

Alaska Workers' Compensation Appeals Commission

ANNUAL REPORT FOR CALENDAR YEAR 2021

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Alaska Workers' Compensation Appeals Commission

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INTRODUCTION

The Alaska Workers' Compensation Appeals Commission is charged with providing fair, prompt, and thoughtful adjudication of appeals from decisions issued by the Alaska Workers' Compensation 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).

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 issuance of final decisions on the merits of appeals, by March 15th of each year. This report is filed to satisfy that duty.

"Court" refers to the Alaska Supreme Court, "Commission" refers to the Alaska Workers' Compensation Appeals Commission, and "Board" refers to the Alaska Workers' Compensation Board. Figure 1 shows the place of the Commission in the workers' compensation adjudication system.

Figure 1

The **Alaska Supreme Court** hears appeals from Commission decisions. The 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 Board decisions. There are five Commissioners: two who represent employees, two who represent employers, and the Chair, who is an attorney. Each appeal is heard by one employee Commissioner, one 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 Court rulings. Appeals are decided on the Board 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 **Alaska Workers' Compensation Board** hears claims and petitions by injured workers, employers, and Division investigators. The Board consists of nine industry members, nine labor members, and the Commissioner of the Department of Labor, who is the Chair. Board members are appointed to three-year terms. The Board hears cases in three-member panels (one labor member, one industry member, and one hearing officer), but may hear a case with a quorum of two (a representative member and a hearing officer). Each Board panel is independent, but must follow Commission and Court rulings. The Board approves regulations adopted by the Division.

The **Division of Workers' Compensation** has offices in Anchorage, Fairbanks, and Juneau. Division staff assists parties, collects data, enforces reporting, reviews self-insurance certificates, and manages the Workers' Compensation Benefits Guaranty Fund, Second Injury Fund, and Fishermen's Fund. The Division provides administrative support to Division sections, the Board, and the Commission.

The hearing officers, pre-hearing officers, and clerks of the *Adjudications Section* assist the Board to hear, mediate, and decide cases.

The *Special Investigations Unit* investigates and prosecutes fraud and uninsured employers before the Board.

The Division *Director* may intervene in appeals.

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 2021 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-seven-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;

reappointed by Governor Bill Walker to an additional five-year term in February 2017, and reappointed by Governor Mike Dunleavy to another five-year term in February 2022. **His term expires on March 1, 2027.**

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 2021

The Commission docketed fifteen new cases in 2021, seven fewer new cases than were filed in 2020. Figure 2 compares the types of cases filed in 2021 with those filed in 2020.

Figure 2

	2020	2021
New Appeals Filed	18	10
New Petitions for Review Filed	4	5
Total Number of New Cases Filed	22	15

Appeals

Ten of the fifteen new cases filed in 2021 were appeals. Of the ten new appeals filed in 2021, one resulted in a published final decision on the merits of the appeal in

2021; one settled in 2021; three were dismissed in 2021; one is currently stayed pending mediation; one has oral argument scheduled for April 2022; and the three remaining cases are in the briefing stage.

Petitions for Review

Of the fifteen new cases filed in 2021, five were petitions for review. Of the five new petitions for review filed in 2021, four were denied in 2021, and one motion for an extension of time to file the petition for review was denied in 2021.

2021 Commission Docket

A total of thirty-three cases appeared on the Commission’s 2021 docket, a decrease of ten cases from the 2020 docket. *See* Figure 3. In addition to the fifteen new cases filed in 2021, the Commission began 2021 with sixteen cases on the docket: two filed in 2017 and fourteen filed in 2020. The two 2017 cases were back on the docket at the beginning of 2021 due to motions for attorney fees filed in late 2020 after Court opinions were issued.

In addition, one 2018 case came back on the docket due to a remand from the Court, and one 2018 case came back on the docket due to a motion for attorney fees filed after a Court opinion was issued.

Figure 3

	2020	2021
Cases on Docket at Start of Year	16	16
New Cases Filed	22	15
Alaska Supreme Court Remands	4	1
Back on Docket Due to Reconsideration Motion in early CY	1	0
Back on Docket for Motion for Attorney Fees after Opinion	0	1
Total Number of Cases	43	33

At the end of 2021, the Commission had six cases on the docket. One 2020 case was still on the docket at the end of 2021 due to six granted extensions of time to file briefs, and oral argument is currently scheduled for April 2022. The remaining five cases were filed in 2021.

