ALASKA WORKERS' COMPENSATION BOARD

P.O. Box 115512 Juneau, Alaska 99811-5512

SARAH SCHULZE, Claimant, v. BIPPITY BOPPITY BOO CLEANERS, LLC, and BENEFITS GUARANTY FUND, Defendants.	INTERLOCUTORY DECISION AND ORDER AWCB Case No. 202405693 AWCB Decision No. 26-0003 Filed with AWCB Anchorage, Alaska on January 12, 2026

The Benefits Guaranty Fund's (Fund) November 10, 2025, petition appealing a discovery order was heard on the written record on December 17, 2025, in Anchorage, Alaska, a date selected on November 13, 2025. The petition gave rise to this hearing. Attorney Lee Goodman represented Sarah Schulze (Claimant). Non-attorney Pauleene Donahue represented Bippity Boppity Boo Cleaners, LLC (Respondent). Non-attorney McKenna Wentworth represented the Fund. The record closed at the hearing's conclusion on November 10, 2025.

ISSUE

The Fund contends the designee abused his discretion in the October 28, 2025, discovery order. It contends the information sought in questions one and two are relevant and necessary to the case, there was no valid legal reason to exclude them, and the exclusion prevented the Fund from presenting their case fully, violating its right to a fair hearing and due process. The Fund requests an order reversing the designee's denial of the petition to compel and order Claimant to respond

to questions one and two. Alternatively, it requests an order modifying the scope of the requests to a reasonable timeframe and level of detail consistent with discovery standards.

Claimant did not file an answer to the Fund's petition; it is assumed that she opposes it.

Shall this decision grant the Fund's appeal from the designee's discovery order?

FINDINGS OF FACT

A preponderance of the evidence establishes the following facts and factual conclusions:

1) Claimant developed carpal tunnel syndrome (CTS) while working as a Housecleaner. She claimed the repetitive use of her right wrist over time in her work caused CTS, and she sought treatment in April 2024. (Sharon Ong, MD report, April 8, 2024).

2) On April 5, 2024, Angeline Grohs, PA-C, treated Claimant for right CTS after six months of pain, numbness, tingling, weakness and wearing a wrist brace. PA-C Grohs referred Claimant to a hand specialist at Orthopedic Physicians. (Grohs report, April 5, 2024).

3) On April 19, 2024, Claimant reported she was injured on April 5, 2024, while working for Defendant. She described the nature of the injury as "Carpel tunnel, right wrist due [to] continual over use [sic], same motion over & over." (Employee Report of Occupational Injury or Illness to Employer, April 19, 2024).

4) On April 22, 2024, Alan Swenson, MD, treated Claimant for right CTS and discussed a plan for open CTS release. She elected to move forward with surgery. (Swenson, History & Physical, April 22, 2024).

5) On April 25, 2024, Dr. Swenson performed right CTS release surgery on Claimant. (Swenson Operative Report, April 25, 2024).

6) On April 29, 2024, Claimant sought temporary total disability (TTD), temporary partial disability (TPD), permanent total disability (PTD) and permanent partial impairment (PPI) benefits, medical and transportation costs, a penalty for late paid compensation, interest, and death benefits. She described the nature of the injury as "Carpel tunnel, right wrist due [to] continual over use [sic] same motion over & over." Under the reason for filing the claim, Claimant wrote, "Been to many doctors, needs to have surgery on right wrist." She checked the box to claim against the Fund. (Claim for Workers' Compensation Benefits, April 29, 2024).

7) On May 5, 2024, Stephanie Wettin, PA-C, recommended Claimant remain off work until June 2024. (Wettin, Work/School Status Note, July 15, 2024).

8) On May 29, 2024, Claimant sought TTD, TPD, PTD and PPI benefits, medical and transportation costs, a finding of unfair or frivolous controversion, a penalty for late paid compensation, interest, death benefits, and attorney fees and costs. She described the nature of the injury as "Continued Use Of Right Wrist, Same Motion, Has Caused Carpal Tunnel." Claimant checked the box to claim against the Fund. (Claim for Workers' Compensation Benefits, May 29, 2024).

9) On June 3, 2024, after a follow-up visit, PA-C Wettin recommended Claimant remain off work until July 2024. (Wettin, Work/School Status Note, July 3, 2024).

10) On June 10, 2024, Defendant controverted all benefits stating, "The employee's work for the employer must have been the substantial factor in the cause of the injury." (Controversion Notice, June 10, 2024).

11) On July 15, 2024, Claimant sought TTD, TPD and PPI benefits, medical and transportation costs, interest, and attorney fees and costs. She described the nature of the injury as, "HAND/WRIST/CARPEL TUNNEL" and the reason for filing the claim as "Entry of Attorney." (Claim for Workers' Compensation Benefits, July 15, 2024).

12) On August 5, 2024, the Fund answered Claimant's July 15, 2024, claim and denied TTD, TPD, PTD and permanent partial disability benefits, a finding of unfair or frivolous controversion, attorney fees and costs, medical and transportation costs, penalty for late paid compensation, interest, and death benefits. It contended:

> The claim fails to satisfy all the conditions necessary for the claimant to qualify for workers' compensation from the Alaska Workers' Compensation Benefits Guaranty Fund. Accordingly, the claim fails to state a claim upon which relief may be granted by the Fund at this time. Conditions required for eligibility include:
> a. The injured worker must have been an employee of an uninsured employer at the time of injury.
> b. The employee's work for the employer must have been the substantial factor in the cause of the injury or illness.
> c. The injured worker must file a claim for benefits against the uninsured employer, and a separate claim for benefits against the Fund. Both claims must be filed within two years of the injury, or knowledge that an injury or illness was work related.
> d. The injured workers' claim against the employer must result in an order by the Alaska Workers' Compensation Board (Board) to pay benefits to the injured worker.

