

Alaska Workers' Compensation Appeals Commission

Jorge Osobampo,
Appellant,

vs.

Icicle Seafoods, Inc. and Seabright
Insurance Co.,
Appellees.

Final Decision

Decision No. 181 April 22, 2013

AWCAC Appeal No. 12-021
AWCB Decision No. 12-0105
AWCB Case No. 200524063

Atencion Sr. Osobampo: Usted necesita obtener una persona que habla ingles y español para traducir este documento.

Final decision on appeal from Alaska Workers' Compensation Board Final Decision and Order No. 12-0105, issued at Anchorage on June 18, 2012, by southcentral panel members William Soule, Chair, Patricia Vollendorf, Member for Labor, and Amy Steele, Member for Industry.

Appearances: Jorge Osobampo, self-represented appellant; Mark L. Figura, Rose & Figura, PC, for appellees, Icicle Seafoods, Inc. and Seabright Insurance Co.

Commission proceedings: Appeal filed July 11, 2012; briefing completed March 18, 2013; oral argument held on April 11, 2013.

Commissioners: David W. Richards, Philip E. Ulmer, Laurence Keyes, Chair.

By: Laurence Keyes, Chair.

1. Introduction.

Appellant, Jorge Osobampo (Osobampo), was employed by appellee, Icicle Seafoods, Inc. (Icicle),¹ at its seafood processing facility in Petersburg in 2004 and 2005. He filed workers' compensation claims (WCC) in November 2006 and November

¹ In this decision, where appropriate, "Icicle" refers to both Icicle Seafoods, Inc. and Seabright Insurance Co., its workers' compensation carrier.

2009 for injuries to his back, shoulders, and arms, related to that employment.² Following a hearing in May 2012, the Alaska Workers' Compensation Board (board) awarded Osobampo temporary total disability (TTD) benefits from August 24, 2005, through September 24, 2005, but denied him additional TTD benefits, and medical costs for lack of supporting documentation.³ Osobampo has appealed the board's decision to the Workers' Compensation Appeals Commission (commission). We affirm.

2. Factual background and proceedings.

Osobampo had a history of neck, back, and shoulder complaints. On May 8, 1990, he hurt his low back and was unable to continue working. He was diagnosed with a low back strain and a history of disk herniations in the lumbar spine.⁴ On October 9, 1990, Osobampo treated with Veerinder S. Anand, M.D., complaining of low back pain and left shoulder discomfort.⁵ On June 25, 1990, he reported a history of a left shoulder injury with pain radiating to his left arm.⁶ On October 5, 1999, he saw William E. Temple, M.D., for evaluation of a work-related injury, which occurred on November 1, 1998. Osobampo complained of pain in the lower neck, upper back, shoulders, arms, and ears, with associated headaches and dizziness.⁷

In 2004, Osobampo worked for Icicle. He was required to work in a tank carrying buckets of crabs. He maintained he injured his neck, lower back, and shoulders while lifting these buckets,⁸ although he finished the entire 2004 season.⁹ Osobampo made no claim for any benefits in connection with any 2004 injury.¹⁰

² R. 011-12, 14-15.

³ *See Jorge Osobampo v. Icicle Seafoods, Inc.*, Alaska Workers' Comp. Bd. Dec. No. 12-0105, 30 (June 18, 2012).

⁴ R. 392-402.

⁵ R. 404-05.

⁶ R. 420-24.

⁷ R. 442-50.

⁸ Hr'g Tr. 23:6-17, May 2, 2012.

⁹ Hr'g Tr. 15:23-16:6, May 2, 2012.

¹⁰ Hr'g Tr. 24:8-15, May 2, 2012.