Figure 4 shows the number of open cases on the Commission docket at the end of each month, 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 of 2021.

Figure 4

Month	Cases on Docket at End of Month	New Cases Filed	Oral Arguments and Hearings Held	Published Final Decisions	Published Memorandum Decisions	Unpublished Orders
Jan.	17	1	1	0	0	8
Feb.	16	0	1	0	0	7
Mar.	15	3	1	1	0	12
Apr.	13	0	1	2	0	8
May	14	2	0	1	0	9
Jun.	8	2	0	2	0	8
Jul.	7	0	0	1	0	5
Aug.	9	2	1	0	0	3
Sep.	9	1	2	1	0	6
Oct.	9	1	1	0	0	4
Nov.	8	2	1	1	0	4
Dec.	6	1	0	1	0	12
Totals		15	9	10	0	86

Appendix A is the Commission’s complete 2021 docket. It contains for each case the date received, type of case, attorney representation, Commission action, and any Court action. Appendix A also includes cases from prior years that are currently on appeal or petition for review before the Court, as well as cases from prior years that were remanded to the Commission for further action in 2021.

Oral Arguments, Hearings, and Unpublished Orders

The Commission held nine oral arguments and hearings in 2021, one less than were held in 2020. There were seven oral arguments on the merits of appeals and two hearings on motions for stays. Oral argument was not requested in some appeals and those were decided on the record and the parties’ written briefs. Figure 5 compares the number and types of hearings held by the Commission in 2021 with those held in 2020.

Figure 5

	2020	2021
Oral Arguments on Merits of Appeals	5	7
Oral Arguments on Petitions for Review	0	0
Hearings on Motions for Stay	4	2
Show of Good Cause Hearings	1	0
Totals	10	9

The Commission issued unpublished orders on 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 extensions

of time to file briefs, stays of appeals, and notices of default and orders to comply. In 2021, a total of eighty-six unpublished orders were issued, a decrease of fifteen unpublished orders from 2020.

Average Time Period for Cases Closed in 2021

All Cases Closed in 2021

Of the thirty-three cases that appeared on the Commission’s 2021 docket, twenty-seven were closed in 2021. This is a closure rate of eighty-two percent of the total number of cases that appeared on the 2021 docket, an increase of fifteen percent from the closure rate in 2020. A case is considered closed on the date of 1) a decision on the merits of an appeal, 2) a dismissal, 3) an order on remand, 4) an order on clarification of a final decision on the merits of an appeal, or 5) an order on reconsideration of a final decision on the merits of an appeal. See Figure 6.

Figure 6

	2020	2021
Total Cases on Docket	43	33
Cases Closed	29	27
Closure Rate	67%	82%

The average time period from the date of receipt to the date of closure for those twenty-seven cases was 178 days, an increase of eleven days from the 2020 average, and well under the Commission’s target of processing cases within 360 days. See Figure 7.

Figure 7

	2020	2021
Total Cases on Docket	43	33
Cases on Docket Closed	29	27
Number of Days from Receipt to Closing	167	178

All Cases Filed and Closed in 2021

Ten of the fifteen new cases filed in 2021 were also closed in 2021, a closure rate of sixty-seven percent for cases both filed and closed in 2021. This is an increase of thirty-one percent from the 2020 closure rate for cases both filed and closed in the same year. A case is considered closed on the date of 1) a decision on the merits of an appeal, 2) a dismissal, 3) an order on remand, 4) an order on clarification of a final decision on the merits of an appeal, or 5) an order on reconsideration of a final decision on the merits of an appeal. See Figure 8.

Figure 8

	2020	2021
Total Cases Filed	22	15
Cases Filed and Closed in Same Year	8	10
Closure Rate	36%	67%

The average time period from the date of receipt to the date of closure for the cases that were both filed and closed in 2021 was ninety-eight days, an increase of eight days from 2020. This is well under the Commission’s target of processing cases within 360 days. *See* Figure 9.

