the Commission's decision dismissing the appeal.

Memorandum Opinion and Judgment No. 1808, December 16, 2020, in a 2018 case, *Maalah v. Trident Seafoods*, which affirmed and remanded the Commission's decision.

In 2020, the Alaska Supreme Court issued seven opinions on appeals and petitions for review of Commission decisions and orders, which created legal precedent:

Opinion No. 7454, June 5, 2020, in a 2017 case, *Weaver v. ASRC Federal Holding Company and Arctic Slope Regional Corporation*, 464 P.3d 1242, which affirmed the Commission's decision which affirmed the Board's decision.

Opinion No. 7456, June 12, 2020, in a 2017 case, *Traugott v. ARCTEC Alaska*, 465 P.3d 499, which reversed the Commission's decision and ordered the Board's award be reinstated.

Opinion No. 7461, June 19, 2020, in a 2018 case, *Cavitt v. D & D Services, LLC d/b/a Novus Auto Glass*, 466 P.3d 345, which affirmed the Commission's decision which affirmed the Board's decision.

Opinion No. 7464, July 10, 2020, in a 2018 case in which the Commission declined to review an interlocutory order of the Board, *Leigh v. Alaska Children's Services*, 467 P.3d 222, which vacated and remanded the Board's interlocutory decision.

Opinion No. 7465, July 10, 2020, in a 2017 case, *Butts v. State of Alaska, Department of Labor and Workforce Development*, 467 P.3d 231, which affirmed the Commission's decision which affirmed the Board's decision.

Opinion No. 7473, July 24, 2020, in a 2015 case, *Adams v. State of Alaska, Workers' Compensation Benefits Guaranty Fund; Heath d/b/a O&M Enterprise; and The Michael A. Heath Trust*, 467 P.3d 1053, which reversed

and remanded the Commission's decision which reversed the Board's decision.

Opinion No. 7490, November 6, 2020, in a 2018 case, *Vue v. Walmart Associates, Inc.*, 474 P.3d 270, which reversed and remanded the Commission's decision which affirmed the Board's decision.

## **REGULATION CHANGES**

There were no changes to the Commission's regulations in 2020.

## **RESPONSE TO COVID-19 PANDEMIC**

In response to the COVID-19 pandemic, on March 18, 2020, the Commission Chair issued a procedural order relaxing some of the procedural regulations of the Commission, effective March 19, 2020, as follows:

1. All hearings and oral arguments were to be held via telephone conference calls. As the pandemic continued, hearings and oral arguments were held via Zoom meetings, which worked very well for the Commission panel members and the parties;
2. All documents filed by parties and transcriptionists were allowed to be filed via email to the Commission Clerk, as the Commission staff was working remotely during the remainder of 2020; and
3. The Commission distributed all notices, orders, and decisions to parties via email. In the event a party did not have an email address, then notices, orders, and decisions were mailed to that party.

Additionally, the Commission Clerk checked for voice mail messages several times a day and responded to all messages left. The Clerk also checked for incoming mail several times each week.

These measures currently remain in place.

Appendix A: CY 2020 Appeals Commission Docket<sup>1</sup>

Docket Number	Date Filed	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 for Board action. New decision appealed to Commission in 2017. Reversed Board in 2018 and appellee appealed to supreme court. In 2020, Commission decision reversed and remanded; Decision on Remand affirmed Board; appellant appealed to supreme court; briefing stage.
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 and appellant appealed to supreme court. Commission decision affirmed in part, reversed in part, and remanded to remand to Board for further proceedings in late 2019. Order on remand issued in 2020.
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 and appellant appealed to supreme court. Commission decision affirmed in part, reversed in part, and remanded to remand to Board for further proceedings in late 2019. Order on remand issued in 2020.
17-015	9/12/17	Appeal	<i>ARCTEC Alaska v. Traugott</i>	YES	YES	Reversed Board in 2018; appellee appealed to supreme court. Commission decision reversed and remanded to reinstate Board order in 2020.
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 and Commission decision reversed and remanded for further proceedings in 2018. Affirmed Board in 2019; appellant appealed to supreme court in 2020; ripe for decision.
17-023	12/18/17	Appeal	<i>Butts v. State</i>	YES	YES	Affirmed Board in 2018; appellant appealed to supreme court. Commission affirmed in 2020.

<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 2020, and a note if still pending before the Alaska Supreme Court.

