Alaska Workers' Compensation Appeals Commission

Richard Louie, Appellant, vs. B.P. Exploration (Alaska), Inc. and ACE USA, Appellees.	Final Decision Decision No. 180 April 8, 2013 AWCAC Appeal No. 12-022 AWCB Decision No. 12-0126 AWCB Case No. 200002329

Final decision on appeal from Alaska Workers' Compensation Board Final Decision and Order No. 12-0126, issued at Anchorage on July 20, 2012, by southcentral panel members Patricia Vollendorf, Member for Labor, and Janet Waldron, Member for Industry, with a dissent by Linda M. Cerro, Chair.

Appearances: Joseph A. Kalamarides, Law Offices of Kalamarides & Lambert, for appellant, Richard Louie; Richard L. Wagg, Russell, Wagg, Gabbert & Budzinski, P.C., for appellees, B.P. Exploration (Alaska), Inc. and ACE USA.

Commission proceedings: Appeal filed July 26, 2012; briefing completed January 23, 2013; oral argument was not requested by either party.

Commissioners: James N. Rhodes, S. T. Hagedorn, Laurence Keyes, Chair.

By: Laurence Keyes, Chair.

1. Introduction.

Appellant, Richard Louie (Louie), was employed by appellee, B.P. Exploration (Alaska), Inc. (B.P.),[1] as a geophysicist. On January 27, 2000, he suffered a stroke in the course and scope of that employment,[2] which ultimately resulted in his permanent total disability (PTD). In October 2011, Louie filed a workers' compensation claim

[1] Where appropriate, "B.P." refers to both B.P. Exploration (Alaska), Inc. and ACE USA.

[2] R. 0031-37. In workers' compensation terminology, Louie's stroke was his "injury."

seeking a compensation rate adjustment. A majority of a panel of the Alaska Workers' Compensation Board (board) denied him the compensation rate adjustment.[3] Louie appealed that decision to the Workers' Compensation Appeals Commission (commission). We affirm the board's decision.

2. Factual background and proceedings.

The underlying facts of this matter are straightforward and undisputed. We will briefly summarize them here.

At the time of his injury on January 27, 2000, Louie had been employed by B.P. or its predecessors or subsidiaries since August 18, 1980.[4] At that time, his annual salary was $119,688.00. Louie's gross weekly earnings (GWE) were $2,301.69.[5] After initially controverting benefits, in September 2002, B.P. began paying temporary total disability benefits of $700.00 per week, the statutory maximum compensation rate established under AS 23.30.175(a).[6]

In 2004, a dispute arose between the parties concerning the frequency of physical, occupational, and speech therapy services. To resolve all past, present, or future disputes between the parties with respect to physical, occupational, and speech therapy after March 1, 2004, the parties entered into a partial compromise and release agreement (C&R). Under the terms of the C&R, Louie waived no other rights under the Alaska Workers' Compensation Act (Act).[7] The agreement also acknowledged that Louie was not expected to return to work due to the injuries he suffered on January 27, 2000.[8] On February 25, 2004, the board approved the C&R.[9]

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[3] *See Richard Louie v. B.P. Exploration, Inc.*, Alaska Workers' Comp. Bd. Dec. No. 12-0126, 11 (July 20, 2012).

[4] R. 0032, 0107-09.

[5] R. 0042.

[6] R. 0004-07.

[7] R. 0031-37.

[8] R. 0031-37.

[9] R. 0037.

On October 19, 2011, Louie filed his claim for a compensation rate adjustment.[10] On November 16, 2011, B.P. filed its answer, admitting that he was permanently totally disabled, however, it denied he was due a compensation rate adjustment.[11]

At the hearing on April 19, 2012, B.P. conceded that, had Louie not been injured on January 27, 2000, he would have remained employed with B.P., and his annual earnings would have continued to rise.[12] It further conceded his increasing earnings with B.P. over the years would have entitled him to the maximum compensation rate, had he been injured in any succeeding year.[13]

3. Standard of review.

The reasonable basis "standard of review is generally appropriate when '[an] agency [such as the board] is making law by creating standards to be used in evaluating the case before it and future cases,' and 'when a case requires resolution of policy questions which lie within the agency's area of expertise and are inseparable from the facts underlying the agency's decision.'"[14] "However, when the 'issue to be resolved turns on statutory interpretation rather than formulation of fundamental policy involving particularized expertise of administrative personnel, . . . [the appellate body] shall independently consider the meaning of [the] statute.'"[15] "As the issue to be resolved in this case 'turns on statutory interpretation,' the use of the independent judgment standard is appropriate."[16]

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10 R. 0055-56.