Figure 9

	2020	2021
Total Cases Filed	22	15
Cases Filed and Closed in Same Year	8	10
Number of Days from Receipt to Closing	90	98

Resolution of Cases in 2021

Of the twenty-seven cases on the 2021 docket that were closed, eleven resulted in published decisions on the merits of appeals (two cases were consolidated which resulted in one published decision on the merits of both appeals); five were dismissed (three for failure to prosecute; one because there was no Board order to appeal; and one due to a denied motion for extension of time to file a petition for review); three were settled; four petitions for review were denied; one resulted in an order on remand after a Court opinion; and three resulted in orders on motions for attorney fees after Court opinions. *See* Appendix A.

Indigent Participants

In 2021, one unrepresented employee filed a motion to waive payment of both the filing fee and transcript cost, which were granted. One waiver of the payment of the filing fee was granted in 2021, totaling \$50.00.

One unrepresented employee filed a motion to waive payment of only the transcript cost, which was granted. In 2021, the Commission paid a total of \$6,144.00 to have Board hearing recordings transcribed on behalf of four indigent unrepresented employees. Three of those four indigent unrepresented employees had waivers of transcript costs granted in late 2020, but the transcripts were not prepared and billed for until early 2021, for \$6,018.00 in transcript costs. The remaining \$126.00 in transcript costs was for the one indigent unrepresented employee who was granted a waiver in 2021.

Attorney Representation

Employees

Employees filed ten of the fifteen new cases in 2021, with six of those filed by unrepresented employees. In nine of the cases filed by employees, all opposing parties were represented. In the remaining one case filed by an employee, one employer was unrepresented. The Office of the Attorney General represented the Workers' Compensation Benefits Guaranty Fund in one case filed by an employee.

Figure 10 compares unrepresented and represented employees. Employees filed four less cases in 2021 than in 2020. Compared with 2020, the number of cases filed by unrepresented employees decreased by one, and the number of cases filed by represented employees decreased by three.

Figure 10

	2020	2021
New Cases Filed by Unrepresented Employees	7	6
New Cases Filed by Represented Employees	7	4
Total Cases Filed by Employees	14	10

Employers

Employers filed the remaining five new cases in 2021, with four of those filed by represented employers. In all of those cases, the employee was represented, and in one case, the Office of the Attorney General represented the Workers' Compensation Benefits Guaranty Fund.

One case was filed by an unrepresented, uninsured employer and the Office of the Attorney General represented the Division.

Figure 11 compares unrepresented and represented employers. When compared to 2020, the number of cases filed by unrepresented employers increased by one, and the number of cases filed by represented employers decreased by four.

Figure 11

	2020	2021
New Cases Filed by Unrepresented Employers	0	1
New Cases Filed by Represented Employers	8	4
Total Cases Filed by Employers	8	5

COMMISSION DECISIONS

Published Decisions

In 2021, ten Commission final decisions on the merits of eleven appeals were published; one decision involved two appeals that were consolidated. Appendix B is the list of the Commission's 2021 published decisions, with notes on the number of days from receipt to the 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 on the merits of the appeal, and whether the Commission’s decision was appealed or petitioned for review to the Court.

For the ten published final decisions on the merits of eleven appeals issued in 2021, the average time from oral argument or record closure to the issuance of the final decision was seventy-seven days, thirteen days less than the statutory allowance of ninety days.

Time Period between Receipt and Decision on 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 Cross-Appeals, Extensions, or Stays of Proceedings)**

Appeal Steps	Days
Appeal received	--
Board record and transcripts	45
Appellant’s brief	30
Appellee’s brief	30
Appellant’s reply brief	20
Request oral argument	10
Schedule oral argument	30
Issue Final Decision	90
Total	255

As shown in Appendix B, the average time period between the receipt of an appeal and the issuance of a final decision on the merits of the appeal for cases on the 2021 docket was 282 days, seventy-eight days less than the Commission’s target of 360 days.

Published Decisions – Case Resolutions

The results of Commission decisions published in 2021 are summarized in Appendix B. Of the ten published final decisions issued on the merits of eleven appeals, eight affirmed the Board’s decision and two remanded the Board’s decision.

The Commission did not publish any memorandum decisions in 2021.

