

ANNUAL REPORT FOR CALENDAR YEAR 2017

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Alaska Workers' Compensation Appeals Commission

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Alaska Workers' Compensation Appeals Commission

Annual Report for Calendar Year 2017

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INTRODUCTION

The Alaska Workers' Compensation Appeals Commission (Commission) is charged with providing fair, prompt, and thoughtful adjudication of appeals from decisions by the Alaska Workers' Compensation Board (Board). An appeal to the Commission is a formal administrative appeal and appeal decisions must be published. The Commission is committed to ensuring that "hearings in workers' compensation cases shall be impartial and fair to all parties and that all parties shall be afforded due process and an opportunity to be heard and for their arguments and evidence to be fairly considered." AS 23.30.001(4).

Figure 1 in the next column illustrates the place of the Commission in the workers' compensation adjudication system.

The Commission Chair has certain duties prescribed by law. One of the Chair's duties is to make available to the public, and to file with the office of the lieutenant governor, a report regarding the Commission's activity for the prior calendar year, including data regarding time periods between initial receipt and final decisions on appeals, no later than March 15 of each year. This report is filed to satisfy that duty.

Figure 1

Under workers' compensation law, 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. An appeal must be 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 Alaska Supreme 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 **Division of Workers' Compensation** has offices in Anchorage, Fairbanks, and Juneau, where parties can obtain information, file claims or petitions, and attend hearings. The Division collects data, enforces reporting, reviews self-insurance certificates, and manages the Workers' Compensation Benefits Guaranty Fund, the Second Injury Fund, and the Fishermen's Fund. The Division also provides administrative support to Division sections, the Board, and 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 *Director* may intervene in appeals.

The **Alaska Workers' Compensation Board** hears claims and petitions by injured workers, employers, and Division investigators. The panels conduct hearings and approve settlements. 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 Alaska Supreme Court rulings. The Board approves regulations adopted by the Division.

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 18 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 and 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 2017 were:

Deirdre D. Ford, Chair, of Anchorage, was appointed Chair by Governor Bill Walker and took office on October 31, 2016. 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, 2020.**

Philip E. Ulmer, an employer representative, of Eagle River, is a Certified Workers' Compensation Professional currently employed as Director of Safety and Risk Management for GCI. He is a previous national president of the American Society of Safety Engineers and of the National Institute for Engineering Ethics, and a 1994 Engineer of the Year finalist with the Alaska Society of Professional Engineers. He served as a member for industry on the Board. He was appointed by Governor Frank Murkowski to a four-year term as Commissioner in November 2005, reappointed by Governor Sarah Palin to a five-year term in March 2009, and reappointed by Governor Sean Parnell to a five-year term in March 2014. **His term expires on March 1, 2019.**

James N. Rhodes, an employee representative, of Ketchikan, is a 23-year member of the International Brotherhood of Electrical Workers Union 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 as Commissioner in February 2012, and was reappointed to a 5-year term by Governor Bill Walker in January 2016. **His term expires on March 1, 2021.**

S. T. Hagedorn, an employer representative, of Anchorage, retired from the Alaska Railroad Corporation in

June 2009 after a 34-year career, with the last 24 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 (15 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 February 2012; and reappointed by Governor Bill Walker to an additional five-year term in February 2017. **His term expires on March 1, 2022.**

lifelong Alaskan. **His term expires on March 1, 2023.**

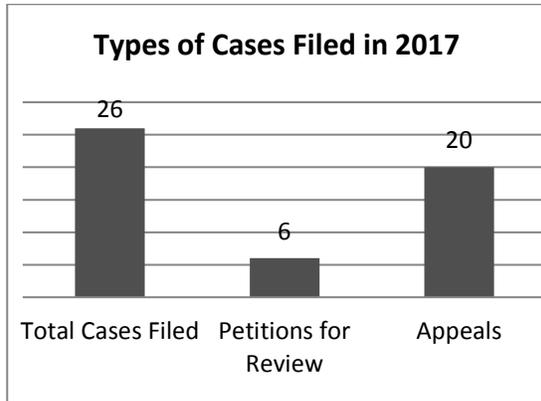
Michael J. Notar, an employee representative, of Juneau, was appointed as Commissioner in September 2015 by Governor Bill Walker, and reappointed by Governor Bill Walker to a five-year term on January 4, 2018. After graduating high school in 1970 and a brief stint in college, he started his working career 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 15 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 & Hour Supervising Investigator. He retired from active employment in 2013 and is a

COMMISSION CASES

Cases Filed in 2017

The Commission docketed 26 new cases in 2017, an increase of 6 from the number of new cases filed in 2016. Figure 2 shows the types of cases filed in 2017.

