

# Alaska Workers' Compensation Appeals Commission

## ANNUAL REPORT FOR CALENDAR YEAR 2022

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# Alaska Workers' Compensation Appeals Commission Annual Report for Calendar Year 2022

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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 15<sup>th</sup> 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, "Division" refers to the Division of Workers' Compensation, and "Board" refers to the Alaska Workers' Compensation Board. Figure 1 shows the place of the Commission in the Department of Labor and Workforce Development's 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 represent employees, two 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 independent of the Division.

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 Department of Labor Commissioner, 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 employee representatives, two employer representatives, 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 2022 were:

**Deirdre D. Ford, Chair**, 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 had 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 in 1966, and her B.A. in Political Science from Whittier College in 1963.

**S. T. Hagedorn, employer representative**, 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.

**Michael J. Notar, employee representative**, 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. Mr. Notar served on the Board as a member for labor from December 2007 to July 2010. 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.

**James N. Rhodes, employee representative**, Ketchikan, is a twenty-eight-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.

**Amy M. Steele, employer representative**, 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.

## COMMISSION CASES

### New Cases Filed in 2022

The Commission docketed fourteen new cases in 2022, one fewer new cases than were filed in 2021. Figure 2 compares the types of cases filed in 2022 with those filed in 2021.

**Figure 2**

	<b>2021</b>	<b>2022</b>
<b>New Appeals Filed</b>	10	11
<b>New Petitions for Review Filed</b>	5	3
<b>Total Number of New Cases Filed</b>	15	14

### Appeals

Eleven of the fourteen new cases filed in 2022 were appeals. Of the eleven new appeals filed in 2022, three were dismissed; one was remanded to the Board, one Board decision was reversed; one has a decision pending, one has oral argument pending, one is currently stayed pending mediation; one is currently stayed pending Board approval of settlement, and two are in the briefing stage.

## Petitions for Review

Of the fourteen new cases filed in 2022, three were petitions for review, all of which were denied in 2022.

## 2022 Commission Docket

A total of twenty-six cases appeared on the Commission's 2022 docket, a decrease of nine cases from the 2021 docket. *See* Figure 3. In addition to the fourteen new cases filed in 2022, the Commission began 2022 with seven cases on the docket: one filed in 2020 and six filed in 2021.

The 2020 case was still on the docket at the beginning of 2022 due to granted extensions of time to file briefs for both parties, and three continuances of oral argument due to 1) a newly assigned Assistant Attorney General, 2) the sudden illness of the Chair, and 3) the death of one of the parties' family member.

The 2021 cases were still on the docket at the beginning of 2022 due to one being in the briefing stage, one having a pending final decision, one having a pending motion for attorney fees, one in which the parties were in mediation, and two which were filed in November 2021.

In addition, two 2017 cases and one 2020 case came back on the docket due to remands from the Court.

Two 2021 cases came back on the docket in 2022 due to motions for reconsideration filed at the beginning of 2022.

**Figure 3**

	<b>2021</b>	<b>2022</b>
<b>Cases on Docket at Start of Year</b>	16	7
<b>New Cases Filed</b>	15	14
<b>Alaska Supreme Court Remands</b>	1	3
<b>Back on Docket Due to Reconsideration Motion in early CY</b>	0	2
<b>Back on Docket for Motion for Attorney Fees after Opinion</b>	1	0
<b>Total Number of Cases</b>	33	26

At the end of 2022, the Commission had eleven cases on the docket. Two 2021 cases were still on the docket at the end of 2022; one due to a pending order on a motion for attorney fees, and one due to a pending final decision. The remaining nine cases were filed in 2022.

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 2022.

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.	8	2	0	1	0	9
Feb.	8	0	1	0	0	6
Mar.	7	1	0	0	0	13
Apr.	9	2	0	0	0	8
May	10	2	0	0	0	3
Jun.	9	1	2	0	0	6
Jul.	11	2	1	0	0	3
Aug.	11	1	2	1	0	12
Sep.	11	1	1	0	0	8
Oct.	14	2	0	2	0	5
Nov.	13	0	0	0	0	6
Dec.	11	0	1	0	1	1
<b>Totals</b>		14	8	4	1	80

Appendix A is the Commission’s complete 2022 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 2022.

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

The Commission held eight oral arguments and hearings in 2022, one less than were held in 2021. There were six 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 2022 with those held in 2021.