> e. The employer must be found by the Board to be in default of the aforementioned order. (Answer, August 5, 2024).

13) On October 1, 2024, Claimant stated she went to her son's hockey tournament over the weekend; both of her arms were really painful on the backside, and her nerve was shooting up her arm. Nathan Missler, OTR/L, CHT, occupational therapist, assessed increased hypersensitivity over the weekend was "likely due to increased temperature environment" and encouraged Claimant to "wear increased layers and or using heated hand warmers when she in the hockey rink to help address hypersensitivity issues." (Missler record, October 1, 2024).

14) On October 8, 2024, Claimant said the weekend and that day were "quite painful." She had been outside of and in the hockey rink and the backside of her hand was really painful and numb. Claimant used handwarmers and even that did not seem like it was enough. She also could not cut cardboard when she was "making my son's birthday party." Missler assessed ongoing symptoms along radial, median, and ulnar nerves depending on position of the bilateral upper extremities and functional tasks. (Missler record, October 8, 2024).

15) On October 9, 2024, Claimant reported right and left arm pain. She always had pain and numbness over the radial dorsal forearm on the right, but she was now experiencing new symptoms on her left as well. The symptoms were consistent with radial tunnel, and the EMG was also consistent with radial tunnel. Claimant was unable to work due to pain; she was taking ibuprofen "without avail" and had some improvement with therapy. She was unable to state which actions made things worse "because it [was] constantly getting worse no matter what she does." Jessie Janowski, MD, assessed bilateral carpal tunnel status post carpal tunnel release with improvement on EMG, pillar pain, and symptoms concerning for radial nerve compression. Dr. Janowski recommended B12 and B6 repletion and if the radial nerve injections with "Dr. Ong" were not successful, she also recommend referral to a pain doctor. (Janowski record, October 9, 2024).

16) On October 22, 2024, Claimant presented for evaluation of bilateral arm pain:

> She sought treatment from Dr. Janowski who administered lidocaine injections in both arms. Following the injections, she experienced numbness and a stinging sensation in both arms, akin to a constant burning pain. The intensity of her left arm pain increased post-injection. She also experienced the most severe symptoms during a hockey rink Standing for extended periods exacerbates her symptoms, while sitting with her arms on her legs, she experiences numbness in her forearm and hands, which then becomes painful. Sitting provides some relief, but coldness exacerbates the pain and numbness, which she likens to the feeling of needles. She

> is unsure if her symptoms are associated with a Worker's Compensation case claim. Her symptoms have worsened including pain in her forearm and a pinching sensation. She has always had issues with her thumb, which did not improve with the carpal tunnel release. She describes a heavy, electric-like sensation in her elbows, which occurs when she moves her arms. She tries to limit her activities during the day, as by the end of the day, her symptoms worsen. She has difficulty brushing her teeth due to the pain. She describes her thumb as feeling like an electric rod is on fire, which occasionally throbs. After the first cortisone injection for pillar pain, she noticed swelling which then developed bumps. She is currently undergoing physical therapy.

Dr. Swenson noted Claimant had multiple concurrent symptoms and it was unlikely that one treatment modality would address the issues individually:

> She has had progressive symptoms since the time of her presentation which have included symptoms concerning for carpal tunnel which improved after surgical release. She has had some persistent painful symptoms in the palm consistent with pillar pain. She also is having persistent symptoms with neuropathic type pain which radiates down the radial border [of] the thumb. She continues to have pain at the basilar thumb region with provocative maneuvers consistent with CMC arthritis with relatively atraumatic appearing x-rays. She also has symptoms concerning for dequervains tenosynovitis. She had an injection which initially improved some of her symptoms but she has persistent positive Finkelstein's and pain with palpation not only along the area of the first dorsal compartment but extending into the area of the intersection of the first and second dorsal compartment. The patient has pain at the basilar thenar eminence adjacent to her incision as well as more proximal which extends along the FCR tendon sheath. The patient has complaints and symptoms concerning for both mild lateral epicondylitis as well as radial tunnel syndrome. She also has complaints of radiating pain numbness and weakness on the medial border of her elbow consistent with cubital tunnel like symptoms as well as pain which extends more proximally into the area of the axilla. She had an injection which was mostly diagnostic for radial tunnel syndrome. She describes improvement which seems to be mostly local to the area of the injection but did not have significant improvement after the injection. Patient is having nearly identical symptoms on the contralateral side which are only worsening despite her interventions and therapies. . . .

Dr. Swenson discussed the possibility of multiple etiologies for this including an autoimmune disorder, possible heredity predisposition to nerve compression, as well as other issues. He recommended progressive weightbearing, encouraged range of motion, and planned for rheumatologic lab panel to evaluate for inflammatory markers and signs of autoimmune disorders. (Swenson record, October 22, 2024).