When Osobampo returned to work for Icicle in 2005, he completed a health questionnaire on which he indicated he was injured in 2004.¹¹ He stated his injury was due to “repetitive motion,” and that he had a “back injury or strain.”¹² Despite this, Icicle hired him and initially put him to work loading crabs again.¹³ Eventually, Icicle changed his duties, moving Osobampo to work with salmon, which required regular knife work, causing his shoulders to begin to hurt.¹⁴

Osobampo was unable to point to a specific event in 2005 which injured him, but concluded his symptoms from 2004 had returned.¹⁵ He worked despite pain until he told Lori Roberts, Icicle’s Human Resources Manager, that he could no longer continue.¹⁶ According to Osobampo, Roberts told him he could return to California and send her information about the doctor who was attending him so that he could be reimbursed for his travel home.¹⁷ He returned to California and sent Roberts documentation from his attending physician. Icicle reimbursed him for certain expenses.¹⁸

On August 31, 2005, Osobampo saw Theo H. Kircher, D.C., for treatment after leaving his job at Icicle.¹⁹ He completed a “Claim Statement of Employee,” which indicated he had stopped working because of a “work injury.” This is part of a three-page form, which includes the doctor’s Certificate of Disability. On page three, Osobampo specifically stated the disability was caused by his job, he had filed or intended to file for workers’ compensation benefits, the date of his injury was August 18, 2005, and the

¹¹ Hr’g Tr. 24:25–25:6, May 2, 2012; R. 454.

¹² R. 454.

¹³ Hr’g Tr. 16:7-8, May 2, 2012.

¹⁴ Hr’g Tr. 17:13-16, May 2, 2012.

¹⁵ Hr’g Tr. 25:17-23, May 2, 2012.

¹⁶ Hr’g Tr. 17:16-17, May 2, 2012.

¹⁷ Hr’g Tr. 17:18-23, May 2, 2012.

¹⁸ Hr’g Tr. 18:3-8, May 2, 2012.

¹⁹ Hr’g Tr. 33:20-24, 39:17–40:22, May 2, 2012; R. 0455.

employer was Icicle.²⁰ On August 31, 2005, he sent Dr. Kircher's paperwork to Lori Roberts, as she directed.²¹

Dr. Kircher's report describes treating Osobampo beginning August 24, 2005, on a twice-weekly basis, for cervical and thoracic strain, and cervical brachial syndrome, with findings including palpable tenderness of the cervical and thoracic spine with decreased range of motion of the cervical and thoracic area, and positive "shoulder depression" bilaterally.²² Dr. Kircher opined Osobampo was disabled from his regular or customary work beginning August 24, 2005, through September 24, 2005.²³

Dr. Kircher eventually declined to provide treatment to Osobampo for lack of insurance.²⁴ He next saw Jaime Rodriguez Jacobo, M.D., in late 2005, in Mexicali, Mexico, for medical treatment for his injury because his pain was getting worse.²⁵ Dr. Rodriguez Jacobo prescribed painkillers and advised Osobampo how to treat his injury.²⁶

On November 9, 2006, Osobampo filed a WCC requesting TTD and medical costs from July 2005 and continuing. The claim states he injured his full back and both shoulders.²⁷ On November 13, 2006, Osobampo changed providers to Trent Habstritt, D.C., who evaluated him.²⁸ On his patient's history, Osobampo denied any prior injuries and reported problems associated with his back, both arms and shoulders, head, both legs, and his "psyche."²⁹ On November 14, 2006, Dr. Habstritt, relying on the history given the previous day, found complaints of pain in the neck and associated headaches, mid- to low-back pain radiating down the legs bilaterally, and pain in both shoulders and

²⁰ R. 455-57.

²¹ R. 456.

²² R. 457.

²³ R. 457.

²⁴ Hr'g Tr. 37:22-38:5, May 2, 2012.

²⁵ Hr'g Tr. 35:2-36:4, May 2, 2012; R. 462-65.

²⁶ Hr'g Tr. 36:5-11, May 2, 2012.

²⁷ R. 011-12.

²⁸ R. 618-21.

²⁹ R. 619.

wrists. Dr. Habstritt diagnosed cervicalgia, thoracalgia, lumbalgia, and bilateral shoulder internal derangement. In Dr. Habstritt's opinion, his findings and diagnoses were consistent with Osobampo's account of his injury with Icicle; he prescribed treatment, stated Osobampo was unable to perform his usual work, and said he could return to modified work effective January 14, 2007.³⁰

Osobampo did not file a formal report of injury for the 2005 injury until November 27, 2006.³¹ It described how he injured himself:

Picking up 30-40 ^{lb} Buckets of crab over shoulders to dump in chute working 12- to 16 hr days 7 days a wk.³²