Docket Number	Date Filed	Filed As	Case Title	Appellant Attorney	Appellee Attorney	Result/Status
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. Commission affirmed in 2020.
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; Commission decision reversed and remanded to remand to Board in 2020.
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; ripe for decision.
	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; oral argument requested.
	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; Commission affirmed in 2020.
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; Board decision vacated and remanded for further proceedings.
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; ripe for decision.
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 in 2019. Appellant appealed to supreme court; Commission decision affirmed in part and remanded in 2020.
18-023	11/26/18	Appeal	<i>Patterson v. Matanuska-Susitna Borough Sch. Dist.</i>	YES	YES	Appeal proceedings stayed for Board action and resumed in 2019. Affirmed Board and appellant appealed to supreme court in 2020; 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 UPT: YES	Affirmed Board in 2019. Appellant appealed to supreme court and appellees cross-appealed in 2020; draft decision circulating.
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; appellant appealed to supreme court; notice of closure in 2020.
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; dismissed in 2020.
	2/8/19	Cross-Appeal				

Docket Number	Date Filed	Filed As	Case Title	Appellant Attorney	Appellee Attorney	Result/Status
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 to supreme court; stayed pending supreme court decision in related petition for review 18-014. Notice of closure in 2020.
19-006	4/8/19	Appeal	<i>Jaycox v. State</i>	YES	YES	Affirmed Board in 2020.
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	Dismissed for failure to prosecute in late 2020; appellant appealed to supreme court in early 2021; briefing stage.
19-008	4/18/18	Appeal	<i>State, Dep't of Corr. v. Wozniak</i>	YES	YES	Affirmed Board in 2020; appellant appealed to supreme court; awaiting conference.
19-009	5/6/19	Appeal	<i>Rosales v. Icicle Seafoods, Inc. and Seabright Ins. Co.</i>	NO	YES	Appeal dismissed in 2019 and appellant appealed to supreme court; Commission affirmed in 2020.
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 in 2020.
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 2020.
19-015	8/15/19	Appeal	<i>Sernas v. Juneau Sch. Dist. and City and Borough of Juneau</i>	YES	YES	Reversed and remanded to Board in 2020.
19-016	9/6/19	Appeal	<i>Butcher v. Federal Express Corp.</i>	NO	YES	Affirmed Board in 2020.
19-018	9/23/19	Appeal	<i>Sterling Assisted Living, Inc. and Liberty Northwest Ins. Co. v. Meili</i>	YES	YES	Remanded to Board, appeal stayed, jurisdiction retained in 2019. New decision appealed to Commission and settled in 2020
19-019	10/9/19	Appeal	<i>TC Constr., Inc. and American Interstate Ins. Co. v. Schranz</i>	YES	NO	Affirmed Board in 2020.
19-020	10/24/19	Appeal	<i>Patterson v. Matanuska-Susitna Borough Sch. Dist.</i>	YES	YES	Consolidated with 18-023 in 2019. Affirmed Board and appellant appealed to supreme court in 2020; briefing stage.
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 in 2020.