17) On November 1, 2024, Heath McAnally, MD, treated Claimant for weakness of both arms, paresthesia of upper extremity, right median nerve neuropathy, chest heaviness, supraclavicular fossa fullness, and subclavian steal syndrome. Dr. McAnally stated that he could not explain her symptoms. He opined "there may be a neurologic etiology," a connection to her B12 deficiency "that could certainly explain some but not all of her symptoms and signs" or she may have "psychosomatic attribution." (McAnally report, November 1, 2024).

18) On November 12, 2024, Leigha Henry-Waugh, PA-C, saw Claimant for thoracic outlet syndrome (TOS), finding "her symptoms are not usual for a purely vascular either arterial or venous thoracic outlet syndrome[.] While she does have some components that may be seen in either her variety of symptoms would not be easily explained by either." PA-C Waugh suggested "further investigation into a neurogenic cause." (Henry-Waugh report, November 12, 2024).

19) On December 11, 2024, during Claimant's eight-month post-CTS surgery follow-up, Dr. McAnally opined that the "main issue is a pectoralis minor syndrome-mediated TOS" [and] "her overall presentation however remains very complex." He recommended Botox injections or pectoralis minor release and possibly a scalenectomy, stating that her TOS was of the "significantly functionally limiting" variety. Claimant requested that her past surgical history, family history and social history be retracted from the report. (McAnally report, December 11, 2024).

20) On December 13, 2024, Claimant sought TTD and PPI benefits, medical and transportation costs, a finding of unfair or frivolous controversion, a penalty for late paid compensation, interest, and attorney fees and costs. She described the nature of the injury as "Hand/Wrist/Carpal Tunnel; Thoracic Outlet Syndrome" and the reason for filing the claim as "To add claims for Penalty for Late Paid Compensation and for Unfair or Frivilous [sic] Controversion." (Amended Claim for Worker's Compensation Benefits, December 13, 2024).

21) On December 19, 2024, Dr. McAnally gave Claimant Kenalog injections to address her bi-lateral hand paresthesia and TOS. (McAnally In Office Procedure, December 19, 2024).

22) On January 6, 2025, the Fund answered Claimant's December 13, 2024, amended claim and its answer remained the same as it's August 5, 2025, answer. (Amended Answer to the Employee's Claim for Benefits from the Alaska Workers' Compensation Benefits Guaranty Fund, January 6, 2025).

23) On January 20, 2025, the Fund mailed Claimant a letter enclosing the October 22, 2024, medical record and an informal discovery request. Question one stated, "Please provide a full

account of all travel more than 50 miles away from your home address over the last 5 years. What was the reason for travel? Did you travel by air or plane? Who accompanied you during the trip?" Question two stated, "Please provide a full account of all hockey games and/or tournaments you have attended in the last 5 years and the location of the tournament." (Letter with October 22, 2024, medical record and an informal discovery request, January 20, 2025).

24) On February 11, 2025, Claimant responded to the Fund's January 20, 2025, informal discovery request, stating questions one and two were "Not relevant." (Response, February 11, 2025).

25) On February 21, 2025, Loretta Lee, MD, an internal medicine specialist, examined Claimant for an employer's medical evaluation (EME). She doubted that Claimant developed bilateral TOS from working as a housecleaner for Employer because she did not have any proximal upper extremity and chest symptoms until fall 2024. Her right CTS was determined work-related but resolved with CTS release surgery on April 25, 2024. Therefore, Dr. Lee opined that work was "the substantial cause" of her right CTS and need for surgical release. But Claimant was treated for this and considered medically stable for this condition. Regarding the right-hand pillar pain diagnosis, Dr. Lee stated Claimant also developed pillar pain as a common side effect from CTS release surgery, which was tied to treatment for CTS, a work-related condition. But this was resolved with injection therapy. No aggravating or preexisting conditions were discussed. In Dr. Lee's opinion, there was no ratable PPI for any work-related condition according to the AMA *Guides to the Evaluation of Permanent Impairment*, 6th Edition. Dr. Lee opined that all treatment for Claimant's work injury had been completed. (Lee EME report, February 21, 2025).

26) On March 13, 2025, the Fund controverted all benefits contending the claim lacks sufficient grounds to establish all elements to collect against the Fund as follows:

> The employee's work for the employer must have been the substantial factor in the cause of injury or illness.
> The injured workers' claim against the employer must result in an order by the Alaska Workers' Compensation Board (Board) to pay benefits to the injured worker.
> The employer must be found by the Board to be in default of the aforementioned order.

The Fund also controverted TTD or TPD benefits following medical stability from the carpal tunnel release on April 5, 2024, PTD, PPI and 041(k) stipend benefits, vocational eligibility, all benefits related to TOS or any medical condition (other than CTS or pillar) or symptom collection

arising after April 5, 2024, and medical treatment for carpel tunnel or pillar pain after February 21, 2025 based upon Dr. Lee's EME report. (Controversion Notice, March 13, 2025).

27) On May 5, 2025, Dr. McAnally opined it was reasonable to attribute her symptoms to TOS and prolonged overhead work. (McAnally report, May 5, 2025).

28) On May 8, 2025, Gregory Pearl, MD, opined that Claimant's prolonged repetitive overhead activities as a housecleaner for four years contributed to her symptoms. He recommended TOS surgery. (Pearl report, May 8, 2025).