ALASKA SUPREME COURT ACTION

Five Commission decisions and two orders issued in 2021 were appealed or petitioned for review to the Court. Two appeals settled, one petition for review was denied, and the remaining four cases are currently pending. A total of six Commission

decisions or orders presently await Court rulings: two issued in 2020, and four issued in 2021. See Appendix A.

In 2021, the Court decided six appeals of Commission decisions and orders. The Court also dismissed two appeals as settled, denied one petition for review, and dismissed one appeal for failure to prosecute. The six issued opinions on appeals of Commission decisions and orders, which created legal precedent, were:

Opinion No. 7516, April 16, 2021, in a 2018 case, *Alaska State Commission for Human Rights v. United Physical Therapy*, 484 P.3d 599, which affirmed the Commission's decision which affirmed the Board's decision.

Opinion No. 7529, May 14, 2021, in a 2017 case, *Espindola v. Peter Pan Seafoods, Inc.*, 486 P.3d 1116, which affirmed the Commission's decision in part, reversed in part, and remanded for further proceedings.

Opinion No. 7543, July 23, 2021, in a 2019 case, *State of Alaska, Department of Corrections v. Wozniak*, 491 P.3d 1081, which affirmed the Commission's decision which affirmed the Board's decision.

Opinion No. 7549, August 20, 2021, in a 2018 case, *Sumpter v. Fairbanks North Star Borough School District*, 494 P.3d 505, which affirmed the Commission's decision which affirmed the Board's decision.

Opinion No. 7555, September 3, 2021, in a 2018 case, *Murphy v. Fairbanks North Star Borough*, 494 P.3d 556, which affirmed the Commission's decision which affirmed the Board's decision.

Opinion No. 7566, November 12, 2021, in a 2018 case, *Mitchell v. United Parcel Service*, 498 P.3d 1029, which affirmed in part the Commission's decision, reversed in part, and remanded to the Commission to remand to the Board.

REGULATION CHANGES

The Commission began a major revision and update project for the Commission's regulations in 2021. The Commission Clerk has been working on a draft of these revisions to be sent to the Commission members for their review and comments.

RESPONSE TO COVID-19 PANDEMIC

As the COVID-19 pandemic continued, the Commission extended procedural orders relaxing some of the regulations of the Commission, such as:

1. Holding hearings and oral arguments via conference calls or Zoom meetings;
2. Allowing parties and transcriptionists to file documents via email; and
3. Distributing all notices, orders, and decisions to parties via email. In the event a party did not have an email address, notices, orders, and decisions were sent via certified mail to that party.

Appendix A: 2021 Appeals Commission Docket¹

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&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; appellee appealed to Court. In 2020, Commission decision reversed and remanded; Decision on Remand affirmed Board; appellant appealed to Court; ripe for decision.
17-001	1/19/17	Appeal	<i>Rusch v. Southeast Alaska Reg'l Health Consortium and Alaska Nat'l Ins. Co.</i>	YES	YES	Affirmed Board in 2018; appellant appealed to Court. Commission decision affirmed in part, reversed in part, and remanded to remand to Board in late 2019. Order on remand issued in early 2020; extension granted to file motion for fees after Court issued an order on fees. Order on fees issued in 2021; appellant appealed to Court; oral argument on 3/23/22.
17-002	1/19/17	Appeal	<i>Dockter v. Southeast Alaska Reg'l Health Consortium and Alaska Nat'l Ins. Co.</i>	YES	YES	Affirmed Board in 2018; appellant appealed to Court. Commission decision affirmed in part, reversed in part, and remanded to remand to Board in late 2019. Order on remand issued in early 2020; extension granted to file motion for fees after Court issued an order on fees. Order on fees issued in 2021; appellant appealed to Court; oral argument on 3/23/22.
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 Court; Commission decision reversed and remanded for further proceedings in 2018. Affirmed Board in 2019; appellant appealed to Court in 2020; Commission decision affirmed in part, reversed in part, and remanded in 2021.

¹ Also includes Commission cases from prior years that were appealed or petitioned for review to the Court, disposition of those cases if resolved in CY 2021, and a note if still pending before the Court.