11 R. 0057-58.

12 Hr'g Tr. 8:24–9:4.

13 Hr'g Tr. 9:25–10:5.

14 *Konecky v. Camco Wireline, Inc.*, 920 P.2d 277 281 n.8 (Alaska 1996) (quoting *Earth Resources Co. of Alaska v. State, Dep't of Revenue*, 665 P.2d 960, 964 (Alaska 1983) (citing *Galt v. Stanton*, 591 P.2d 960, 965-66 (Alaska 1979))).

15 *Konecky*, 920 P.2d at 281 n.8 (quoting *Hood v. State, Workmen's Compensation Bd.*, 574 P.2d 811, 813 (Alaska 1978)).

16 *Konecky*, 920 P.2d at 281 n.8. *See also* AS 23.30.128(b).

4. Discussion.

a. Applicable law.

AS 23.30.395. Definitions. "In this chapter, . . . (16) 'disability' means incapacity because of injury to earn the wages which the employee was receiving at the time of injury in the same or any other employment[.]"

At the time Louie was injured on January 27, 2000, certain portions of the Act read as follows:

AS 23.30.180. Permanent total disability.

(a) In case of total disability adjudged to be permanent 80 percent of the injured employee's spendable weekly wages[17] shall be paid to the employee during the continuance of the total disability.

AS 23.30.220. Determination of spendable weekly wage.[18]

(a) Computation of compensation under this chapter shall be on the basis of an employee's spendable weekly wage at the time of injury. An employee's spendable weekly wage is the employee's gross weekly earnings minus payroll tax deductions. An employee's gross weekly earnings shall be calculated as follows:

. . . .

(3) if at the time of injury the employee's earnings are calculated by the year, the employee's gross weekly earnings are the yearly earnings divided by 52;

. . . .

(10) if an employee is entitled to compensation under AS 23.30.180 and the board determines that calculation of the employee's gross weekly earnings under (1) – (7) of this subsection does not fairly reflect the employee's earnings during the period of disability, the board shall determine gross weekly earnings by considering the nature of the employee's work, work history, and resulting disability, but compensation calculated under this paragraph may not exceed the employee's gross weekly earnings at the time of injury.

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[17] Hereafter, in this decision, unless the commission is quoting legal authority, we will use the acronym SWW for spendable weekly wage[s].

[18] AS 23.30.220 was not amended between the time Louie was injured in January 2000, and the time he was considered disabled due to injury, February 2004.

AS 23.30.175. Rates of compensation.

(a) The weekly rate of compensation for disability or death may not exceed $700[.]

Effective July 1, 2000, this statute was amended to read in relevant part:

AS 23.30.175. Rates of compensation.

(a) The weekly rate of compensation for disability or death may not exceed the maximum compensation rate . . . In this subsection, "maximum compensation rate" means 120 percent of the average weekly wage, calculated under (d) of this section, applicable on the date of injury of the employee.

. . . .

(d) By December 1 of each year, the commissioner shall determine the average weekly wage in this state by dividing the average annual wage in this state for the preceding calendar year by 52.[19]

The commission had occasion to construe and apply the foregoing statutes in another appeal.[20] In *Melchor*, the claimant injured his leg on March 27, 1996. It was amputated shortly thereafter. The employer began paying PTD benefits on April 26, 1996, at the maximum weekly rate of $700.[21] Despite the provision in AS 23.30.220(a)(10) allowing for an alternative compensation rate calculation where the employee's GWE do not fairly reflect the employee's earnings during the period of disability, the commission reasoned:

> Since 1977, the legislature has made it clear that it intended that a fixed maximum would apply to every employee's total compensation rate, whether based on a percentage of the average weekly wage in effect at the time of injury (or applicable on the date of injury), or a flat dollar amount.

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[19] "Average weekly wage," *see* AS 23.30.175(a) and (d), "refers to the measure of historical earning capacity used to calculate compensation." *Underwater Const., Inc. v. Shirley*, 884 P.2d 150, 154 (Alaska 1994). It is synonymous with "gross weekly earnings" in AS 23.30.220. *See id*. at 151. "[S]pendable weekly wage is . . . gross weekly earnings minus payroll tax deductions." AS 23.30.220(a).