29) On July 18, 2025, the Fund requested an order compelling Claimant to respond to questions one, two, and six in the January 20, 2025 informal discovery request contending, "On Feb 11, 2025 Ms. Schulze objected to relevant questions reasonably requested related to relevant information pertaining to her physical capacities and the extent of participation in activities that may have an impact on causation." (Petition, July 18, 2025).

30) On August 14, 2025, the parties attended a prehearing conference for the designee to issue a discovery order regarding the Fund's July 18, 2025, petition to compel:

> Regarding the WCBGF's 7/18/2025 Petition to Compel, Ms. Wentworth argued that questions # 1 & 2 are attempting to verify contributions to Employee's condition(s) and her physical activity capacities while question # 6 is attempting to verify Employee's earning capacity. Mr. Goodman argued that questions # 1 & 2 are overly broad and immaterial and that there is no connection between travel, temperature, and Employee's condition. Mr. Goodman agreed to provide responses to question # 6 rendering that issue moot.
>
> Designee reviewed the WCBGF's 7/18/2025 Petition to Compel responses to #'s 1 & 2 of the 1/20/2025
>
> Informal Discovery Request.
>
> 1. Please provide a full account of all travel more than 50 miles away from your home address over the last 5 years. What was the reason for travel? Did you travel by air or plane? Who accompanied you during the trip?
>
> 2. Please provide a full account of all hockey games and/or tournaments you have attended in the last 5 years and the location of the tournament.
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> Designee finds #'s 1 & 2 of the 1/20/2025 Informal Discovery Request to be overbroad, irrelevant, and unlikely to lead to discoverable information relating to Employee's claim(s) for benefits. The WCBGF's 7/18/2025 Petition to Compel is Denied. If the WCBGF does not agree with today's order, they have two options:

1. File a Petition to Appeal today's discovery order (AS 23.30.108) within 10 days of service of this prehearing conference summary, at which time, the AWCB will review the file at a Written Record Hearing and respond in writing to the Petition advising parties of whether or not the designee abused his discretion by rendering the above order.

2. File a Petition for Reconsideration (8 AAC 45.065) within 10 days of service of this prehearing conference summary, at which time, designee will review the file and respond in writing to the Petition advising parties of whether or not the order has changed.

Granus v. Fell, AWCB Dec. No. 99-0016 (January 20, 1999), provided a two-step analysis to determine if information was discoverable under AS 23.30.107(a), as follows:

1. Parties may obtain discovery regarding any matter, not privileged which is relevant to the subject matter involved in the pending action.

2. The information sought appears reasonably calculated to lead to the discovery of admissible evidence.

AS 23.30.108. Prehearings on discovery matters.
(c)At a prehearing on discovery matters conducted by the board's designee, the board's designee shall direct parties to sign releases or produce documents, or both, if the parties present releases or documents that are likely to lead to admissible evidence relative to an employee's injury. If a party refuses to comply with an order by the board's designee or the board concerning discovery matters, the board may impose appropriate sanctions in addition to any forfeiture of benefits, including dismissing the party's claim, petition, or defense. If a discovery dispute comes before the board for review of a determination by the board's designee, the board may not consider any evidence or argument that was not presented to the board's designee, but shall determine the issue solely on the basis of the written record. The decision by the board on a discovery dispute shall be made within 30 days. The board shall uphold the designee's decision except when the board's designee's determination is an abuse of discretion.

The Alaska Supreme Court encourages liberal discovery under the Alaska Civil Rules with regard to medical evaluation and the discovery process generally.1 8 AAC 45.095 refers to information which is "relevant to the injury." The use of the word "relevant" in 8 AAC 45.095 does not impose a burden on an employer to prove beforehand the information sought in its investigation is relevant to the nature and cause of an employee's injury. In many cases, the party seeking information has no way of knowing what evidence is relevant to the merits of a case until an opportunity to review it has been provided.2 Information is relevant for discovery purposes, if it is reasonably "calculated" to lead to facts that are relevant for evidentiary purposes.3 "Calculated" to lead to admissible evidence means more

> than a mere possibility, but not necessarily a probability, the information to be released will lead to admissible evidence.4 To be "reasonably" calculated to lead to admissible evidence, both the scope of information and the time periods requested must be reasonable.5 In attempting to balance the goals of liberal discovery and reasonable protection of injured workers' privacy, discovery is generally limited to two years before the earliest evidence of related symptoms.6 Information that may have a "historical or causal connection to the injuries" is generally discoverable.7 The proponent of a release must be able to articulate a reasonable nexus between the information sought to be released and evidence that would be relevant to a material issue in the case.8
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> 1 *Schwab v. Hooper Electric*, AWCB Decision No. 87-0322 at 4, n.2 (December 11, 1987); *citing United Services Automobile Association v. Werley*, 526 P.2d 28, 31 (Alaska 1974). *See also*, *Venables v. Alaska Builders Cache*, AWCB Decision No. 94-0115 (May 12, 1994).
> 2 *Granus v. Fell*, AWCB Decision No. 99-0016 (January 20, 1999).
> 3 *Studnek v. Municipality of Anchorage* at 7, AWCB Decision No. 11-003 (January 6, 2011).
> 4 *Id*.
> 5 *Id*.
> 6 *See, e.g., Smith v. Cal Worthington Ford*, AWCB Decision No. 94-0091 (April 15, 1994).
> 7 *Granus v. Fell*, AWCB Decision No. 99-0016 (January 20, 1999).
> 8 *In the Matter of Mendel*, 897 P.2d 68,73 (Alaska 1995). (Prehearing Conference Summary, August 14, 2025).