Figure 5

	2021	2022
<b>Oral Arguments on Merits of Appeals</b>	7	6
<b>Hearings on Motions for Stay</b>	2	2
<b>Totals</b>	9	8

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



2022, a total of eighty unpublished orders were issued, a decrease of six unpublished orders from 2021.

### Average Time Period for Cases Closed in 2022

#### All Cases Closed in 2022

Of the twenty-six cases that appeared on the Commission’s 2022 docket, sixteen were closed in 2022. This is a closure rate of sixty-two percent of the total number of cases that appeared on the 2022 docket, a decrease of twenty percent from the closure rate in 2021. 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**

	<b>2021</b>	<b>2022</b>
<b>Total Cases on Docket</b>	33	26
<b>Cases Closed</b>	27	16
<b>Closure Rate</b>	82%	62%

The average time period from the date of receipt to the date of closure for those sixteen cases was 170 days, a decrease of eight days from the 2021 average, and well under the Commission’s target of processing cases within 360 days. See Figure 7.

**Figure 7**

	<b>2021</b>	<b>2022</b>
<b>Total Cases on Docket</b>	33	26
<b>Cases on Docket Closed</b>	27	16
<b>Number of Days from Receipt to Closing</b>	178	170

#### All Cases Filed and Closed in 2022

Five of the fourteen new cases filed in 2022 were also closed in 2022, a closure rate of thirty-six percent for cases both filed and closed in 2022. This is a decrease of thirty-one percent from the 2021 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**

	<b>2021</b>	<b>2022</b>
<b>Total Cases Filed</b>	15	14
<b>Cases Filed and Closed in Same Year</b>	10	5
<b>Closure Rate</b>	67%	36%

The average time period from the date of receipt to the date of closure for the cases that were both filed and closed in 2022 was seventy-one days, a decrease of twenty-seven days from 2021. This is well under the Commission’s target of processing cases within 360 days. See Figure 9.

**Figure 9**

	<b>2020</b>	<b>2022</b>
<b>Total Cases Filed</b>	15	14
<b>Cases Filed and Closed in Same Year</b>	10	5
<b>Number of Days from Receipt to Closing</b>	98	71

### **Resolution of Cases in 2022**

Of the sixteen cases on the 2022 docket that were closed, four resulted in published decisions on the merits of appeals; one was dismissed for failure to prosecute; one motion for a 90-day extension to file a petition for review was denied; one settled; four petitions for review were denied; three resulted in an order on remand after a Court opinion; and two resulted in orders on motions for reconsideration. See Appendix A.

### **Indigent Participants**

In 2022, four unrepresented employees filed motions to waive payment of both the filing fee and transcript cost. Four waivers of the payment of the filing fee were granted in 2022, totaling \$200.00.

Four waivers of payment of transcript costs were granted. In 2022, the Commission paid a total of \$3,120.00 to have Board hearing recordings transcribed on behalf of three indigent unrepresented employees. The fourth waiver for payment of transcript cost was granted in late 2022 and the transcript was paid for in early 2023.

### **Attorney Representation**

One appeal was filed by an unrepresented applicant for the Board’s rehabilitation specialists list and the Attorney General’s Office represented the Division.

### **Employees**

Employees filed ten of the fourteen new cases in 2022, with five of those filed by unrepresented employees. In all of the cases filed by employees, all opposing parties were represented.

Figure 10 compares unrepresented and represented employees. Employees filed the same number of cases as in 2021. Compared with 2021, the number of cases filed by unrepresented employees decreased by one, and the number of cases filed by represented employees increased by one.

Figure 10

	2021	2022
<b>New Cases Filed by Unrepresented Employees</b>	6	5
<b>New Cases Filed by Represented Employees</b>	4	5
<b>Total Cases Filed by Employees</b>	10	10

Employers

Employers filed the remaining three new cases in 2022, with all of those filed by represented employers. In two of those cases, the employee was represented, and in one case, the employee was unrepresented.

Figure 11 compares unrepresented and represented employers. When compared to 2021, the number of cases filed by unrepresented employers decreased by one, and the number of cases filed by represented employers decreased by one.