Figure 2



2017 Commission Docket

There was a total of 43 cases on the Commission's 2017 docket, a decrease of 2 cases from 2016.

In addition to the 26 new cases filed in 2017, the Commission began 2017 with 16 cases on its docket: 2 filed in 2014, 2 filed in 2015, and 12 filed in 2016.

Both of the 2014 cases were still on the docket at the beginning of 2017 due to having been remanded to the Commission by the Alaska Supreme Court in late 2016.

One 2015 case was still on the docket due to having been filed in late 2015 and oral argument having been scheduled in late 2016. The second 2015 case was still on the docket due to having been filed in late 2015 and stayed in 2016 pending further Board action. The Board issued a decision in 2017 which was then appealed to the Commission.

Another 2014 case came back on the docket due to an Alaska Supreme Court remand. Figure 3 compares the number of cases on the 2016 docket with the number of cases on the 2017 docket.

Figure 3

Total Number of Cases on the Docket

	2016	2017
Cases on Docket at Start of Year	20	16
New Cases Filed	20	26
Alaska Supreme Court Remands	5	1
Total Number of Cases	45	43

At the end of 2017, the Commission had 19 cases on its docket. One case filed in late 2015 was stayed in 2016 pending further Board action and the Board decision issued in 2017 was appealed to the Commission. A decision was issued in January 2018 for one case filed in late 2016. The remaining 17 cases were filed in 2017.

Figure 4 shows the number of open cases on the Commission docket at the end of each month during 2017, as well as new cases filed, oral arguments and hearings held, published final decisions, published memorandum decisions, and unpublished orders issued during each month.

Figure 4

Month	Cases on Docket	New Cases Filed	Oral Arguments & Hearings	Pub. Final Dec.	Pub. Mem. Dec.	Unpub. Orders
Jan.	19	4	1	0	0	10
Feb.	20	3	1	1	1	12
Mar.	16	0	1	1	0	9
Apr.	16	0	2	0	0	6
May	18	2	2	0	0	3
Jun.	17	1	2	1	0	13
Jul.	18	2	0	1	0	4
Aug.	18	2	1	2	0	13
Sep.	16	3	1	1	1	10
Oct.	16	2	2	1	0	13
Nov.	18	3	2	0	0	7
Dec.	19	4	1	0	0	13
Totals		26	16	8	2	113

Appendix A is the Commission's complete 2017 docket and contains data for each case such as date filed, type of case, attorney representation, results of

Commission action, and any action taken at the Alaska Supreme Court.

Appendix A also includes cases from prior calendar years that are currently on appeal or petition for review before the Alaska Supreme Court, as well as cases from prior calendar years that were remanded to the Commission for further action in 2017.

Oral Arguments, Hearings, and Orders

The Commission held 16 hearings in 2017, 7 more than were held in 2016: 9 oral arguments on appeal, 1 oral argument on a petition for review, and 6 hearings on motions for stays of Board orders. Oral argument was not requested in some appeals and those were decided on the record and written briefs. Figure 5 compares the number and types of hearings held by the Commission in 2017 with the number and types held in 2016.

Figure 5
Hearings and Oral Arguments

	2016	2017
Oral Argument on Merits of Appeal	5	9
Oral Argument on Petitions for Review	0	1
Hearings on Motions for Stay	5	6
Totals	9	16

The Commission issued unpublished orders on motions for extensions of time to file appeals, stays pending appeal, dismissals, waivers of filing fees and/or transcript costs, attorney fees, stays of appeals, reconsideration, clarification, and granting or denying petitions for review. The Commission Chair issued orders on procedural matters such as motions for extensions of time and notices of default with orders to comply. In 2017, the Commission issued a total of

113 unpublished orders, an increase of 31 unpublished orders, or 27%, from 2016.

Average Time Period for Cases Closed in 2017

All Cases Closed in 2017

Of the 43 cases that appeared on the Commission's 2017 docket, 24 were closed in 2017. This is a closure rate of 56% of the total number of cases that appeared on the 2017 docket, a decrease of 8% from the 2016 closure rate for all cases closed. The average time period from the date of filing to the date of closure for those 24 cases was 184 days, a decrease of 42 days from the 2016 average time period, and well under the Commission's target of processing cases within 360 days.