The injury report stated that the body part injured was "full back." Osobampo clarified in his hearing testimony that he included his shoulders and neck in this description, and his back all the way down to his waist.³³ He stated he knew in June 2004 he had initially injured himself, but it was not until mid-July 2005 when he really started noticing the pain was getting worse, although he continued working until August 18, 2005.³⁴ The board found that on August 18, 2005, Osobampo had a "compensable event" when he left work because of his alleged injury.³⁵

On December 4, 2007, Dr. Habstritt referred Osobampo to Douglas J. Roger, M.D.³⁶ On March 21, 2008, Osobampo saw Dr. Roger. He told Dr. Roger that he had sustained a work-related injury on July 1, 2005, to his upper back and upper extremities dumping crab into a tank. Dr. Roger diagnosed a chronic sprain and strain of the cervical spine, and left shoulder impingement syndrome with a partial thickness supraspinatus tendon tear, with similar findings on the right shoulder. His opinion was that Osobampo was temporarily totally disabled and recommended right shoulder arthroscopy. Based

³⁰ R. 612-17.

³¹ Hr'g Tr. 31:9-32:10, May 2, 2012.

³² R. 001.

³³ Hr'g Tr. 27:16-28:7, May 2, 2012.

³⁴ Hr'g Tr. 28:8-15, 28:23-29:1, May 2, 2012.

³⁵ *See Osobampo*, Bd. Dec. No. 12-0105 at 5.

³⁶ R. 478-79.

upon Osobampo's history, his examination, and the available medical records, Dr. Roger concluded the symptoms noted developed as a result of the injury in question, although he conceded his opinion might change if additional information came to light.³⁷ Dr. Roger continued to treat Osobampo regularly through at least September 11, 2009.³⁸

On November 11, 2009, Osobampo filed another WCC that requested TTD from July 1, 2005, through the present and requesting medical treatment. The board served this claim on the parties on November 16, 2009. Attached to this claim was a copy of the November 2006 claim.³⁹

On November 25, 2009, Icycle filed a Controversion Notice, denying all benefits on the grounds that Osobampo failed to report a work-related injury to Icycle within 30 days of the injury date, left employment without mentioning any injury, and never reported the alleged injury until November 27, 2006. Icycle also controverted the claim on the grounds that Osobampo had no injury, disability, or need for medical treatment arising out of or in the course of his employment with Icycle, and his employment was not the substantial cause of any injury, disability or need for medical treatment.⁴⁰

On February 4, 2010, the parties attended a prehearing conference.⁴¹ Later that month, on February 26, 2010, Osobampo filed an Affidavit of Readiness for Hearing on his November 9, 2006, and November 11, 2009, claims.⁴² On March 4, 2010, Icycle filed a timely request for cross-examination of numerous medical records.⁴³

On April 14, 2010, William J. Stump, M.D., and James A. Champoux, M.D., performed an employer's medical evaluation (EME). Osobampo only disclosed a low back injury in 1989. The EME panel concluded he suffered a cervical strain in August 2005,

³⁷ R. 481-89.

³⁸ R. 481-89, 529-34, 549-55, 567-79.

³⁹ R. 014-15.

⁴⁰ R. 004-05.

⁴¹ R. 650-52.

⁴² R. 025.

⁴³ R. 028-30.

while working for Icycle, however, his global symptoms could not be attributed to that work. In their opinion, his shoulder discomfort was age-related and not due to the effects of any injury. The panel concluded the employment did not represent a substantial cause of the symptoms the patient currently reported. They did not believe Osobampo was disabled. The EME physicians stated he was medically stable as of April 14, 2010. They had no recommendations for additional treatment.⁴⁴

On March 10, 2011, Edward Tapper, M.D., saw Osobampo for a second independent medical evaluation (SIME). He complained of "total body pain," with an emphasis on his shoulders, neck, and back. Dr. Tapper's report states he asked Osobampo if he had any prior troubles and he said no. Dr. Tapper reminded him of his 1999 injury to essentially the same body parts for which he was presently complaining. Dr. Tapper concurred with the opinions from Drs. Stump and Champoux. He did not find Osobampo's history "totally credible." His opinion was that Osobampo's work experience with Icycle was not "the substantial factor" in causing "his conditions," all of which pre-existed his employment to some extent and would most likely be present notwithstanding his employment with Icycle. However, Dr. Tapper concluded the employment aggravated his pre-existing conditions and produced the need for medical treatment to a limited extent, which was temporary and resolved. His opinion was that Osobampo was medically stable by September 11, 2009, at the latest. Any surgery needed on his shoulders would be not be work-related. Dr. Tapper stated the chiropractic treatment had been excessive and that no additional treatment was needed. In Dr. Tapper's opinion, any permanent partial impairment would not be substantially caused by Osobampo's employment with Icycle.⁴⁵