Docket Number	Date Filed	Filed As	Case Title	Appellant Attorney	Appellee Attorney	Result/Status
18-008	6/8/18	Appeal	<i>Murphy v. Fairbanks North Star Borough</i>	YES	YES	Affirmed Board in 2019; appellant appealed to Court; Commission decision affirmed in 2021.
	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 Court in 2020; Commission decision affirmed in part, reversed in part, and remanded to Commission to remand to Board in 2021.
	7/10/18	Cross-Appeal				
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 Court; Commission decision affirmed in 2021.
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; consolidated with 19-020. Affirmed Board. appellant appealed to Court in 2020; oral argument on 3/23/22.
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:	Affirmed Board in 2019. Appellant appealed to Court and appellees cross-appealed in 2020; Commission decision affirmed in 2021.
					UPT:	
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 Court in early 2021. Dismissed for failure to prosecute.
19-008	4/18/18	Appeal	<i>State, Dep't of Corr. v. Wozniak</i>	YES	YES	Affirmed Board in 2020; appellant appealed to Court; Commission decision affirmed in 2021.
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, appellant appealed to Court in 2020; oral argument on 3/22/22.
20-008	4/20/20	Appeal	<i>Hecla Mining Co. and American Zurich Ins. Co. v. Kuretich</i>	YES	NO	Dismissed as settled in 2021.
20-009	6/9/20	Appeal	<i>Last Frontier Bar and Commerce and Indus. Ins. Co. v. McNulty</i>	YES	YES	Affirmed Board in 2021.
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 Court in 2020; Commission decision reversed and remanded.
20-011	7/10/20	Appeal	<i>Williams v. Harnish Group, Inc.</i>	YES	YES	Remanded to Board in 2021.

Docket Number	Date Filed	Filed As	Case Title	Appellant Attorney	Appellee Attorney	Result/Status
20-012	7/24/20	Appeal	<i>Perez v. Westward Seafoods, Inc. and Ace American Ins. Co.</i>	NO	YES	Affirmed Board in 2021.
20-013	8/10/20	Appeal	<i>Kessler v. State</i>	NO	YES	Oral argument scheduled 4/12/22.
20-014	9/4/20	Appeal	<i>Mahlberg v. Municipality of Anchorage</i>	YES	YES	Affirmed Board in 2021; appellant appealed to Court; dismissed as settled in 2021.
20-015	9/18/20	Appeal	<i>Atlas v. State</i>	NO	YES	Affirmed Board in 2021.
20-016	9/21/20	Appeal	<i>Leigh v. Alaska Children's Serv. and Republic Indem. Co. of America</i>	NO	YES	Consolidated with 20-019; affirmed Board in 2021; appellant petitioned for review to Court; petition denied in 2021.
20-017	9/29/20	Appeal	<i>Wood v. Grant Aviation</i>	YES	YES	Affirmed Board in 2021; appellant appealed to Court; dismissed as settled in 2021.
20-018	10/2/20	Appeal	<i>Alaska Reg'l Hosp. and Indem. Ins. Co. of North America v. Woodell</i>	YES	NO	Remanded to Board in 2021.
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; affirmed Board in 2021; appellant petitioned for review to Court; petition denied in 2021.
20-020	11/24/20	Appeal	<i>Tucker v. Safeway and American Zurich Ins. Co.</i>	YES	YES	Dismissed as settled in 2021.
20-021	12/3/20	Appeal	<i>Harmon v. Annette's Trucking, Inc. and Alaska Nat'l Ins. Co.</i>	NO	YES	Dismissed for failure to prosecute in 2021.
20-022	12/21/20	Appeal	<i>State v. White and Shannon</i>	YES	NO	Affirmed Board in 2021; appellant appealed to Court; briefing stage.
21-001	1/12/21	Petition for Review	<i>Petty v. Silver Bay Seafoods, LLC and Liberty Ins. Corp.</i>	NO	YES	Denied petition for review in 2021.
21-002	3/8/21	Appeal	<i>Parsons v. Craig City Sch. Dist. and Alaska Mun. League Joint Ins. Ass'n</i>	NO	YES	Affirmed Board in late 2021; appellant appealed to Court in early 2022; briefing stage.
21-003	3/12/21	Appeal	<i>Brink v. State</i>	NO	YES	Appeal converted to petition for review and denied in 2021.
21-004	3/15/21	Appeal	<i>TLC Home Care, LLC v. State</i>	NO	YES	Dismissed for failure to prosecute in 2021.
21-005	5/4/21	Appeal	<i>Reynolds v. Univ. of Alaska</i>	YES	YES	Dismissed as settled in 2021.
21-006	5/17/21	Appeal	<i>Jespersen v. Tri-City Air and Alaska Ins. Guar. Ass'n</i>	YES	YES	Briefing stage.