31) On August 15, 2025, the August 14, 2025, prehearing conference summary was served on the parties, including Wilton Adjustment Services, Inc., the Fund's claims administrator, by first-class mail to their mailing addresses and to the Fund's Administrator, Velma Thomas, by email. (Prehearing Conference Summary Served, Envelopes and Email, August 15, 2025).

32) The May 16, 2023, prehearing conference summary does not contain an analysis adequate to review the designee's discretion because the legal and factual bases for his conclusory analyses is not disclosed in the summary. (Experience, judgment, and inferences drawn from above).

33) On August 19, 2025, the Fund requested correction of the August 14, 2025, prehearing conference summary in an email sent to the designee:

> BGF argued that answers to the questions were directly relevant for legal causation purposes as well as disability and earnings capacity.
>
> Mr. Goodman stated that Ms. Schulze would be willing to put out a statement that she did not carry her children's baggage to tournaments. However, the BGF was seeking the records for an accurate history of how much travel, pressure, and cold

> environments contributed to her conditions. BGF explained we had cause to believe that her attendance at hockey games was frequent.
>
> Re: Legal causation The BGF cited Ms. Schulze has a range of conflicting diagnosis and is relying on Ms. Schulze's own belief and cited OPA medical record dated 10/22/2024 (confirmed present in the Board's file on medical summary filed 11/6/2024).
>
> With respect to disability, the Fund orally asserted that the amount of travel was directly relevant to the amount of time spent standing, coordinating, driving and attending tournaments which would provide further grounds of her actual work capacity.
>
> Mr. Goodman did not provide any rebuttal to the medical records. (Email, August 19, 2025).

34) On August 19, 2025, Claimant responded to the Fund's email and included the designee, Thomas, and Donahue:

> In response to Ms. Wentworth's request to include extensive portions of the prehearing discussion in the prehearing summary, I'll note that this is just a "summary," and if a party objects to the designe's [sic] decision there is a remedy and a record upon which the decision rests.
>
> Ms. Wentworth goes on to raise many issues and questions that would seem to implicate the entire case on its merits. I would argue that much of Ms. Wentworth's email is way beyond the scope of prehearing and prehearing summary.
> . . . .
>
> And regarding Ms. Wentworth's comments about the travel, naturally we support the designee's ruling on the issue. (Email, August 19, 2025).

35) On August 19, 2025, the Fund replied to Claimant's email and included Donahue, Thomas, and the designee:

> The BGF has requested a correction of the prehearing to accurately reflect oral arguments that were in fact presented to the designee at the prehearing. Unfortunately, there is no recording or transcript available, so it is imperative that the designee create a detailed and accurate written record of the arguments and evidence. Should the designee fail or refuse to correct the record, the BGF will be substantially prejudiced in an appeal that is limited strictly to the record.

> The issue of whether the BGF's arguments went beyond the scope of the prehearing were never raised at the prehearing and should not be a factor in correcting the record to reflect facts presented at the prehearing. (Email, August 19, 2025).

36) On August 26, 2025, the Fund appealed the August 14, 2025, discovery order and contended the designee abused his discretion by failing to create an accurate record of arguments presented. He also failed to state "what actual evidence was considered" and to make adequate findings of fact, failed to apply controlling law "under civil rules of procedure," and to consider less invasive alternatives. The Fund argued the designee excluded evidence arbitrarily, which was "directly relevant to affirmative causation defense." It contended the October 22, 2024, medical record supports the nexus required to evaluate the relevance of the requested information. The Fund contended the discovery request is relevant to legal causation, as the Board must evaluate the relative contribution of different causes of the disability and need for medical treatment, and Claimant's disability and earning capacity, as the extent of travel and participation in hockey tournaments may reflect her physical capacities and limitations. It cited *Leigh* and argued that an employer has the right to develop defenses and discover information relevant to different possible causal factors in response to a worker's written claim. The Fund argued Claimant failed to rebut the medical record and did not object to the medical summary which contained the record. It noted there was "no medical evidence rebutting or ruling out exposure to cold and activity as contributory factors to the condition. Instead or[sic] presenting any medical evidence, employee admitted to travel but sought to limit the scope of discovery by stating that Ms. Schulze did not carry her children's baggage - an assertion that does not address the broader relevance of her travel and tournament attendance." The Fund argued the requested information was not overly burdensome because Claimant "should have access" to airline purchase records in financial statements, flight history by airline loyalty accounts, and tournament attendance records through team schedules or registration logs. It contended the ruling unduly restricted access to potentially relevant information and failed to balance discovery needs with privacy concerns. The Fund contended the five-year scope was justified given the nature of the claims and need to assess long-term patterns of activity and the designee did not consider narrowing the scope rather than denying the request. It contended the designee failed to apply controlling law under civil rules of procedure because Claimant never petitioned to protect her information and did not seek to protect her privacy. The Fund requested orders reversing the designee's denial of its petition to compel, directing Claimant

to respond to informal discovery requests one and two. Alternatively, it requested an order directing the Fund to modify the scope of the informal discovery request consistent with discovery standards. (Petition to Appeal Discovery Order Before the Alaska Workers' Compensation Board, August 26, 2025). The Fund filed an ARH on its August 26, 2025, petition requesting a written record hearing. (ARH, August 26, 2025).