[20] *See Parker Drilling Co. v. Melchor*, Alaska Workers' Comp. App. Comm'n Dec. No. 091 (Oct. 28, 2008) (*Melchor*).

[21] *See Melchor*, App. Comm'n Dec. No. 091 at 3.

> AS 23.30.175(a) does not contain an exception for a compensation rate that exceeds the maximum rate through an adjustment of the gross weekly earnings under AS 23.30.220(a)(10).[22]
>
> The general rule is that maximum compensation rate increases are not retroactive, and the benefit level in effect at the time of injury applies.[FN] The . . . [l]egislature states in AS 23.30.175(a) that the maximum compensation rate is fixed on the basis of a percentage of the state average weekly wage *at the time of injury,* thus insulating the employer from increases based on wage inflation, and the employee from decreases associated with falling wages. The maximum compensation rate may rise and fall from year to year when indexed to the state average weekly wage, but all employees injured in a given year are subject to the same maximum for the lifetime of the injury.[23]
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> [FN] 5 A. Larson & L. Larson, *Larson's Workers' Compensation Law*, § 93.05[1], at 93-79 (2008).

This analysis notwithstanding, the commission remanded the matter to the board with instructions to make further findings whether the alternative compensation rate calculation under AS 23.30.220(a)(10) should apply to Melchor.[24]

b. Principles of statutory interpretation.

In order to resolve the issue presented in this appeal, whether Louie is entitled to a compensation rate adjustment, the commission is to exercise its independent judgment in the process of interpreting the statutes quoted in the preceding subsection. In the board's decision, both the majority[25] and the dissent[26] cite various principles of statutory interpretation to support their respective analyses.[27] Here, the commission will select, from among the principles of statutory interpretation, those we consider the most helpful in deciding the issue before us.

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22 *Melchor*, App. Comm'n Dec. No. 091 at 14.

23 *Id*. at 24.

24 *See id*. at 30.

25 *See Louie*, Bd. Dec. No. 12-0126 at 6-7.

26 *See id*. at 14 (dissenting opinion).

27 A cynic might conclude that the outcome of an exercise in statutory interpretation might depend on the principles the adjudicative body chooses to apply.

When interpreting the meaning of a statute, we are to "look to the meaning of the language, the legislative history, and the purpose of the statute in question. 'The goal of statutory construction is to give effect to the legislature's intent, with due regard for the meaning the statutory language conveys to others.'"[28] Adopting a sliding scale approach, "[t]he plainer the statutory language is, the more convincing the evidence of contrary legislative purpose or intent must be."[29]

Statutes *in pari materia* should be construed together.[30] "Statutes are deemed to be *in pari materia* when they relate to the same purpose or thing or have the same purpose or object."[31] "When a legislature enacts a provision, it has available all the other provisions relating to the same subject matter whether in the same statute or in a separate act."[32] "Those provisions of the original act which are in irreconcilable conflict with the provisions of the amendatory act are impliedly repealed."[33] Statutes are presumed to have prospective intent only, unless a contrary legislative intent is expressed or necessarily implied.[34]

c. The board's analyses.

The majority opinion noted that, when calculating compensation rates, the supreme court has consistently applied the law in effect at the time of injury, even though subsequent amendments to AS 23.30.220 increased the rates.[35] In support of this observation, the majority cited a handful of supreme court cases construing

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[28] *Muller v. B.P. Exploration (Alaska), Inc.*, 923 P.2d 783, 787 (Alaska 1996) (quoting *Tesoro Alaska Petroleum Co. v. State*, 746 P.2d 896, 905 (Alaska 1987)).

[29] *Muller*, 923 P.2d at 787-88 (citing *State v. Alex*, 646 P.2d 201, 208-09 n.4 (Alaska 1982) and *Anchorage Sch. Dist. v. Hale*, 857 P.2d 1186, 1189 (Alaska 1993)).

[30] *See Underwater Const., Inc. v. Shirley*, 884 P.2d 150, 155 (Alaska 1994).

[31] *State v. Eluska*, 724 P.2d 514, 517 (Alaska 1986) (dissenting opinion).

[32] 2B N. Singer, *Sutherland Statutory Construction*, § 51.01 (6th ed. 2000).