Docket Number	Date Filed	Filed As	Case Title	Appellant Attorney	Appellee Attorney	Result/Status
21-007	6/2/21	Appeal	<i>McKinley v. Kenai Peninsula Borough and Sch. Dist. and Alaska Mun. League Joint Ins. Ass'n</i>	YES	YES	Affirmed Board in part, reversed in part, and remanded in 2022; motion for reconsideration pending.
21-008	6/10/21	Appeal	<i>Loebs v. Lower Yukon Sch. Dist. and Alaska Pac. Entity Ins.</i>	NO	YES	Dismissed as there was no appealable Board decision in 2021.
21-009	8/20/21	Petition for Review	<i>Lynden, Inc. and Ace Am. Ins. Co. v. Dale</i>	YES	YES	Denied petition for review in 2021.
21-010	8/24/21	Appeal	<i>Weaver v. ARCTEC Alaska</i>	NO	YES	Dismissed for failure to prosecute in 2021.
21-011	9/27/21	Appeal	<i>Keluco Gen. Contractors, Inc., Triple B's, LLC, Cullen, Frohling, and Brad Laybourn Trust v. Kolev, Stoyanov, and State, Workers' Comp. Benefits Guar. Fund</i>	YES	YES	Stayed pending mediation.
21-012	10/5/21	Petition for Review	<i>Med. Park Family Care and Rep. Indem. Co. of Am. V. Hughes</i>	YES	YES	Denied petition for review in 2021.
21-013	11/1/21	Appeal	<i>Ocean Beauty Seafoods, Inc. and Liberty Ins. Corp. v. Quimiging</i>	YES	YES	In briefing stage.
21-014	11/19/21	Appeal	<i>Amos v. Tidwell, Plambeck, Plambeck Floor Customs, Inc. and Umialik Ins. Co.</i>	YES	Tidwell: NO Others: YES	In briefing stage.
21-015	12/14/21	Petition for Review	<i>Leigh v. Alaska Children's Servs. and Republic Indem. Co. of America</i>	NO	YES	Denied motion for extension of time to file petition for review in late 2021; denied reconsideration in early 2022.

Appendix B: Table of 2021 Published Decisions

DECISION No.	APPEAL No.	TITLE OF APPEAL	DAYS FROM RECEIPT TO FINAL DECISION	DAYS FROM ORAL ARGUMENT / RECORD CLOSURE TO FINAL DECISION	DECISION/APPEALED
284	20-011	<i>Williams v. Harnish Group, Inc.</i>	250	90	Remanded to Board.
285	20-009	<i>Last Frontier Bar and Commerce and Indus. Ins. Co. v. McNulty</i>	307	95	Affirmed Board.
286	20-012	<i>Perez v. Westward Seafoods, Inc. and Ace Am. Ins. Co.</i>	276	77	Affirmed Board.
287	20-016, 20-019	<i>Leigh v. Alaska Children's Serv. and Republic Indem. Co. of Am.</i>	249	59	Affirmed Board; petitioned for review to Court; petition for review denied.
			205	59	
288	20-018	<i>Alaska Reg'l Hosp. and Indem. Ins. Co. of N. Am. v. Woodell</i>	257	97	Remanded to Board.
289	20-017	<i>Wood v. Grant Aviation</i>	272	88	Affirmed Board; appealed to Court; dismissed as settled.
290	20-014	<i>Mahlberg v. Mun. of Anchorage</i>	306	90	Affirmed Board; appealed to Court; dismissed as settled.
291	20-022	<i>State v. White and Shannon</i>	262	21	Affirmed Board; appealed to Court; briefing stage.
292	20-015	<i>Atlas v. State</i>	427	95	Affirmed Board.
293	21-001	<i>Parsons v. Craig City Sch. Dist. and Alaska Mun. League Joint Ins. Ass'n</i>	287	81	Affirmed Board; appealed to Court; briefing stage.
Average Number of Days:			282	77	