

# Alaska Workers' Compensation Appeals Commission

José Iniguez Quinonez,  
Appellant,

vs.

Trident Seafoods Corporation and Liberty  
Insurance Corporation,  
Appellees.

## Final Decision

Decision No. 314                      March 24, 2026

AWCAC Appeal No. 25-002  
AWCB Decision No. 24-0072  
AWCB Case Nos. 201603968J,  
201614882M

Final decision on appeal from Alaska Workers' Compensation Board Final Decision and Order No. 24-0072, issued at Anchorage, Alaska, on December 27, 2024, by southcentral panel members William Soule, Chair, and Sara Faulkner, Member for Industry.

Appearances: José Iniguez Quinonez, self-represented appellant; Jeffrey D. Holloway, Holloway & Stires, PC, for appellees, Trident Seafoods Corporation and Liberty Insurance Corporation.

Commission proceedings: Appeal filed February 19, 2025; briefing completed October 13, 2025; oral argument held on November 25, 2025.

Commissioners: James N. Rhodes, S. T. Hagedorn, Andrew M. Hemenway, Chair.

By: Andrew M. Hemenway, Chair.

### *1. Introduction.*

José Iniguez Quinonez filed claims for benefits from injuries to his left foot and right shoulder in 2016 while working for Trident Seafoods Corporation, insured by Liberty Insurance Corporation (Trident). Trident accepted liability for both injuries. After Trident controverted continuing payments, the Alaska Workers' Compensation Board (Board) issued decisions denying continuing benefits for the left foot injury and, separately, for the right shoulder injury. In 2024, Mr. Quinonez filed a claim for benefits relating to a back injury allegedly incurred in the same incidents that had caused his left foot and right shoulder injuries. The Board denied his claim, and Mr. Quinonez appeals. We affirm the Board's decision.

2. *Factual background and proceedings.*<sup>1</sup>

Mr. Quinonez filed claims for injuries to his left foot and right shoulder in February 2016, which he reported were incurred when he was pushing and pulling heavy racks.<sup>2</sup> The Board opened two cases for those injuries, AWCB No. 201603968 (right shoulder injury on February 10, 2016)<sup>3</sup> and AWCB No. 201614882 (left foot injury on February 14, 2016).<sup>4</sup> Mr. Quinonez testified that he has not returned to work since those injuries.<sup>5</sup>

Trident accepted liability for both injuries.<sup>6</sup> Mr. Quinonez's shoulder injury was eventually diagnosed as a rotator cuff tear,<sup>7</sup> and he had rotator cuff surgery in October 2016.<sup>8</sup> Trident asserted it paid temporary total disability (TTD) benefits for the shoulder injury from February 2016 until August 2020.<sup>9</sup> An orthopedic surgeon conducted an employer's medical examination in August 2017, and concluded that the work accident had caused tendinitis in his foot, which had resolved and no longer required medical

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<sup>1</sup> We make no factual findings. We state the material facts as found by the Board, adding context by citation to the record with respect to matters that do not appear to be in dispute. We reference Board proceedings and filings as they are reflected in the record.

<sup>2</sup> *Quinonez VII* at 2-3 (No. 2(B, C)). Mr. Quinonez also alleged an injury to his left thumb on January 19, 2016, which the Board opened as AWCB No. 201601723; medical records filed in that case reference left foot and right shoulder pain, but Mr. Quinonez testified that injury was unrelated to the claim at issue in this case. *See Quinonez VII* at 2 (No. 2(A)).

<sup>3</sup> *Quinonez VII* at 2-3 (No. 2(B)). He described the event as slipping and catching hold of the cart, wrenching his shoulder. *See, e.g.,* R. 126, 5582-84.

<sup>4</sup> *Quinonez III* at 6 (No. 31); *Quinonez VII* at 3 (No. 2(C)). *See* Aug. 30, 2022, Hr'g Tr. at 6:21 – 7:11, 12:20-25.

<sup>5</sup> *Quinonez VII* at 10 (No. 39). *See also,* Aug. 30, 2022, Hr'g Tr. at 32:19-23.

<sup>6</sup> *Quinonez III* at 7 (No. 33) (left foot injury); *Quinonez V* at 15 (No. 64) (right shoulder injury).