[33] *W. R. Grasle Co. v. Alaska Workmen's Compensation Bd.*, 517 P.2d 999, 1002 n.7 (Alaska 1974) (citing 1A *Sutherland Statutory Construction*, § 22.32 at 186 (4th ed. Sands 1972)).

[34] *See Thompson v. United Parcel Service*, 975 P.2d 684, 688 (Alaska 1999).

[35] *See Louie*, Bd. Dec. No. 12-0126 at 8.

AS 23.30.220.[36] Based on this authority, by analogy, the majority concluded that the version of AS 23.30.175(a) in effect when Louie was injured, providing for a $700 weekly maximum rate of compensation, was the operative compensation rate.[37]

Citing many of the same cases, the dissenting opinion agreed that an injured employee's GWE are to be calculated pursuant to the version of AS 23.30.220 in effect at the time of injury.[38] Thereafter, the dissent's analysis diverges from the majority's. The dissent recognized that "[t]he objective of AS 23.30.220 is to formulate a fair approximation of a claimant's probable future earning capacity during the period in which compensation benefits will be paid."[39] The dissent noted that in *Johnson* and subsequent cases, the supreme court cited with approval a pronouncement from Larson, *The Law of Workmen's Compensation*:

> The entire objective of wage calculation is to arrive at a fair approximation of claimant's probable future earning capacity. His disability reaches into the future, not the past; his loss as a result of injury must be thought of in terms of the impact of probable future earnings, perhaps for the rest of his life. This may sound like belaboring the obvious; but unless the elementary guiding principle is kept constantly in mind while dealing with wage calculation, there may be a temptation to lapse into the fallacy of supposing that compensation theory is necessarily satisfied when a mechanical

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[36] *See Louie*, Bd. Dec. No. 12-0126 at 8 and 10 (citing *Circle De Lumber Company v. Humphrey*, 130 P.3d 941, 946, n.32 (Alaska 2006) (the board properly applied the statute in effect in 1993 when the employee was injured); *Thompson v. United Parcel Services*, 975 P.2d 684, 688 (SWW calculated under AS 23.30.220(a) in effect at the time of injury on August 3, 1995, not the amendments that went into effect the following month); *Peck v. Alaska Aeronautical, Inc.*, 756 P.2d 282, 288 (Alaska 1988) (version of AS 23.30.220 in effect at the time of injury in 1964 applied, rather than the amendments in effect when the employee became disabled in 1982); *Phillips v. Houston Contracting, Inc.*, 732 P.2d 544, 545-46 (Alaska 1987) (AS 23.30.220 in effect at the time of injury on August 13, 1976 applied, not any amendments enacted between then and the employee's 1984 petition for a compensation rate adjustment); *Johnson v. RCA-OMS, Inc.*, 681 P.2d 905, 906 and n.2 (Alaska 1984)).

[37] *See Louie*, Bd. Dec. No. 12-0126 at 10.

[38] *See Louie*, Bd. Dec. No. 12-0126 at 12 (dissenting opinion).

[39] *See id.* at 15 (paraphrasing *Johnson*, 681 P.2d at 908).

> representation of this claimant's own earnings in some arbitrary past period has been used as a wage basis.[40]

Citing other supreme court cases,[41] the dissent maintained that when past earnings do not accurately predict future wage losses, as in Louie's case, an alternative method for calculating the compensation rate should to be used, namely the one set forth in AS 23.30.220(a)(10).[42] However, the dissent acknowledged that Louie's compensation rate would still be subject to the maximums provided for in AS 23.30.175(a) and (d) as amended in July 2000.[43]

Finally, the dissent questioned the commission's decision in *Melchor*. It pointed out:

> Since Mr. Melchor was receiving the maximum compensation rate of $700.00 since his injury, the commission's conclusion he may be entitled to a compensation rate adjustment under *Peck*, and its remand for further findings consistent with *Peck*, is inconsistent with the suggestion in *Melchor* at page 24 that maximum compensation rates are fixed, and all employees injured in a given year are subject to the same maximum for life.[44]

d. Louie's maximum compensation rate is the rate set forth in AS 23.30.175 prior to amendment of that statute in 2000.

Years ago, the supreme court recognized an analogous issue to the one presented in this appeal. In *Johnson*, given its disposition of the matter, the court found "it unnecessary to decide whether the phrase 'time of injury' as used in AS 23.30.220 means, in effect, time of disability due to injury. There is authority on

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[40] *See Louie*, Bd. Dec. No. 12-0126 at 15 (dissenting opinion) (quoting 2 A. Larson, *The Law of Workmen's Compensation*, § 60.11(d), at 10-564 (1983)).