The board found that Osobampo did not disclose his prior injuries to his attending physicians, Dr. Habstritt and Dr. Roger, to the EME Drs. Stump and Champoux, or to the

⁴⁴ R. 580-92.

⁴⁵ R. 593-608.

SIME evaluator, Dr. Tapper.⁴⁶ Osobampo claimed none of these physicians asked him about prior work-related injuries.⁴⁷

Osobampo's claims were heard by the board on May 2, 2012. In addition to continuing TTD, Osobampo wanted Icycle to pay his outstanding medical bills associated with Dr. Habstritt and Dr. Roger, and reimburse him for what he paid Dr. Rodriguez Jacobo.⁴⁸ He did not provide Icycle, its insurer, its attorney, or the board with copies of medical bills either outstanding or those he paid.⁴⁹ There were no billings for any of the unpaid physicians and no evidence in the record of Osobampo's out-of-pocket medical expenses for which he seeks an order for payment.⁵⁰ Osobampo did not give a reason for failing to document his medical claim.⁵¹

Lori Roberts testified that she works for Icycle in Petersburg and has been employed by Icycle for 32 years. She eventually learns of all work-related injuries because employees come to her and tell her they have been injured. If she learns of a work-related injury, her procedure is to find the injured person, speak with them, and take them to obtain medical care if necessary. Osobampo never reported any work-related injuries to her in 2004.⁵² According to Roberts, he did not report any injuries in 2005 either. If he had reported one, she stated she would have known about it.⁵³

Roberts recalled the last conversation she had with Osobampo. She was accompanied by her assistant Lily Estrada, who speaks Spanish, when she interviewed him in August 2005. Osobampo gestured to his "chest" and said he had pains and was

⁴⁶ See *Osobampo*, Bd. Dec. No. 12-0105 at 4.

⁴⁷ Hr'g Tr. 21:7-11, May 2, 2012.

⁴⁸ Hr'g Tr. 75:14-76:3, May 2, 2012.

⁴⁹ Hr'g Tr. 75:5-13, May 2, 2012.

⁵⁰ See *Osobampo*, Bd. Dec. No. 12-0105 at 10.

⁵¹ See *id.*

⁵² Hr'g Tr. 44:5-45:16, May 2, 2012.

⁵³ Hr'g Tr. 44:5-45:6, 49:25-50:12, 51:24-53:12, 56:6-14, May 2, 2012.

coughing and said his "lungs hurt."⁵⁴ Roberts attempted to convince him to go to the clinic for evaluation so he would not have to leave the job before the season was over.⁵⁵ According to Roberts, Osobampo did not mention any injury to his head, neck, shoulders, or back during this conversation.⁵⁶ He did not receive treatment at the clinic, but left camp.⁵⁷

Roberts explained that Icycle regularly asks employees in orientation if they have any physical limitations, in which case it would put them in an area where they do not have to lift over their expressed limitations.⁵⁸ A Spanish translator is provided for employee orientation and assists with completing health questionnaires.⁵⁹ Roberts stated that if an employee has a "personal medical" issue that is not work-related, they go home, and if a doctor sends a medical report documenting the issue, Icycle would provide the travel expenses to the employee.⁶⁰

The board found Osobampo's testimony "not completely credible."⁶¹

3. Standard of review.

The commission is to uphold the board's findings of fact if they are supported by substantial evidence in light of the whole record.⁶² The board's credibility findings are

⁵⁴ Hr'g Tr. 47:17–48:17, May 2, 2012. Osobampo denied he gestured to his chest when he spoke with Roberts, but rather, pointed to his neck and shoulder area. Hr'g Tr. 49:2-7, May 2, 2012.

⁵⁵ Hr'g Tr. 48:1-3, May 2, 2012.