<sup>7</sup> *Quinonez V* at 4 (Nos. 8, 9). *See,* R. 5729-30.

<sup>8</sup> *Quinonez V* at 4 (No. 10). *See,* R. 2853-87, 3167-70.

<sup>9</sup> *See Quinonez V* at 15 (No. 64) (asserting TTD was controverted beginning April 1, 2020); Aug. 30, 2022, Hr'g Tr. at 38:4-8; R. 99-100.

treatment, and that he had plantar fasciitis which was unrelated to his work activities.<sup>10</sup> After that examination, Trident denied further continuing medical benefits for the left foot.<sup>11</sup> The Board thereafter obtained a Second Independent Medical Examination from an orthopedic surgeon whose opinion was also that the work injury to Mr. Quinonez's foot had resolved, and that his continuing foot symptoms were unrelated to the work injury.<sup>12</sup>

In September 2020, a person assaulted Mr. Quinonez and hit him on his neck from behind with an object;<sup>13</sup> Mr. Quinonez testified the assault caused an injury resulting in cervical spinal fusion surgery<sup>14</sup> and left him using a wheelchair.<sup>15</sup>

In April 2022, Mr. Quinonez saw a physician's assistant for lower back pain and foot neuropathy; he reported the former was "chronic" and the latter, he had been told, was "secondary to neck surgery."<sup>16</sup> He was diagnosed with "lumbar intravertebral disc degeneration."<sup>17</sup> Subsequently, Mr. Quinonez reported his low-back symptoms began in 2008, but became worse after he began using a wheelchair.<sup>18</sup> Diagnostic imaging showed lumbar spine scoliosis, multilevel degenerative spondylosis, degenerative disc disease at

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<sup>10</sup> *Quinonez III* at 3-4 (No. 17). *See*, R. 1363 (Aug. 19, 2017, Dr. Toomey). *See also*, R. 1853 (Aug. 13, 2021, Dr. Toomey: "the lower extremity complaints are substantially caused by non-industrial factors").

<sup>11</sup> *Quinonez III* at 6 (Nos. 30, 31), 7 (No. 33). *See* Aug. 30, 2022, Hr'g Tr. at 38:9-14.

<sup>12</sup> *Quinonez III* at 5 (No. 24) (Feb. 1, 2019, Dr. Diamond). *See* R. 6540, 6543, 6547).

<sup>13</sup> *Quinonez VII* at 7 (No. 25).

<sup>14</sup> *Quinonez VII* at 7 (No. 25). *See* R. 6776-97; Dec. 11, 2024, Hr'g Tr. at 27:20-21, 28:17-19.

<sup>15</sup> *See Quinonez VII* at 11 (No. 42), Dec. 11, 2024, Hr'g Tr. at 26:15-23; R. 2181, 2184.

<sup>16</sup> *Quinonez VII* at 9-10 (No. 37). *See*, R. 5312 (P.A. Jama, Apr. 13, 2022).

<sup>17</sup> *Id.* *See*, R. 5317.

<sup>18</sup> *Quinonez VII* at 10 (No. 39), 10-11 (No. 40), 11 (No. 42). *See* R. 5325-32, 5336-38, 5356-57.

L2-L3, and multilevel degenerative posterior facet hypertrophy,<sup>19</sup> as well as moderate to severe spinal stenosis at L4-5 and mild to moderate spinal stenosis at L2-3, 3-4, and L5-S1 levels, with multilevel foraminal stenosis.<sup>20</sup>

The Board conducted a hearing on Mr. Quinonez's claims for continued medical benefits for his left foot in August 2022, after which the Board issued a decision denying those benefits, relying on Trident's and the Board's examining physicians' reports that his left foot symptoms were likely not work-related.<sup>21</sup> Mr. Quinonez filed an appeal to the Alaska Workers' Compensation Appeals Commission (Commission), which was dismissed for failure to prosecute.<sup>22</sup> Thereafter, following another hearing, the Board issued a decision denying Mr. Quinonez's claims for additional benefits based on his right-shoulder work injury.<sup>23</sup> Mr. Quinonez filed an appeal and, at his request, the appeal was dismissed and the case was returned to the Board to hear new evidence<sup>24</sup> referenced in a claim Mr. Quinonez had filed with the Board on April 1, 2024.<sup>25</sup>