Figure 6
Closure Rate for All Cases

	2016	2017
Total Cases on Docket	45	43
Cases Closed	29	24
Closure Rate	64%	56%

Figure 7
Average Time from Filing to Closure for All Closed Cases

	2016	2017
Total Cases on Docket	45	43
Cases on Docket Closed	29	24
Number of Days from Filing to Closing	226	184

All Cases Filed and Closed in 2017

Nine of the 26 cases filed in 2017 were also closed in 2017, a closure rate of 35% for cases both filed and closed in the 2017. This is a decrease of 5% from the 2016 closure rate for cases both filed and closed in the same year.

The average time period from the date of filing to the date of closure for cases that were both filed and closed in 2017 was 85 days. This is a decrease of 38

days from the 2016 average time period from the date of filing to the date of closure for cases that were both filed and closed in 2016.

Figure 8
Closure Rate for All Cases Filed and Closed in Same Year

	2016	2017
Cases Filed	20	26
Cases Filed and Closed in Same Year	8	9
Closure Rate	40%	35%

Figure 9
Average Time from Filing to Closure for All Cases Filed and Closed in Same Year

	2016	2017
Cases Filed	20	26
Cases Filed and Closed in Same Year	8	9
Number of Days from Filing to Closing	123	85

Resolution of Cases in 2017

Of the 24 cases on the 2017 docket that were closed, 9 resulted in decisions on the merits of appeals (1 decision was for 2 cases that were consolidated prior to oral argument); 2 resulted in orders on remand after Alaska Supreme Court remands; 5 settled; 3 were dismissed for failure to prosecute; 2 petitions for review were denied; 1 petition for review resulted in a decision, and 2 motions for extensions of time to file appeals were denied. (See Appendix A.).

Indigent Participants

In 2017, 2 unrepresented employees filed motions to waive payment of both the filing fee and transcript cost, both of which were granted. One unrepresented employee paid the filing fee and filed a motion to waive payment of the transcript cost, which was granted. In 2017, the Commission paid \$1,338.00 to have Board hearing recordings transcribed for indigent employees. Of that amount,

\$576.00 was for a fourth unrepresented employee whose motion to waive the transcript cost was granted in late 2016, but the invoice was received and paid in early 2017.

Attorney Representation

Employees

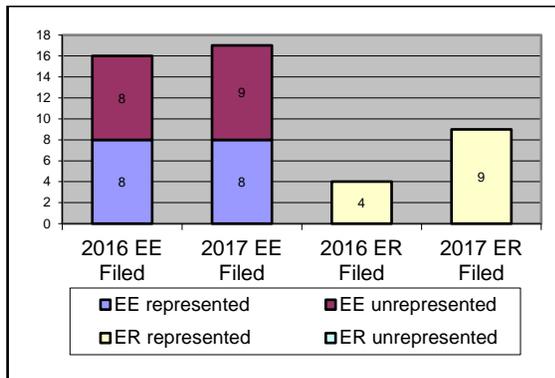
Employees filed 17 of the 26 new cases in 2017, with 9 of those filed by unrepresented employees and the remaining 8 filed by represented employees. In the cases filed by unrepresented employees, all opposing parties were represented. In 7 cases filed by represented employees, all opposing parties were represented. In 1 case filed by a represented employee, the Workers' Compensation Benefits Guaranty Fund was represented and the employer did not participate.

Employers

Represented employers filed 9 cases. In 5 cases of those cases the employee was represented, and in 3 cases the employee was unrepresented. One case was filed by a represented uninsured employer and no employee was involved. No cases were filed by an unrepresented employer.

Figure 10 compares unrepresented and represented participants. When compared to 2016, the number of cases filed by unrepresented employees increased by 1 and the number of cases filed by represented employees remained the same. The number of cases filed by represented employers increased by 5 and the number of cases filed by unrepresented employers remained the same.

Figure 10



COMMISSION DECISIONS

Published Decisions

In 2017, 10 Commission decisions were published. Eight were final decisions on the merits of appeals (1 of which was for 2 appeals that had been consolidated prior to oral argument), 1 was a memorandum decision on a petition for review, and 1 was a memorandum decision on a motion for a stay of a Board order. Appendix B is the list of the Commission's 2017 published decisions, with notes on the number of days from filing to issuance of a final decision on the merits of the appeal, the number of days from oral argument or record closure to issuance of a final decision on the merits of the appeal, and whether the Commission's decision was appealed or petitioned for review to the Alaska Supreme Court.