[41] *See Louie*, Bd. Dec. No. 12-0126 at 15-16 (dissenting opinion) (citing *Deuser v. State of Alaska*, 697 P.2d 647, 649-50 (Alaska 1985) and *Fairbanks North Star Bor. Sch. Dist. v. Crider*, 736 P.2d 770, 772-773 (Alaska 1987)).

[42] *See Louie*, Bd. Dec. No. 12-0126 at 22 (dissenting opinion).

[43] *See id*. at 22.

[44] *Louie,* at 20.

both sides of this question."[45] Here, the commission must construe AS 23.30.220 together with AS 23.30.175(a). In the process, we must decide whether Louie's weekly compensation rate: 1) is $700, the maximum under the version of AS 23.30.175(a) in effect at the time of injury, or 2) is the applicable maximum in a given year provided for in the version of subsection .175(a) in effect at the time the C&R was executed in 2004, when Louie might arguably be considered, as the supreme court phrased it in *Johnson*, "disabled due to injury."[46]

Under the version of AS 23.30.175(a) in effect on the date Louie was injured, his weekly rate of compensation is "capped" at $700. That subsection, as amended

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[45] *Johnson*, 681 P.2d at 908 (citing 2 A. Larson, *The Law of Workmen's Compensation*, § 60.11(a), at 10-543, -544 n.77.2 (1982)). The commission is unaware of any other supreme court authority on this issue.

[46]

MAXIMUM COMPENSATION RATES BY YEAR

YEAR	GWE needed to reach maximum comp rate	MAX. COMP RATE
2000 before 7/1/00	$1,096.00	$700.00
2000 from 7/1/00	$1,217.00	$762.00
2001	$1,221.00	$768.00
2002	$1,238.00	$791.00
2003	$1,278.00	$814.00
2004	$1,274.00	$832.00
2005	$1,299.00	$848.00
2006	$1,342.00	$875.00
2007	$1,382.00	$901.00
2008	$1,443.00	$939.00
2009	$1,519.00	$987.00
2010	$1,578.00	$1,033.00
2011	$1,597.00	$1,062.00
2012	$1,632.00	$1,085.00

Louie, Bd. Dec. No. 12-0126 at 5.

approximately six months after Louie was injured, provides in relevant part that "[t]he weekly rate of compensation for disability . . . may not exceed *the maximum compensation rate* . . . *applicable on the date of injury*[.]"[47] The maximum compensation rate applicable on the date Louie was injured was $700. If we were to apply the amended version of subsection .175(a) retroactively to Louie, his weekly compensation rate would still be $700, unless we: 1) construe it as providing that "the date of injury" means the date of "disability due to injury"; and 2) find that Louie's disability started after AS 23.30.175 was amended on July 1, 2000. It is only by construing and applying AS 23.30.175(a) in this fashion that one can argue Louie is entitled to the maximum weekly compensation rate as adjusted annually. Consequently, the task facing the commission is to construe AS 23.30.175(a) within this analytical framework.

Ordinarily, when there is substantial disparity between the employee's earnings at the time of injury and his or her probable future earnings, it is preferable that the board use the alternative method for calculating the weekly compensation rate found in AS 23.30.220(a)(10) to determine the appropriate compensation rate.[48] However, in Louie's case, the issue is the maximum compensation rate. In this respect, we note that at the time he was injured, there was already a substantial disparity between his GWE/SWW and his compensation rate, the $700 maximum. In 2004, when the C&R was executed, his predicted income would have been even greater[49] and the disparity between his predicted GWE/SWW and the corresponding maximum compensation rate in 2004, $832,[50] would have been even more significant. Consequently, we observe that neither the $700 weekly maximum rate under AS 23.30.175(a) when Louie was injured, nor the appropriate maximums provided for in the amended version of

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[47] AS 23.30.175(a) (emphasis added).

[48] *See Johnson*, 681 P.2d at 909.

[49] At the hearing before the board on April 19, 2012, Louie presented evidence that, had he not been injured and disabled, by 2012 his annual salary with B.P. would be approximately $300,000. *See Louie*, Bd. Dec. No. 12-0126 at 4.