The Board thereafter conducted a hearing on Mr. Quinonez's April 1, 2024, claim. At the hearing, Mr. Quinonez testified that in addition to the injuries to his foot and shoulder, the 2016 incidents had resulted in an injury to his lower back, and that the lower back injury had contributed to his ongoing foot symptoms.<sup>26</sup> Mr. Quinonez asserted

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<sup>19</sup> *Quinonez VII* at 11 (No. 41). *See* R. 5347.

<sup>20</sup> *Quinonez VII* at 11 (No. 43). *See* R. 5360-61.

<sup>21</sup> *See Quinonez III* at 11-12. *See* R. 1354-66 (Dr. Toomey), 6508-48 (Dr. Diamond).

<sup>22</sup> *Quinonez IV*, Alaska Workers' Comp. App. Comm'n Order Dismissing Appeal (AWCAC Appeal No. 22-014, Apr. 11, 2023).

<sup>23</sup> *Quinonez V*.

<sup>24</sup> *Quinonez VI*, Alaska Workers' Comp. App. Comm'n *Sua Sponte* Order Dismissing Appeal and Returning Jurisdiction to the Board (AWCAC Appeal No. 24-002, Apr. 29, 2023). *See* R. 2122.

<sup>25</sup> R. 2124.

<sup>26</sup> *Quinonez VII* at 11 (No. 43). *See* Dec. 11, 2024, Hr'g Tr. at 13:11-13, 22:2-14.

that he was unaware of the connection between his low back symptoms and his ongoing foot symptoms until 2022.<sup>27</sup>

Evidence submitted to the Board that had not been available at the prior hearings included a February 19, 2024, report regarding “bilateral foot pain” which Mr. Quinonez stated he had been told by a number of medical providers “likely was coming from his back.”<sup>28</sup> Also added was a March 5, 2024, report regarding lower back pain; Mr. Quinonez stated he had a “multi-year [more than ten years] history of low back pain that has gradually been worsening for the past year[,]” adding that “he sustained a ground-level fall resulting in a back injury in 2008. . . .”<sup>29</sup> Mr. Quinonez’s imaging at that time showed lumbar spinal stenosis at L2-3, L3-4, L4-5, and L5-S1 and multiple degenerative lumbar spondyloses.<sup>30</sup>

The Board issued a decision denying Mr. Quinonez’s April 1, 2024, claim on multiple grounds. First, the Board concluded that Mr. Quinonez’s claim was barred by AS 23.30.100, because Mr. Quinonez failed to provide written notice of the lower back injury to Trident within thirty days of the date he became aware of the connection between the work incident and the allegedly resulting injury.<sup>31</sup> Second, to the extent that Mr. Quinonez’s claim sought modification of *Quinonez III* or *Quinonez V*, the Board

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<sup>27</sup> *Quinonez VII* at 11 (No. 43), 14 (No. 58), 16 (No. 67), 17 (No. 69). *See* Dec. 11, 2024, Hr’g Tr. at 8:5-8; 9:2-3, 14-17; 37:2-7, 15-19; 48:6-12; 54:19-25; 59:5-9; 64:3-10. The Board fixed the date Mr. Quinonez knew of the alleged connection as June 20, 2022. *See Quinonez VII* at 11 (No. 43), 30 (No. 2).

<sup>28</sup> *See Quinonez VII* at 13 (No. 56); R. 2133 (Feb. 19, 2024, Dr. Vernon).

<sup>29</sup> *Quinonez VII* at 13-14 (No. 57). *See* R. 2127 (Mar. 5, 2024, Dr. Vernon).

<sup>30</sup> *Quinonez VII* at 13-14 (No. 57). *See* R. 2129 (Dr. Vernon).