In the 8 cases where a final decision on the merits of the appeal was issued in 2017, the average time from oral argument or record closure to the issuance of the final decision was 63 days, 27 days less than the statutory allowance of 90 days.

Time Period Between Initial Receipt and Decision on Appeal

The Commission's target is to process cases within 360 days from initial receipt. As shown in Figure 11 below, the timeline for an appeal is approximately 255 days if there are no extensions of time or stays of appeal proceedings. One reason appeal proceedings may be stayed would be for settlement negotiations.

Figure 11

Appeal Timeline (No Extensions or Stays)

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

As shown in Appendix B, the average time period between the initial receipt of an appeal and the issuance of a final decision on the merits of the appeal for cases on the 2017 docket was 268 days. This is 79 fewer days than the 2016 average, and well under the Commission's target of processing cases within 360 days.

One case listed in Appendix B took 449 days to process due to it being filed as a petition for review and then converted to an appeal, and the granting of several extensions of time.

Published Decisions – Case Resolution

The results of Commission decisions published in 2017 are summarized in Appendix B. Of the 8 published final decisions issued on the merits of appeals of Board decisions, 5 affirmed the Board's

decision; 1 affirmed in part, reversed in part, and remanded to the Board; 1 affirmed in part, modified in part, and remanded to the Board; and 1 remanded to the Board.

The Commission published 1 memorandum decision on a motion for stay of a Board decision, and 1 memorandum decision denying a petition for review of an interlocutory Board decision in 2017.

The Commission received 6 petitions for review in 2017; 1 was granted, 2 were denied, 1 settled, 1 was converted to an appeal, and 1 is currently pending. The Commission does not consider the granting or denial of a petition for review to be a decision on the merits of the challenged Board decision.

ALASKA SUPREME COURT ACTION

Three Commission decisions issued in 2017 were appealed to the Alaska Supreme Court and 1 was petitioned for review, all of which are currently awaiting rulings. *See* Appendix A.

In addition, 3 Commission orders issued in 2017 were appealed to the Alaska Supreme Court and 2 were petitioned for review, all of which are currently awaiting rulings. *See* Appendix A.

A total of 12 Commission decisions or orders presently await Alaska Supreme Court rulings: 1 issued in 2015, 2 issued in 2016, and 9 issued in 2017. *See* Appendix A to see which decisions and orders await rulings.

In 2017, the Alaska Supreme Court decided 2 appeals of Commission decisions. The Alaska Supreme Court

issued 1 memorandum opinion and judgment which does not create legal precedent and 1 opinion creating legal precedent.

The Alaska Supreme Court issued Memorandum Opinion and Judgment No. 1643 on July 19, 2017, in a 2014 appeal, *Rosales v. Icicle Seafoods, Inc.*, which affirmed the Commission's decision which had affirmed the Board's decision.

The Alaska Supreme Court issued an opinion on August 25, 2017, in a 2014 appeal, *Alaska Airlines, Inc. v. Darrow*, 403 P.3d 1116, which affirmed in part, reversed in part, and remanded the Commission's decision, which had reversed in part and affirmed in part the Board's decision.

REGULATION CHANGES

No changes were made to the Commission's regulations during 2017.