37) On September 2, 2025, Claimant opposed the Fund's August 26, 2025, petition contending the ARH was premature because 8 AAC 45.070(2) states a party cannot file an ARH until after the opposing party files an answer or 20 days after the petition was served. She contended the designee "acted well within his authority in finding employer's (and BGF's) discovery request overly broad." Claimant requested an oral hearing with full briefing. (Affidavit In Opposition to BGF's ARH on Petition to Appeal Discovery Order, September 2, 2025).

38) On September 3, 2025, the October 7, 2025, written record hearing notice was served. (Hearing Notice Written Record Served, September 3, 2025).

39) On September 4, 2025, *Sarah Schulze v. Bippity Boppity Boo Cleaners, LLC,* AWCB Dec. No. 25-0057 (September 4, 2025), (*Schulze I*) issued and granted Claimant's petition for an SIME. (*Schulze I*).

40) On September 11, 2025, a physical therapy record included the following "Functional limitations: reaching up, washing hair, unable to grip or hold anything for long, difficulty driving due to pain, difficulty cooking and taking care of her kids, hasn't carried anything really since carpal tunnel surgery more than 5 lbs, unable to drive." The goals of therapy included, "hug kids without hurting, use her arms, shower more than 1x/week without pain, driving without pain." (Physical therapy note, September 11, 2025).

41) On October 22, 2025, *Sarah Schulze v. Bippity Boppity Boo Cleaners, LLC,* AWCB Dec. No. 25-0070 (October 22, 2025), (*Schulze II*) remanded the August 14, 2025 discovery order to the designee to make rulings on the petition to compel limited to questions one and two in the January 20, 2025 interrogatories, and directed the designee to make discovery determinations on remand based upon the parties' arguments and evidence presented at the prehearing conference and the information in the agency file. (*Schulze II*).

42) On October 28, 2025, the designee made a discovery determination on questions one and two in the January 20, 2025, interrogatories:

Regarding the WCBGF's 7/18/2025 Petition to Compel, Ms. Wentworth argued that questions # 1 & 2 are attempting to verify causation contributors to Employee's conditions (Carpal Tunnel, Thoracic Outlet Syndrome, wrist and neck injuries) and her physical activity capacities. Ms. Wentworth advised that Employee has several children in hockey and attends hockey games out of state supposedly requiring Employee to navigate airport, plane, and rental car travel. These tasks supposedly require Employee to sit for extended periods of time, endure differing pressures and temperatures, and perform administrative duties such as organizing/supervising children, carrying bags, sit/stand for extended amounts of time. These requirements can potentially be greater or equal to her work for Employer and are relevant to causation as they can be an aggravation to Employee's conditions. As evidence, Ms. Wentworth cited previously filed medical summaries, physical therapy routines and the 4/17/2024 Employer Medical Evaluation (EME). Ms. Wentworth also cited an Advanced Hand and Orthopedic office visit where Employee noted that her hands were quite painful and numb while being exposed to cold and hand warmers were not effective at relieving the pain. Mr. Goodman argued that questions # 1 & 2 are overly broad, immaterial and intrusive as there is no connection between previous travel, temperature, and Employee's conditions. Mr. Goodman noted that as of the most recent Workers Compensation Claim (WCC) there is no claim for Permanent Total Disability (PTD) and cold weather (in Alaska or at hockey games) is simply not causative. Ms. Schulze advised that she has gotten on planes and traveled to hockey games but it is her husband that normally takes the children to these events. Mr. Goodman advised that he had no evidence to note regarding this issue.

Designee reviewed the WCBGF's 7/18/2025 Petition to Compel responses to #'s 1 & 2 of the 1/20/2025 Informal Discovery Request.

1. Please provide a full account of all travel more than 50 miles away from your home address over the last 5 years. What was the reason for travel? Did you travel by air or plane? Who accompanied you during the trip?

2. Please provide a full account of all hockey games and/or tournaments you have attended in the last 5 years and the location of the tournament.

Designee finds #'s 1 & 2 of the 1/20/2025 Informal Discovery Request to be overbroad, intrusive, and unlikely to lead to discoverable information relating to Employee's claims for Temporary Total Disability (TTD), Permanent Partial Impairment (PPI), Medical costs, Transportation costs, Interest, Penalty, Unfair controvert, and Attorney fee's benefits. Designee finds no reasonable nexus between the information the Fund is seeking and a material issue in this case. Designee finds no reasonable calculation that leads to facts that will make any question at issue more or less likely. Designee notes that any causal connection between Employee's hockey game attendance and travel is documented at length in the physician reports and medical documentation gathered with the previously executed Discovery Releases and submitted via Medical Summary. The WCBGF's

> 7/18/2025 Petition to Compel is Denied. (Prehearing Conference Summary, October 28, 2025).

43) On October 28, 2025, the Division served the parties with the October 28, 2025, prehearing conference summary. Wilton Adjustment Services was served by first-class mail. (Prehearing Conference Summary Served and Envelope, October 28, 2025).