<sup>31</sup> *Quinonez VII* at 31-33.

denied both modification requests as untimely,<sup>32</sup> and as lacking substantial evidence.<sup>33</sup> Third, leaving aside any procedural defects, the Board concluded that Mr. Quinonez's claim failed on the merits, because (1) he did not produce a medical opinion connecting his work injury to the back symptoms;<sup>34</sup> and (2) his testimony regarding the connection between his work injury and his back symptoms was not credible.<sup>35</sup> Fourth, the Board concluded that his claim was barred by the doctrine of *res judicata* as claim-splitting.<sup>36</sup> Fifth, to the extent Mr. Quinonez's claim is for benefits allegedly due and unpaid, the Board found there were no unpaid benefits owed.<sup>37</sup>

### 3. *Standard of review.*

The Board's findings of fact shall be upheld by the Commission on review if the Board's findings are supported by substantial evidence in light of the record as a whole.<sup>38</sup> Substantial evidence is relevant evidence that a reasonable mind might accept as adequate to support a conclusion.<sup>39</sup> "The question of whether the quantum of evidence is substantial enough to support a conclusion in the contemplation of a reasonable mind

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<sup>32</sup> As to *Quinonez III*, the Board concluded the request was untimely because it was filed more than one year after the decision and any compensation benefit payments. *Quinonez VII* at 32-35. See AS 23.30.130(a). As to *Quinonez V*, the Board concluded the request was untimely because evidence regarding the alleged connection between his back injury and his ongoing foot symptoms was available at the time of the hearing in that case. *Quinonez VII* at 35-36. See 8 AAC 45.150(d)(2).

<sup>33</sup> *Quinonez VII* at 33-35 (No. 2A) (*Quinonez III*), 35-36 (No. 2(B)) (*Quinonez V*).

<sup>34</sup> *Quinonez VII* at 36-37.

<sup>35</sup> *Quinonez VII* at 37-39.

<sup>36</sup> *Quinonez VII* at 40. See *Robertson v. American Mech.*, 54 P.3d 777, 780 (Alaska 2002).

<sup>37</sup> *Quinonez VII* at 40.

<sup>38</sup> AS 23.30.128(b).

<sup>39</sup> See, e.g., *Norcon, Inc. v. Alaska Workers' Comp. Bd.*, 880 P.2d 1051, 1054 (Alaska 1994).

is a question of law.”<sup>40</sup> The weight given to witnesses’ testimony, including medical testimony and reports, is the Board’s decision to make and is, thus, conclusive. This is true even if the evidence is conflicting or susceptible to contrary conclusions.<sup>41</sup> The Board’s conclusions with regard to credibility are binding on the Commission since the Board has the sole power to determine credibility of witnesses.<sup>42</sup>

On questions of law the Commission does not defer to the Board’s conclusions, but exercises its independent judgment<sup>43</sup>

#### *4. Discussion.*

The claim at issue in this case alleged that Mr. Quinonez incurred injuries at work to his foot, back, and shoulder and asserts that his ongoing foot symptoms were caused by the back injury.<sup>44</sup> The Board did not dispute or disagree with Mr. Quinonez’s assertion that he has disabling pain in his left foot. Rather, what the Board concluded is that to the extent Mr. Quinonez has disabling pain in his left foot, the cause of that pain was not the work injuries he sustained in 2016.

The Board cited two reasons for concluding that Mr. Quinonez’s foot symptoms were not caused by his work injury. First, the Board characterized his claim as medically complex, and it noted Mr. Quinonez did not provide a medical opinion connecting the work incident to his back condition, or to his current foot symptoms;<sup>45</sup> second, as a factual

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<sup>40</sup> *McGahuey v. Whitestone Logging, Inc.*, Alaska Workers’ Comp. App. Comm’n Dec. No. 054 at 6 (Aug. 28, 2007) (citing *Land & Marine Rental Co. v. Rawls*, 686 P. 2d 1187, 1188-1189 (Alaska 1984).

<sup>41</sup> AS 23.30.122.

<sup>42</sup> AS 23.30.122; AS 23.30.128(b); *Sosa de Rosario v. Chenega Lodging*, 297 P.3d 139 (Alaska 2013).

<sup>43</sup> AS 23.30.128(b).

<sup>44</sup> R. 2124.