APPENDIX A: CY 2017 APPEALS COMMISSION DOCKET¹

Docket Number	Date Filed	Case Type	Case Title	Appellant Attorney	Appellee Attorney	Result/Status
14-008	4/4/14	Appeal	<i>First Student Servs. v. Bockus</i>	YES	YES	Reversed Board in 2014; appellant appealed to supreme court; Commission decision reversed and remanded in 2016; Commission order on remand issued 1/3/17.
14-011	4/28/14	Appeal	<i>Atkins v. Inlet Transp. & Taxi Serv., Inc. and State, Workers' Comp. Benefits Guar. Fund</i>	YES	Inlet: Non-participant State YES	Remanded to Board in 2015; Commission affirmed Board decision on remand in 2016; appellant appealed to supreme court; ripe for decision.
14-017	7/22/14	Appeal	<i>Eder v. M-K River</i>	NO	YES	Dismissed for failure to prosecute in 2015; appellant appealed to supreme court; Commission decision reversed and remanded in 2016; multiple appellant extensions; dismissed in 2017 for failure to prosecute; appellant appealed to supreme court 1/16/18; briefing stage.
14-022	9/15/14	Appeal	<i>Burke v. Raven Electric, Inc.</i>	NO	YES	Affirmed Board in 2015; appellant appealed to supreme court; ripe for decision.
14-024	10/23/14	Appeal	<i>Darrow v. Alaska Airlines, Inc.</i>	YES	YES	Reversed Board in part, affirmed in part in 2015; appellees appealed to supreme court, appellant cross-appealed; supreme court affirmed Commission decision in part, reversed in part, and remanded in 2017; Commission remanded to Board.
14-027	11/10/14	Appeal	<i>Rosales v. Icicle Seafoods, Inc.</i>	NO	YES	Affirmed Board in 2016; appellant appealed to supreme court; supreme court affirmed Commission decision in 2017.
15-023	9/24/15	Appeal	<i>Kang, d/b/a Lee's Massage v. Mullins and State, Workers' Comp. Benefits Guar. Fund</i>	YES	Mullins: NO State: YES	Consolidated with 16-001 and affirmed both Board decisions in 2016; appellant appealed to supreme court; ripe for decision.
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 proceedings stayed in 2016 pending further Board action; Board decision issued and appealed to Commission in 2017; briefing stage.
15-030	11/18/15	Petition for Review	<i>McAlpine v. Denali Center and Sentry Ins.</i>	NO	YES	Affirmed Board in 2017; appellant appealed to supreme court; draft decision circulating.
15-031	12/7/15	Appeal	<i>Cornelison v. Rappe Excavating, Inc. and TIG Premier Ins. Co.</i>	NO	YES	Affirmed Board in 2016; appellant appealed to supreme court; dismissed on appellant's motion in 2017.
16-001	1/8/16	Appeal	<i>Kang, d/b/a Lee's Massage v. Mullins and State, Workers' Comp. Benefits Guar. Fund</i>	YES	Mullins: NO State: YES	Consolidated with No. 15-023 and affirmed both Board decisions in 2016; appellant appealed to supreme court; ripe for decision.
16-004	4/29/16	Appeal	<i>Edenshaw v. Peninsula Airways, Inc. and Wausau Underwriters Ins. Co.</i>	YES	YES	Appeal stayed in January 2017 for mediation; dismissed on settlement in June 2017.
16-009	9/1/16	Appeal	<i>Morales de Lopez v. Unisea, Inc. and Alaska Nat'l Ins. Co.</i>	YES	YES	Consolidated with 16-011 in 2016; affirmed in part, reversed in part, and remanded to Board in 2017; appellant appealed, appellees cross-appealed; briefing stage.

¹ Also includes Commission cases from prior years that were appealed or petitioned for review to the Alaska Supreme Court, disposition of those cases if resolved in CY 2017, and a note if still pending before the Alaska Supreme Court.