[50] *See* n.46, *supra*.

subsection .175(a) in effect when the C&R was executed, bear any reasonable relationship to his actual or predicted income. The harsh reality is, given Louie's actual or predicted income levels, there is a huge disparity between Louie's compensation rate, no matter which version of AS 23.30.175(a) is applied, and whatever his income was or might be.

In terms of one of the principles of statutory construction, AS 23.30.175, .180, and .220 are *in pari materia* and should be construed together. They relate to the same subject, namely compensation rates, although sections .220 and .180 cover computation of compensation rates, whereas section .175 addresses maximum compensation rates. AS 23.30.175(a), prior to amendment in 2000, plainly provided for a maximum weekly compensation rate of $700. Construing all three statutes together, we conclude that, no matter what the compensation rate might be when calculated under AS 23.30.220, the maximum limit of $700 applies to injuries occurring before the July 1, 2000, amendment of AS 23.30.175(a). Second, we recognize the principle that statutes are ordinarily given prospective effect, not retroactive effect. Specifically, maximum compensation rate increases are not retroactive, instead, the benefit level in effect at the time of injury applies,[51] and this leads the commission to conclude that, absent any other consideration, Louie's weekly compensation rate is $700. Lastly, by declining to give retroactive effect to the version of AS 23.30.175(a) that went into effect July 1, 2000, we moot the argument that under AS 23.30.175(a) as amended, we should construe it as providing that "the date of injury" means the date of "disability due to injury."

[51] *See Melchor*, App. Comm'n Dec. No. 091 at 24.

5. Conclusion.

The commission affirms the board's decision.

Date: *8 April 2013* ALASKA WORKERS' COMPENSATION APPEALS COMMISSION

Signed
James N. Rhodes, Appeals Commissioner

Signed
S. T. Hagedorn, Appeals Commissioner

Signed
Laurence Keyes, Chair

APPEAL PROCEDURES

This is a final decision on the merits of this appeal. The appeals commission affirms the board's decision. The commission's decision becomes effective when distributed (mailed) unless proceedings to reconsider it or to appeal to the Alaska Supreme Court are instituted (started).[52] For the date of distribution, see the box below.

Effective, November 7, 2005, proceedings to appeal this decision must be instituted (started) in the Alaska Supreme Court no later than 30 days after the date this final decision is distributed[53] and be brought by a party-in-interest against all other parties to the proceedings before the commission, as provided by the Alaska Rules of Appellate Procedure. *See* AS 23.30.129(a). The appeals commission is not a party.

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[52] A party has 30 days after the distribution of a final decision of the commission to file an appeal to the supreme court. If the commission's decision was distributed by mail only to a party, then three days are added to the 30 days, pursuant to Rule of Appellate Procedure 502(c), which states:

> **Additional Time After Service or Distribution by Mail.** Whenever a party has the right or is required to act within a prescribed number of days after the service or distribution of a document, and the document is served or distributed by mail, three calendar days shall be added to the prescribed period. However, no additional time shall be added if a court order specifies a particular calendar date by which an act must occur.

[53] *See id*.

You may wish to consider consulting with legal counsel before filing an appeal. If you wish to appeal to the Alaska Supreme Court, you should contact the Alaska Appellate Courts *immediately*:

Clerk of the Appellate Courts
303 K Street
Anchorage, AK 99501-2084
Telephone: 907-264-0612

More information is available on the Alaska Court System's website:
http://www.courts.alaska.gov/

RECONSIDERATION

This is a decision issued under AS 23.30.128(e). A party may ask the commission to reconsider this final decision by filing a motion for reconsideration in accordance with 8 AAC 57.230. The motion for reconsideration must be filed with the commission no later than 30 days after the day this decision is distributed to the parties. If a request for reconsideration of this final decision is filed on time with the commission, any proceedings to appeal must be instituted no later than 30 days after the reconsideration decision is distributed to the parties, or, no later than 60 days after the date this final decision was distributed in the absence of any action on the reconsideration request, whichever date is earlier. AS 23.30.128(f).

I certify that, with the exception of changes made in corrections of typographical and grammatical errors, this is a full and correct copy of the Final Decision No. 180 issued in the matter of *Richard Louie vs. B.P. Exploration (Alaska), Inc. and ACE USA,* AWCAC Appeal No. 12-022, and distributed by the office of the Alaska Workers' Compensation Appeals Commission in Anchorage, Alaska, on April 8, 2013.

Date: *April 9, 2013*

Signed
B. Ward, Commission Clerk