<sup>45</sup> *See, Quinonez VII* at 36-37.

matter, the Board found that the substantial cause of his current back symptoms was age-related degenerative changes.<sup>46</sup>

On appeal, Mr. Quinonez does not address the various procedural defects identified by the Board.<sup>47</sup> Nor does he address the Board's conclusion that he did not prove that his work injuries are the substantial cause of his current disability.<sup>48</sup> His argument is that the Board erred in denying his claim, because he is still disabled.<sup>49</sup> While not couched in legal terms, the substance of his argument is that there is not substantial evidence to support the Board's decision. We disagree.

As we stated above, the issue in this case is not whether Mr. Quinonez is currently disabled. Rather, the issue is whether there is substantial evidence to support the Board's factual finding that the work injuries were not the substantial cause of his current disabling condition. With respect to the absence of a medical opinion, we concur with the Board that the case is medically complex and requires medical opinion evidence to establish a causal relationship between the work accidents and the back injury, and between the back injury and his current disability.<sup>50</sup> Mr. Quinonez, on appeal, did not identify a medical opinion drawing a causal connection between the work accidents and his back (lumbar) symptoms. To the extent the Board identified medical opinion evidence

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<sup>46</sup> *Quinonez VII*, p. 39.

<sup>47</sup> Because we affirm the Board's decision on the merits, we need not address the Board's alternative grounds, other than to note that the Board correctly ruled that to the extent Mr. Quinonez's claim is construed as a request for modification of *Quinonez III* or *Quinonez V*, it is untimely for the reasons stated by the Board. *See Quinonez VII* at 33-36.

<sup>48</sup> The Board ruled that Mr. Quinonez had not established a presumption of compensability, but it also ruled that, assuming he had established the presumption, Trident had rebutted it, and, therefore, Mr. Quinonez needed to prove his case by a preponderance of the evidence. The Board then addressed the merits of his case. *See Quinonez VII* at 28-33, 36-40.

<sup>49</sup> "Given the continued referrals, emergency admissions, and unrelenting symptoms, the Commission should reverse the Board's decision. . . ." Appellant's Brief at 4.

<sup>50</sup> *See, e.g., AT&T Alascom v. Orchitt*, 161 P.3d 1232, 1240 (Alaska 2007).

in the record regarding the cause of the back symptoms, it points to long-term age-related deterioration, not to the work accidents.<sup>51</sup> As for the alleged causal connection between the back condition and the foot symptoms, Mr. Quinonez testified that, “many” doctors had told him of a causal connection between his back condition and his foot symptoms, but he did not testify that any doctor told him there was a causal connection between his work accidents and the foot symptoms. There is one medical opinion in the record identifying a possible causal connection between the back symptoms and his ongoing disabling foot symptoms, but that opinion does not connect the foot symptoms (or the back injury) to the work accidents.<sup>52</sup>

With respect to the Board’s finding that the substantial cause of his back symptoms was age-related degenerative changes, the Board deemed Mr. Quinonez’s testimony that the work incident caused a back injury not credible.<sup>53</sup> That determination is binding on the Commission. But leaving aside the Board’s credibility determination, there is substantial evidence to support the Board’s finding that the work incident was not the substantial cause of Mr. Quinonez’s lower back condition. There is negative evidence, in that Mr. Quinonez did not report a lower back injury, or pain in his lower back, at the time of the incident,<sup>54</sup> and there is positive evidence, in that he described long-standing back problems dating to an injury he incurred in 2008,<sup>55</sup> and in that his condition is

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<sup>51</sup> *Quinonez VII* at 13-14 (No. 57), 9-10 (No. 37).

<sup>52</sup> *See Quinonez VII* at 13 (No. 56); R. 7202 (March 4, 2024, D.P.M. Newport: “appears that patient’s bilateral foot pain is neurologic in nature and likely coming from lumbar back.”). The Board disregarded this opinion, noting it is not a “medical-legal causation” opinion.). *Id.* By this, the Board presumably meant that the opinion does not state that the work accident was the substantial cause of the bilateral foot pain. *See Forbes v. The Home Depot USA, Inc.*, Alaska Workers’ Comp. Bd. Dec. No. 22-0034 at 15 (May 20, 2022); *Williams v. McDonald’s Corp.*, Alaska Workers’ Comp. Bd. Dec. No. 15-0116 (Sept. 17, 2015).