Docket Number	Date Filed	Case Type	Case Title	Appellant Attorney	Appellee Attorney	Result/Status
16-010	9/29/16	Appeal	<i>Waite v. Holland America-Princess Tours and Travelers Ins. Co.</i>	NO	YES	Affirmed Board in 2017.
16-011	10/6/16	Appeal	<i>Morales de Lopez v. Unisea, Inc. and Alaska Nat'l Ins. Co.</i>	YES	YES	Consolidated with 16-009 in 2016; affirmed in part, reversed in part, and remanded to Board in 2017; appellant appealed, appellees cross-appealed; briefing stage.
16-012	10/14/16	Appeal	<i>Narcisse v. Trident Seafood Corp. and Liberty Ins. Corp.</i>	NO	YES	Affirmed Board in part, reversed in part 1/11/18.
16-013	10/28/16	Appeal	<i>Messer v. ASRC Energy Serv. and Arctic Slope Reg'l Corp.</i>	YES	YES	Dismissed on settlement in 2017.
16-014	11/10/16	Appeal	<i>Warnke-Green v. Pro West Contr., LLC and Liberty Northwest Ins. Corp.</i>	YES	YES	Affirmed in part, modified in part, and remanded to Board; order on attorney fees petitioned for review to supreme court in 2017; briefing stage.
16-015	11/10/16	Appeal	<i>Wal-Mart Assocs., Inc. and New Hampshire Ins. Co. v. Kolb</i>	YES	YES	Affirmed Board in 2017.
16-017	11/28/16	Appeal	<i>J. A. Spain & Sons, Inc. and Am. Interstate Ins. Co. v. Stevens</i>	YES	YES	Affirmed Board in 2017.
16-018	11/30/16	Petition	<i>Vandenberg v. State</i>	YES	YES	Remanded to Board in 2017.
16-019	12/8/16	Appeal	<i>Stephens v. State</i>	NO	YES	Dismissed for failure to prosecute in 2017.
16-020	12/16/16	Appeal	<i>Interior Towing & Salvage, Inc. and Am. Interstate Ins. Co. v. Gracik</i>	YES	YES	Remanded to Board in 2017.
17-001	1/19/17	Appeal	<i>Rusch v. Southeast Alaska Reg'l Health Consortium and Alaska Nat'l Ins. Co.</i>	YES	YES	Final Decision pending.
17-002	1/19/17	Appeal	<i>Dockter v. Southeast Alaska Reg'l Health Consortium and Alaska Nat'l Ins. Co.</i>	YES	YES	Final Decision pending.
17-003	1/26/17	Appeal	<i>Alaska Housing Fin. Corp. and Alaska Nat'l Ins. Co. v. Haynes, Williams, D.C., and Staywell Chiropractic, Inc.</i>	YES	NO	Dismissed as settled in 2017.
17-004	1/26/17	Appeal	<i>Nomar, LLC and Ohio Cas. Ins. Co. v. Kastle, Heston, D.C., and Clinic of Chiropractic Health, LLC; and South Peninsula Behavioral Health Serv. and Alaska Nat'l Ins. Co. v. Kennedy, Heston, D.C., and Clinic of Chiropractic Health, LLC; and Homer Senior Ctr. and Alaska Nat'l Ins. Co. v. Martin, Heston, D.C., and Clinic of Chiropractic Health, LLC</i>	YES	NO	Dismissed as settled in 2017.
17-005	2/2/17	Appeal	<i>Fifield v. Weaver Bros., Inc. and Alaska Nat'l Ins. Co.</i>	NO	YES	Dismissed for failure to prosecute in 2017.
17-006	2/24/17	Appeal	<i>McKee v. Alaska Functional Fitness, LLC and Ohio Cas. Ins. Co.</i>	NO	YES	Affirmed Board in 2017; appellant appealed to supreme court on 1/18/18; briefing stage.

Docket Number	Date Filed	Case Type	Case Title	Appellant Attorney	Appellee Attorney	Result/Status
17-007	2/27/17	Appeal	<i>Alaska Interstate Constr., LLC v. Morrison and ASRC d/b/a SKW Eskimos, Inc.</i>	YES	YES	Remanded to Board on 1/25/18; appellee Morrison petitioned for review to supreme court on 2/2/18; petition granted; briefing stage.
17-008	5/16/17	Petition for Review	<i>Davis v. Wrangell Forest Products and Wausau Underwriters Ins. Co.</i>	NO	YES	Denied in 2017.
17-009	5/18/17	Appeal	<i>Erpelo v. Trident Seafoods and Liberty Ins. Corp.</i>	NO	YES	Final Decision pending.
17-010	6/9/17	Petition for Review	<i>Temptel, Inc. and Liberty Mut. Ins. Co. v. Cannady</i>	YES	YES	Dismissed as settled in 2017.
17-011	7/6/17	Petition for Review	<i>United Parcel Serv. and Liberty Ins. Corp. v. McCoy</i>	YES	YES	Denied in 2017.
17-012	7/6/17	Appeal	<i>Barragan v. Sitka Cabs, Inc. and State, Workers' Comp. Benefits Guar. Fund</i>	YES	Sitka Cabs: non-participant State: YES	Dismissed on settlement on 2/15/18.
17-013	8/15/17	Appeal	<i>Tobar v. Remington Holdings, LP and Liberty Ins. Corp.</i>	NO	YES	Affirmed Board on 2/21/18.
17-014	8/22/17	Appeal	<i>Gillion v. The North West Co. Int'l and Berkshire Hathaway Homestate Ins. Co.</i>	YES	YES	Briefing stage.
17-015	9/12/17	Appeal	<i>ARCTEC Alaska v. Traugott</i>	YES	YES	Final Decision pending.
17-016	9/26/17	Petition for Review	<i>Pichardo v. Assets, Inc. and Berkshire Hathaway Homestate Ins. Co.</i>	NO	YES	Converted to appeal; briefing stage.
17-017	9/26/17	Appeal	<i>Cavitt v. D & D Servs., LLC d/b/a Novus Auto Glass and Ohio Cas. Ins. Co.</i>	YES	YES	Final Decision pending.
17-018	10/26/17	Petition for Review	<i>Northern Constr. and Liberty Northwest Ins. Corp. v. James</i>	YES	YES	Granted; briefing stage.
17-019	10/30/17	Appeal	<i>Espindola v. Peter Pan Seafoods, Inc. and Seabright Ins. Co.</i>	NO	YES	Motion for extension of time to file appeal denied in 2017; appellant appealed to supreme court; briefing stage.
17-020	11/2/17	Appeal	<i>Titan Enter., LLC, Titan Topsoil, Inc., CCO Enter., LLC, and Christianson v. State, Div. of Workers' Comp.</i>	YES	YES	Briefing stage.
17-021	11/6/17	Appeal	<i>Lemus v. Miller Constr. Co., Alaska Nat'l Ins. Co., and Northern Adjusters, Inc.</i>	YES	YES	Dismissed on voluntary withdrawal 3/6/18.
17-022	11/6/17	Appeal	<i>Lunbeck v. Firstgroup America, Inc. and New Hampshire Ins. Co.</i>	NO	YES	Motion for extension of time to file appeal denied in 2017; appellant appealed to supreme court; briefing stage.
17-023	12/18/17	Appeal	<i>Butts nee Decastro v. State</i>	YES	YES	Briefing stage.
17-024	12/20/17	Appeal	<i>Airport Equip. Rentals, Inc. and Liberty Northwest Ins. Co. v. Seneviratne</i>	YES	NO	Briefing stage.
17-025	12/22/17	Appeal	<i>Weaver v. ASRC Fed. Holding Co. and Arctic Slope Reg'l Corp.</i>	YES	YES	Briefing stage.