Figure 11

	2021	2022
<b>New Cases Filed by Unrepresented Employers</b>	1	0
<b>New Cases Filed by Represented Employers</b>	4	3
<b>Total Cases Filed by Employers</b>	5	3

## COMMISSION DECISIONS

### Published Decisions

In 2022, four Commission final decisions on the merits of appeals were published. Appendix B is the list of the Commission's 2022 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 four published final decisions on the merits of appeals issued in 2022, the average time from oral argument or record closure to the issuance of the final decision was seventy-five days, fifteen 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
<b>Total</b>	<b>255</b>

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 2022 docket was 457. This was due to one appeal taking 800 days due to multiple granted extensions of time to file briefs and oral argument having to be continued three times due to extenuating circumstances.

If that one case is not counted, the average time period between the receipt of an appeal and the issuance of a final decision on the merits of the appeal for the three remaining final decisions was 343 days, well within the Commission’s target of issuing final decisions within 360 days of filing an appeal.

### **Published Decisions – Case Resolutions**

The results of Commission decisions published in 2022 are summarized in Appendix B. Of the four published final decisions issued on the merits of appeals, three affirmed the Board’s decision and one affirmed in part, reversed in part, and remanded the Board’s decision for further proceedings.

The Commission published one memorandum decision in 2022 on a remand from the Court of attorney fees awarded in two 2017 cases.

## **ALASKA SUPREME COURT ACTION**

One Commission decision and four orders issued in 2022 were appealed or petitioned for review to the Court. Two petitions for review were denied, and the remaining three cases are currently pending. A total of seven Commission decisions or orders presently await Court rulings: two issued in 2021, four issued in 2022, and one issued in January 2023. *See Appendix A.*

In 2022, the Court decided four appeals of Commission decisions and orders. The Court also denied one petition for review. The four issued opinions on appeals of Commission decisions and orders, which created legal precedent, were:

Opinion No. 7584, February 4, 2022, in a 2020 case, *Roberge v. ASRC Construction Company and Arctic Slope Regional Corporation*, 503 P.3d 102, which reversed the Commission's decision and remanded this case to the Commission to remand to the Board, and overruled the Commission's decision in *Northern Construction v. James*, Alaska Workers' Comp. App. Comm'n Dec. No. 251 (July 25, 2018).

Opinion No. 7623, September 30, 2022, in two consolidated 2017 cases, *Rusch and Dockter v. Southeast Alaska Regional Health Consortium and Alaska National Insurance Company*, 517 P.3d 1157, which reversed, vacated, and remanded the Commission's order awarding attorney fees for further proceedings.

Opinion No. 7624, October 7, 2022, in a 2015 case, *State, Workers' Compensation Benefits Guaranty Fund v. Adams v. Heath*, \_\_\_ P.3d \_\_\_, which affirmed the Commission's decision following remand of a prior decision in 2020.

Opinion No. 7635, December 23, 2022, in consolidated 2018 and 2019 cases, *Patterson v. Matanuska-Susitna Borough School District*, \_\_\_ P.3d \_\_\_, which affirmed the Commission's decision.

## **REGULATION CHANGES**

The Commission made no regulation changes in 2022.

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

As the COVID-19 pandemic has waned, the Commission has continued to relax certain procedures, such as:

1. Holding hearings and oral arguments via a hybrid of in-person and 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: 2022 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; appellee appealed to Court. In 2020, Commission decision reversed and remanded; Decision on Remand affirmed Board; appellant appealed to Court. Commission decision affirmed in 2022.
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. Commission decision reversed, vacated, and remanded in 2022. Order on remand issued in late 2022. Appellant appealed to Court in early 2023.
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. Commission decision reversed, vacated, and remanded in 2022. Order on remand issued in late 2022. Appellant appealed to Court in early 2023.

<sup>1</sup> 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 2022, and a note if still pending before the Court.

Docket Number	Date Filed	Filed As	Case Title	Appellant Attorney	Appellee Attorney	Result/Status
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; Commission decision affirmed in 2022.
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; Commission decision affirmed in 2022.
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 in 2022.
20-013	8/10/20	Appeal	<i>Kessler v. State</i>	NO	YES	Affirmed Board in 2022.
20-022	12/21/20	Appeal	<i>State v. White and Shannon</i>	YES	NO	Affirmed Board in 2021; appellant appealed to Court; ripe for decision.
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; draft decision circulating.
21-006	5/17/21	Appeal	<i>Jespersen v. Tri-City Air and Alaska Ins. Guar. Ass'n</i>	YES	YES	Affirmed Board in 2022; appellant appealed to Court.
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.
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	Settled in 2022.
21-013	11/1/21	Appeal	<i>Ocean Beauty Seafoods, Inc. and Liberty Ins. Corp. v. Quimiging</i>	YES	YES	Affirmed Board in 2022.
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	Affirmed Board in January 2023; appellant appealed to Court.