44) On November 10, 2025, the Fund appealed the October 28, 2025, discovery order contending the designee abused his discretion because the information sought is relevant to causation, disability, and earning capacity. It contended Claimant "has presented a range of conflicting diagnoses and is relying on her own belief regarding the origin of her symptoms" and "the extent of travel and participation in hockey tournaments may reflect her physical capabilities and limitations." The Fund referenced the September 11, 2025, October 1, 8, and 9, 2024, February 20, 2025, relating to hockey and driving to contend that both attendance at hockey games and travel are "probable contributory causes of [Claimant's] diagnosis of [t]horacic [o]utlet [s]yndrome. It contended that the requested information is not overly burdensome because Claimant should have access to airline purchase records from financial statements, flight history by airline loyalty accounts, and tournament records through team schedules or registration logs, which is readily accessible and does not require extensive effort to compile. The Fund contended the designee's ruling restricted access to potentially relevant information and failed to balance the discovery needs of the Fund, ignoring the precedent of liberal discovery. It contended the designee failed to apply the *Granus* standard "in a meaningful way" as the designee failed to explain why the scope or time frame was unreasonable, why the information was not reasonably calculated to lead to relevant facts, and how the Fund's arguments and cited medical records failed to establish a reasonable nexus. The Fund contended the designee's decision created a "circular argument" because it asserts the connection existed because it was documented but the documentation was not analyzed to support the claim. It contended that the designee abused his discretion because the records were relevant and necessary to the case, there was no valid legal reason to exclude them, and the exclusion prevented the Fund from presenting their case fully, violating its right to a fair hearing and due process. The Fund requested the Board reverse the designee's denial of the petition to compel and order Claimant to respond to questions one and two. Alternatively, it requested the Board to modify the scope of the requests to a reasonable timeframe and level of

detail consistent with discovery standards. (Petition to Appeal Discovery Order Before the Alaska Workers' Compensation Board, November 10, 2025).

45) On November 13, 2025, the Division served the parties with notice of the December 17, 2025, written record hearing. (Hearing Notice Written Record Served, November 13, 2025).

46) Claimant did not submit an answer to the Fund's November 10, 2025, petition. (Agency file).

47) No party submitted a hearing brief. (Agency file).

48) On November 19, 2025, David Slutsky, MD, examined Employee for an SIME and opined her signs and symptoms of right carpal tunnel syndrome and bilateral TOS are due to the work injury:

> The combination of carpal tunnel syndrome and thoracic outlet syndrome has been referred to as a double crush syndrome (DCS) as described by Upton and McComas (1973). The proximal lesion (Thoracic Outlet Syndrome) is often considered to be the primary etiology that precedes and predisposes the nerve to the distal entrapment (Carpal Tunnel Syndrome). It is often not easy to determine which syndrome occurred first though. In the classic model of DCS, the Thoracic Outlet Syndrome (TOS) is the antecedent event. The fundamental premise is that compression of the proximal nerve fibers (at the brachial plexus) mechanically impairs the anterograde axoplasmic flow. This flow is responsible for transporting neurotrophic factors, proteins, and cytoskeletal elements from the neuronal cell body (soma) to the distal axon. The proximal compression at the thoracic outlet renders the distal segment of the median nerve subclinically ischemic. Consequently, the nerve becomes susceptible to entrapment at the carpal tunnel (beneath the flexor retinaculum) under pressures that would typically be sub-threshold for pathology in a healthy nerve. While the pathophysiology suggests a proximal-to-distal progression, the clinical presentation often creates a diagnostic challenge regarding chronological onset. In this case the patient initially presented with signs and symptoms of right carpal tunnel syndrome. After she underwent a right carpal tunnel release she developed upper extremity complaints compatible with a right thoracic outlet syndrome.
>
> In view of these considerations the substantial cause for the patient's disability and need for treatment is the right carpal tunnel syndrome based on the chronological events.
>
> It's also noted that the patient has symptoms of numbness and tingling of the right ring and small finger yet there are no convincing signs of right cubital tunnel syndrome. This may be secondary to TOS with compression of the lower trunk of the brachial plexus (C8-T1 roots). There was however no EMG evidence of this.

Claimant was not "permanent and stationary" as she was only four months post-surgery on her right side and was still receiving treatment for right TOS and she was still undergoing active

treatment for her left TOS and would be scheduled for surgery, so she has not reached maximum medical improvement (MMI). Her right CTS was permanent and stationary and reached MMI. Dr. Slutsky stated Claimant was still disabled from the work injury and restricted her from repetitive power gripping, grasping, and pinching, lifting more than five pounds with her right hand, and from overhead lifting with both arms. He stated Claimant reached medical stability for the right CTS on November 18, 2025, and rated her with a one percent whole person impairment for her right CTS. Dr. Slutsky recommended right thoracic outlet decompression, including occupational therapy, acupuncture, massage, strengthening exercises, desensitization, a TENS unit, hot packs, ultrasound iontophoresis, cortisone injections, and left thoracic outlet decompression, requiring similar treatment modalities postoperatively. Repeated electrodiagnostic studies and follow-up MRI studies may be required as well. (Slutsky SIME report, November 18, 2025).