⁵⁶ Hr'g Tr. 52:10-12, May 2, 2012.

⁵⁷ Hr'g Tr. 52:18–53:7, May 2, 2012.

⁵⁸ Hr'g Tr. 61:12-24, May 2, 2012.

⁵⁹ Hr'g Tr. 62:9-12, May 2, 2012.

⁶⁰ Hr'g Tr. 65:16-20, May 2, 2012.

⁶¹ *Osobampo*, Bd. Dec. No. 12-0105 at 13.

⁶² Substantial evidence is such relevant evidence which a reasonable mind might accept as adequate to support a conclusion. *See, e.g., Norcon, Inc. v. Alaska Workers' Compensation Bd.*, 880 P.2d 1051, 1054 (Alaska 1994).

binding on the commission.⁶³ Its weight findings are conclusive.⁶⁴ We exercise our independent judgment when reviewing questions of law and procedure.⁶⁵

4. *Discussion.*

In its decision, the board ruled on a number of issues, some of which were resolved adversely to Icicle.⁶⁶ Osobampo has appealed its denial of additional TTD and medical benefits; Icicle has not cross-appealed.

a. *Osobampo's briefing is not particularly helpful in understanding his arguments.*

In another decision,⁶⁷ the commission cited and quoted an Alaska Supreme Court (supreme court) decision involving an individual identified as A.H., a *pro se* appellant like Osobampo. The supreme court noted:

The quality of her briefing greatly impairs any viable arguments she may have, as well as this court's ability to deal with the issues presented. A.H. presents arguments that may have validity. However, the majority of the fifty-six issues she raises are waived due to inadequate briefing. Throughout most of the briefs A.H. provides no citation of legal authority, and in the vast majority of instances her arguments are cursory and undeveloped. "[W]here a point is given only cursory statement in the argument portion of a brief, the point will not be considered on appeal."⁶⁸

As in *A.H.* and *Parsons*, the quality of Osobampo's briefing impedes our ability to understand his arguments and deal with the issues presented. He provides no legal authority and his arguments are cursory and undeveloped.

⁶³ See AS 23.30.128(b).

⁶⁴ See AS 23.30.122.

⁶⁵ See AS 23.30.128(b).

⁶⁶ See *Osobampo*, Bd. Dec. No. 12-0105 at 30.

⁶⁷ See *Parsons v. Craig City School District*, Alaska Workers' Comp. App. Comm'n Dec. No. 168, 10 (Aug. 30, 2012).

⁶⁸ *A.H. v. W.P.*, 896 P.2d 240, 243 (Alaska 1995) (quoting *Adamson v. University of Alaska*, 819 P.2d 886, 889 n.3 (Alaska 1991)).

b. Osobampo is not entitled to more TTD benefits.

Appropriately, the board applied the three-step presumption of compensability analysis that pertains to injuries occurring before November 7, 2005,⁶⁹ to the issue whether Osobampo had met his burden of proof on entitlement to more TTD benefits.⁷⁰ It decided he was entitled to TTD for his work-related cervical strain from August 24, 2005, through September 24, 2005, and denied Osobampo those benefits for any period of time thereafter.⁷¹ We agree with the board's analysis, for the following reasons.

The board noted that many of the doctors who treated or evaluated Osobampo, including Dr. Kircher, Dr. Stump, Dr. Champoux, and Dr. Tapper, shared the opinion that, when he discontinued his employment with Icicle in late August 2005, his cervical condition was disabling for approximately 30 days. Some of the same doctors also agreed that Osobampo's pre-existing medical conditions were not permanently

⁶⁹ In the commission's view, the presumption of compensability analysis needed to be modified owing to the extensive amendments to AS 23.30.010(a) in 2005. *See Runstrom v. Alaska Native Medical Center*, Alaska Workers' Comp. App. Comm'n Dec. No. 150 (Mar. 25, 2011). However, in *Runstrom v. Alaska Native Medical Center*, 280 P.3d 567, 573 n.16 (Alaska 2012), the supreme court questioned whether the amendment to AS 23.30.010(a) in 2005 altered the presumption of compensability analysis.