<sup>53</sup> *Quinonez VII* at 37 (“Employee’s new account describing how his alleged low-back injury occurred is not credible.”).

<sup>54</sup> *See, Quinonez VII* at 37.

<sup>55</sup> *See, Quinonez VII* at 38 (May 23, 2023, Arizona Pain Treatment Center intake; “His medical records repeatedly show him telling physicians that his lower-back

described in medical records as degenerative rather than traumatic.<sup>56</sup> Moreover, even if the work accidents were the substantial cause of the back injury, there is substantial evidence that the back injury was not the substantial cause of his current foot symptoms, but rather that his bilateral lower leg symptoms conditions were caused by his cervical spine fusion for a non-work related injury.<sup>57</sup>

##### *5. Conclusion and order.*

Because there is substantial evidence to support the Board's determination that the substantial cause of Mr. Quinonez's current back symptoms is age-related degenerative changes, rather than the work accidents, and because there is no medical opinion evidence to support a causal connection between the work accidents and either

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symptoms began . . . in 2008"); R. 5336 (May 25, 2022, Dr. Ghaffari: "chief complaint is of low back pain. Onset/duration: 2008."); R. 2127 (Mar. 5, 2024, Dr. Vernon: "He endorses he sustained a ground-level fall resulting in a back injury in 2008.").

<sup>56</sup> See, *Quinonez VII* at 39 ("The only relevant medical evidence in this case shows Employee has degenerative changes in his lumbar spine."). See R. 7201 (Mar. 4, 2024, D.P.M. Newport: "notable lumbar degenerative changes throughout lumbar spine"; "degenerative lumbar changes on lumbar MRI"); R. 5347 (D.O. Park); R. 5357 (June 14, 2022, Dr. Ghaffari); R. 5360 (June 20, 2022, J. Meyer: "There is no evidence of acute lumbar fracture." "Impression . . . Multilevel lumbar degenerative disease"); R. 2129 (Mar. 4, 2024, Dr. Vernon: "There is no evidence of fracture.").

<sup>57</sup> See, *e.g.*, R. 6783 (June 21, 2021: "Employee described 'nerve-related symptoms in his lower extremities following' his first assault and related surgeries."); R. 5383 (Dec. 16, 2020, D.P.M. Higashi: since cervical fusion surgery "he has been having increased symptoms to his lower extremities, namely . . . numbness and tingling and burning pain to his bilateral lower extremities."); R. 5316 (Apr. 12, 2022, P.A. Jama: "reports he was told his neuropathy is secondary to neck surgery he had for neck injury"); R. 2183 (José Inigues Quinonez dep. at 24:8-12, May 23, 2022: leg and foot issues got "more complicated" after assault); R. 5358 (June 14, 2022, Dr. Ghaffari: lower extremities pain "has worsened for the past 2 years since being on a [wheelchair].").

his current back symptoms or his current foot symptoms, the Board's decision is AFFIRMED.

Date: March 24, 2026

Alaska Workers' Compensation Appeals Commission



*Signed*

James N. Rhodes, Appeals Commissioner

*Signed*

S. T. Hagedorn, Appeals Commissioner

*Signed*

Andrew M. Hemenway, Chair

APPEAL PROCEDURES

This is a final decision on the merits of this appeal issued under AS 23.30.128(e). It may be appealed to the Alaska Supreme Court. AS 23.30.129(a). If a party seeks review of this decision by the Alaska Supreme Court, a notice of appeal to the Alaska Supreme Court must be filed not later than **April 23, 2026**.

If you wish to appeal to the Alaska Supreme Court, you should contact the Alaska Appellate Courts *immediately*.

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

I certify that, with the exception of changes made in formatting for publication, this is a full and correct copy of Final Decision No. 314 issued in the matter of *José Iniguez Quinonez v. Trident Seafoods Corporation and Liberty Insurance Corporation*, AWCAC Appeal No. 25-002, and distributed by the Alaska Workers' Compensation Appeals Commission in Anchorage, Alaska, on March 24, 2026.

Date: March 24, 2026



*Signed*

K. Morrison, Appeals Commission Clerk