Docket Number	Date Filed	Filed As	Case Title	Appellant Attorney	Appellee Attorney	Result/Status
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.
22-001	1/21/22	Petition for Review	<i>Fred Meyer Stores, Inc. and Sedgwick CMS v. Lynn</i>	YES	NO	Denied petition for review in 2022.
22-002	1/24/22	Appeal	<i>Medical Park Family Care and Republic Indem. Co. of America v. Hughes</i>	YES	YES	Stayed in 2022 pending petition for review of order to Court; petition denied and appeal resumed. Stayed again in 2022 pending appeal of another order to Court. Board approval of settlement pending.
22-003	3/7/22	Petition for Review	<i>Eljmazi v. Burlington Coat Factory and Safety Nat'l Cas. Corp.</i>	YES	YES	Denied petition for review in 2022.
22-004	4/7/22	Appeal	<i>Elkins v. State</i>	NO	YES	Dismissed for failure to prosecute in 2022.
22-005	4/8/22	Appeal	<i>Hernandez v. Ocean Beauty Seafoods, LLC and Liberty Ins. Corp.</i>	YES	YES	Remanded to the Board in February 2023.
22-006	4/21/22	Appeal	<i>Leigh v. Alaska Children's Serv. And Republic Indem. Co of America</i>	NO	YES	Closed in 2022.
22-007	5/20/22	Appeal	<i>Edwards v. State</i>	YES	YES	Reversed Board in March 2023.
22-008	6/20/22	Appeal	<i>Fletcher v. Pike's on the River, Inc. and Republic Indem. Co. of America</i>	NO	YES	Final decision pending.
22-009	7/14/22	Petition for Review	<i>Alaska Asphalt Serv., LLC and The Ohio Cas. Ins. Co. v. Martino</i>	YES	YES	Briefing stage.
22-010	7/19/22	Appeal	<i>Mitchell v. State</i>	YES	YES	Staying pending mediation.
22-011	8/15/22	Appeal	<i>Narcisse v. Trident Seafoods Corp. and Liberty Ins. Corp.</i>	NO	YES	Dismissed in March 2023 for failure to prosecute.
22-012	9/9/22	Appeal	<i>Woodell v. Alaska Reg'l Hosp. and Indem. Ins. Co. of N. Am.</i>	NO	YES	Oral argument set for 3/17/23.
22-013	10/7/22	Petition for Review	<i>Betts v. Greenling Enter., LLC and Alaska Nat'l Ins. Co.</i>	YES	YES	Denied petition for review in 2022; petitioner filed a petition for review with the Court in 2022.
22-014	10/17/22	Appeal	<i>Quinonez v. Trident Seafoods Corp. and Liberty Ins. Corp.</i>	NO	YES	Notice of Default and Order to Comply issued.



Appendix B: Table of 2022 Published Decisions

<b>DECISION No.</b>	<b>APPEAL No.</b>	<b>TITLE OF APPEAL</b>	<b>DAYS FROM RECEIPT TO FINAL DECISION</b>	<b>DAYS FROM ORAL ARGUMENT / RECORD CLOSURE TO FINAL DECISION</b>	<b>DECISION/APPEALED</b>
294	21-007	<i>McKinley v. Kenai Peninsula Borough and Sch. Dist.</i>	240	92	Affirmed in part, reversed in part, and remanded to Board.
295	21-006	<i>Jespersen v. Tri-City Air and Alaska Ins. Guar. Ass'n</i>	451	70	Affirmed Board; appealed to Court; briefing stage.
296	21-013	<i>Ocean Beauty Seafoods, Inc. and Liberty Ins. Corp. v. Quimiging</i>	337	85	Affirmed Board.
297	20-013	<i>Kessler v. State</i>	800	54	Affirmed Board.
Average Number of Days:			457	75	

*Shaded row indicates the case was heard in late 2021, but the decision was issued in early 2022.*