⁷⁰ As the supreme court recently explained:

Workers' compensation claims have been subject to a three-step presumption analysis in which the employee must first attach the presumption of compensability by presenting some evidence linking work and the injury. If the employee is able to do so, the employer then has to rebut the presumption. The standard we have articulated for rebutting the presumption requires the employer to produce substantial evidence that: (1) provides an alternative explanation which would exclude work-related factors as a substantial cause of the disability; or (2) directly eliminates any reasonable possibility that employment was a factor in causing the disability. If the employer meets its burden of producing evidence, the burden then shifts back to the employee to prove all elements of the employee's claim by a preponderance of the evidence. *Runstrom*, 280 P.3d at 571 n.2 (citations omitted).

⁷¹ *See Osobampo*, Bd. Dec. No. 12-0105 at 29.

aggravated by that employment.⁷² In particular, the board found Dr. Tapper's conclusion, that the symptoms Osobampo reported to him in 2011 were the result of aging and deterioration, was entitled to considerable weight. Moreover, as the board pointed out, Osobampo was not credible when he maintained that the medical providers/evaluators did not ask him about his medical history, specifically his history of work-related injuries. As a result, the board gave less weight to any attribution of causation to his employment with Icicle, absent a taking of a full medical history.⁷³

The commission concludes that substantial evidence supports the board's findings, especially when we consider, as we must, that its credibility findings are binding on the commission and its weight findings are conclusive. The board's denial of TTD benefits other than for 30 days following Osobampo's departure from his employment with Icicle in August 2005 is amply supported by the record before us.

c. Osobampo's failure to submit documentation of his medical bills and out-of-pocket expenses bars recovery for them.

After again applying the three-step presumption of compensability analysis,⁷⁴ the board found that Osobampo would be entitled to reimbursement for some of his medical bills and out-of-pocket medical expenses. Specifically, the board found that Osobampo could obtain reimbursement for medical bills and expenses he incurred in the August-September 2005 timeframe when he was entitled to TTD benefits. However, Osobampo "never filed or served evidence of outstanding medical bills or out-of-pocket medical expenses."⁷⁵ Applying supreme court⁷⁶ and commission precedent,⁷⁷

⁷² See *Osobampo*, Bd. Dec. No. 12-0105 at 28.

⁷³ See *id.* at 28-29.

⁷⁴ See n.70, *supra*.

⁷⁵ *Osobampo*, Bd. Dec. No. 12-0105 at 30. 8 AAC 45.120(f) provides in relevant part that documentary evidence must be within the board's possession at least 20 days before any hearing to be considered by the board in reaching its decision.

⁷⁶ See *Lindhag v. State, Dep't of Natural Resources*, 123 P.3d 948, 956 (Alaska 2005).

⁷⁷ See *Failla v. Fairbanks Resource Agency, Inc.*, Alaska Workers' Comp. App. Comm'n Dec. No. 162 (June 8, 2012).

the board rightly concluded that it would be inequitable to allow the record to remain open so that Osobampo could file that evidence post-hearing.⁷⁸ In declining to allow Osobampo another opportunity to file this evidence, the board noted that he “gave no reason why he or his non-attorney representative could not have gathered his medical bills over the last several years and filed and served [copies].”⁷⁹ Under the circumstances, there was no error in the board’s decision to foreclose Osobampo from submitting this evidence post-hearing.

5. Conclusion.

The commission AFFIRMS the board’s decision.

Date: 22 April 2013 ALASKA WORKERS’ COMPENSATION APPEALS COMMISSION



Signed

David W. Richards, Appeals Commissioner

Signed

Philip E. Ulmer, 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).⁸⁰ For the date of distribution, see the box below.

⁷⁸ See *Osobampo*, Bd. Dec. No. 12-0105 at 30.

⁷⁹ *Osobampo*, Bd. Dec. No. 12-0105 at 30.

⁸⁰ 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

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 distributed⁸¹ 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.

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 this is a full and correct copy of the Final Decision No. 181 issued in the matter of *Jorge Osobampo vs. Icicle Seafoods, Inc. and Seabright Insurance Company*, AWCAC Appeal No. 12-021, and distributed by the office of the Alaska Workers' Compensation Appeals Commission in Anchorage, Alaska, on April 22, 2013.

Date: April 23, 2013



Signed

K. Morrison, Deputy Commission Clerk

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.

⁸¹ *See id.*