Docket Number	Date Filed	Filed As	Case Title	Appellant Attorney	Appellee Attorney	Result/Status
19-022	12/9/19	Appeal	<i>Pak v. ASRC Energy Servs.</i>	YES	YES	Dismissed as settled in 2020.
20-001	1/2/20	Appeal	<i>Hinchey v, Schultz and State, Workers' Comp. Benefits Guar. Fund</i>	YES	YES	Dismissed as settled in 2020.
20-002	1/3/20	Petition for Review	<i>Leigh v. Alaska Children's Serv. and Republic Indem. Co. of America</i>	NO	YES	Denied extension to file petition for review and denied motion for stay in 2020; petitioner petitioned for review to supreme court; notice of closure.
20-003	1/7/20	Appeal	<i>Rosales v. Oasis Outsourcing, Inc. and American Zurich Ins. Co.</i>	YES	YES	Dismissed as settled in 2020.
20-004	1/30/20	Petition for Review	<i>State v. Chambers</i>	YES	YES	Denied petition for review in 2020.
20-005	3/6/20	Petition for Review	<i>Westside Flooring, LLC and American Fire and Cas. Co. v. Hiborik</i>	YES	YES	Denied petition for review in 2020.
20-006	4/2/20	Appeal	<i>State v. Guerrissi</i>	YES	YES	Dismissed on appellant's motion in 2020.
20-007	4/7/20	Petition for Review	<i>Millar v. Young Life and Ace American Ins. Co.</i>	YES	YES	Granted petition for review; reversed and remanded to Board in 2020.
20-008	4/20/20	Appeal	<i>Hecla Mining Co. and American Zurich Ins. Co. v. Kuretich</i>	YES	NO	Dismissed on settlement on 1/13/21.
20-009	6/9/20	Appeal	<i>Last Frontier Bar and Commerce and Indus. Ins. Co. v. McNulty</i>	YES	YES	Decision pending.
20-010	6/23/20	Appeal	<i>Roberge v. ASRC Constr. Holding Co. and Arctic Slope Reg'l Corp.</i>	YES	YES	Order on parties' stipulation; appellant appealed to supreme court in 2020; briefing stage.
20-011	7/10/20	Appeal	<i>Williams v. Harnish Group, Inc.</i>	YES	YES	Decision pending.
20-012	7/24/20	Appeal	<i>Perez v. Westward Seafoods, Inc. and Ace American Ins. Co.</i>	NO	YES	Decision pending.
20-013	8/10/20	Appeal	<i>Kessler v. State</i>	NO	YES	Briefing stage.
20-014	9/4/20	Appeal	<i>Mahlberg v. Municipality of Anchorage</i>	YES	YES	Awaiting oral argument.
20-015	9/18/20	Appeal	<i>Atlas v. State</i>	NO	YES	Briefing stage.
20-016	9/21/20	Appeal	<i>Leigh v. Alaska Children's Serv. and Republic Indem. Co. of America</i>	NO	YES	Awaiting oral argument.

Docket Number	Date Filed	Filed As	Case Title	Appellant Attorney	Appellee Attorney	Result/Status
20-017	9/29/20	Appeal	<i>Wood v. Grant Aviation</i>	YES	YES	Briefing stage.
20-018	10/2/20	Appeal	<i>Alaska Reg'l Hosp. and Indem. Ins. Co. of North America v. Woodell</i>	YES	NO	Decision pending.
20-019	11/4/20	Appeal	<i>Leigh v. Alaska Children's Serv. and Republic Indem. Co. of America</i>	NO	YES	Consolidated with 20-016; awaiting oral argument.
20-020	11/24/20	Appeal	<i>Tucker v. Safeway and American Zurich Ins. Co.</i>	YES	YES	Appeal stayed pending mediation.
20-021	12/3/20	Appeal	<i>Harmon v. Annette's Trucking, Inc. and Alaska Nat'l Ins. Co.</i>	NO	YES	Briefing stage.
20-022	12/21/20	Appeal	<i>State v. White and Shannon</i>	YES	NO	Briefing stage.

Appendix B: Table of 2020 Published Decisions

DECISION No.	APPEAL No.	TITLE OF APPEAL	DAYS FROM FILING TO FINAL DECISION	DAYS FROM ORAL ARGUMENT / RECORD CLOSURE TO FINAL DECISION	DECISION/APPEALED
275	19-006	<i>Jaycox v. State</i>	311	91	Affirmed Board.
276	19-008	<i>State v. Wozniak</i>	343	52	Affirmed Board; appealed to Alaska Supreme Court.
277	19-019	<i>TC Constr., Inc. and American Interstate Ins. Co. v. Schranz</i>	219	91	Affirmed Board.
278	19-015	<i>Sernas v. Juneau Sch. Dist. and City and Borough of Juneau</i>	315	90	Reversed and remanded to Board.
279	19-016	<i>Butcher v. Federal Express Corp.</i>	311	91	Affirmed Board.
280	19-007	<i>O'Brien v. Central Peninsula Gen. Hosp., Wausau Underwriters Ins. Co., and Alaska Nat'l Ins. Co.</i>	N/A	N/A	Memorandum Decision dismissing appeal for failure to prosecute; appealed to Alaska Supreme Court.
281	20-007	<i>Millar v. Young Life and American Ins. Co.</i>	N/A	N/A	Memorandum Decision – Order on Petition for Review; reversed and remanded to Board.
282	15-029	<i>State, Workers' Comp. Benefits Guar. Fund v. Adams, Heath d/b/a O&amp;M Enter., and Michael A. Heath Trust</i>	N/A	N/A	Decision on Remand from Alaska Supreme Court; affirmed Board; appealed to Alaska Supreme Court.
283	18-023 19-020	<i>Patterson v. Matanuska-Susitna Borough Sch. Dist.</i>	722	140	Affirmed Board; appealed to Alaska Supreme Court.