Docket Number	Date Filed	Case Type	Case Title	Appellant Attorney	Appellee Attorney	Result/Status
17-026	12/27/17	Petition for Review	<i>Rosales v. Icycle Seafoods, Inc. and Seabright Ins. Co.</i>	NO	YES	Order on petition for review pending.

APPENDIX B: TABLE OF 2017 PUBLISHED DECISIONS

DECISION No.	APPEAL No.	TITLE OF APPEAL	DAYS FROM FILING TO FINAL DECISION ON MERITS OF APPEAL	DAYS FROM ORAL ARGUMENT OR RECORD CLOSURE TO FINAL DECISION ON MERITS OF APPEAL	DECISION/APPEALED
232	15-030	<i>Mark A. McAlpine vs. Denali Center and Sentry Insurance</i>	449	72	Affirmed Board. Appealed to supreme court.
233	16-020	<i>Interior Towing & Salvage, Inc. and American Interstate Insurance Company vs. Glenn A. Gracik</i>	N/A	N/A	Order on Motion for Stay published as a memorandum decision.
234	16-010	<i>Gary M. Waite vs. Holland America-Princess/Princess Tours and Travelers Insurance Company</i>	167	8	Affirmed Board.
235	16-014	<i>Bryce Warnke-Green vs. Pro West Contractors, LLC and Liberty Northwest Insurance Corporation</i>	228	76	Affirmed Board in part, modified in part, and remanded.
236	16-011 (Cons.)	<i>Sofia Morales de Lopez vs. Unisea, Inc. and Alaska National Insurance Company</i>	274	77	Affirmed Board in part, reversed in part, and remanded. Appealed to supreme court.
237	16-015	<i>Wal-Mart Associates, Inc., New Hampshire Insurance Company, and York Risk Services Group vs. Patricia S. Kolb.</i>	264	69	Affirmed Board.
238	16-017	<i>J. A. Spain & Sons, Inc. and American Interstate Insurance Company vs. James V. Stevens</i>	259	76	Affirmed Board.
239	16-020	<i>Interior Towing & Salvage, Inc. and American Interstate Insurance Company vs. Glenn A. Gracik</i>	263	84	Remanded to Board.
240	16-018	<i>Laurie E. Vandenberg vs. State of Alaska</i>	N/A	N/A	Remanded Board interlocutory decision in a memorandum decision on petition for review.
241	17-006	<i>Charles McKee vs. Alaska Functional Fitness, LLC and Ohio Casualty Insurance Company</i>	242	42	Affirmed Board.

Shaded areas indicate cases heard in 2016, but the decisions were issued in 2017.