PRINCIPLES OF LAW

> **AS 23.30.001. Intent of the legislature and construction of chapter.** It is the intent of the legislature that
>
> (1) this chapter be interpreted so as to ensure the quick, efficient, fair, and predictable delivery of indemnity and medical benefits to injured workers at a reasonable cost to the employers who are subject to the provisions of this chapter;

The Board may base its decisions not only on direct testimony and other tangible evidence, but also on the Board's "experience, judgment, observations, unique or peculiar facts of the case, and inferences drawn from all of the above." *Fairbanks North Star Borough v. Rogers & Babler*, 747 P.2d 528, 533-534 (Alaska 1987).

> **AS 23.30.005. Alaska Workers' Compensation Board.** . . .
>
> (h) . . . Process and procedure under this chapter shall be as summary and simple as possible. The . . . board . . . may for the purposes of this chapter subpoena witnesses, administer or course to be administered oaths, and may examine or cause to have examined the parts of the books and records of the parties to a proceeding that relate to questions in dispute. . . .
>
> **AS 23.30.010. Coverage.** (a) Except as provided in (b) of this section, compensation or benefits are payable under this chapter for disability or death or

> the need for medical treatment of an employee if the disability or death of the employee or the employee's need for medical treatment arose out of and in the course of the employment. To establish a presumption under AS 23.30.120(a)(1) that the disability or death or the need for medical treatment arose out of and in the course of the employment, the employee must establish a causal link between the employment and the disability or death or the need for medical treatment. A presumption may be rebutted by a demonstration of substantial evidence that the death or disability or the need for medical treatment did not arise out of and in the course of the employment. When determining whether or not the death or disability or need for medical treatment arose out of and in the course of the employment, the board must evaluate the relative contribution of different causes of the disability or death or the need for medical treatment. Compensation or benefits under this chapter are payable for the disability or death or the need for medical treatment if, in relation to other causes, the employment is the substantial cause of the disability or death or need for medical treatment.
>
> **AS 23.30.082. Workers' compensation benefits guaranty fund.** . . .
>
> (c) Subject to the provisions of this section, an employee employed by an employer who fails to meet the requirements of AS 23.30.075 and who fails to pay compensation and benefits due to the employee under this chapter may file a claim for payment by the fund. In order to be eligible for payment, the claim form must be filed within the same time, and in the same manner, as a workers' compensation claim. The fund may assert the same defenses as an insured employer under this chapter. . . .
>
> **AS 23.30.108. Prehearings on discovery matters; objections to requests for release of information; sanctions for noncompliance.** . . .
>
> (c) At a prehearing on discovery matters conducted by the board's designee, the board's designee shall direct parties to sign releases or produce documents, or both, if the parties present releases or documents that are likely to lead to admissible evidence relative to an employee's injury. . . If a discovery dispute comes before the board for review of a determination by the board's designee, the board may not consider any evidence or argument that was not presented to the board's designee, but shall determine the issue solely on the basis of the written record. . . The board shall uphold the designee's decision except when the board's designee's determination is an abuse of discretion.

The designee's decision must be upheld, absent "an abuse of discretion." An abuse of discretion consists of "issuing a decision which is arbitrary, capricious, manifestly unreasonable, or which stems from an improper motive." *Sheehan v. University of Alaska*, 700 P.2d 1295, 1297 (Alaska

1985). An agency's failure to properly apply the controlling law may also be considered an abuse of discretion. *Manthey v. Collier*, 367 P.2d 884 (Alaska 1962).

> **AS 23.30.115. Attendance and fees of witnesses.** (a) A person is not required to attend as a witness in a proceeding before the board at a place more than 100 miles from the person's place of residence, unless the person's lawful mileage and fee for one day's attendance is first paid or tendered to the person; but the testimony of a witness may be taken by deposition or interrogatories according to the Rules of Civil Procedure. . . .

> **AS 23.30.135. Procedure before the board.** (a) In making an investigation or inquiry or conducting a hearing the board is not bound by common law or statutory rules of evidence or by technical or formal rules of procedure, except as provided in this chapter. The board may make its investigation or inquiry or conduct its hearing in the manner by which it may best ascertain the rights of the parties. . . .

The scope of evidence admissible in administrative hearings is broader than is allowed in civil courts generally, because AS 23.30.135 makes most civil rules of procedure and evidence inapplicable. Under relaxed evidence rules, discovery should be at least as liberal as in a civil action and relevancy standards should be at least as broad. *Schwab v. Hooper Electric*, AWCB Dec. No. 87-322 (December 11, 1987). Employers have a constitutional right to defend against claims. *Granus v. Fell*, AWCB Dec. No. 99-0016 (January 20, 1999). A thorough investigation allows employers to verify information provided by the opposing party, effectively litigate disputed issues, and detect fraud. *Id*. at 11-15, in addition to guidance in determining admissibility, *Granus* established a two-step analysis to determine whether information is properly discoverable:

> Information which would be inadmissible at trial, may nonetheless be discoverable if it is reasonably calculated to lead to admissible evidence. Under our relaxed rules of evidence, discovery should be at least as liberal as in a civil action and the relevancy standards should be at least as broad.
>
> To be admissible at hearing, evidence must be 'relevant.' However, we find a party seeking to discover information need only show the information appears reasonably calculated to lead to the discovery of evidence admissible at hearing. *Smart v. Aleutian Constructors*, AWCB Dec. No. 98-0289 (November 23, 1998).
>
> The first step in determining whether information sought to be released is relevant, is to analyze what matters are "at issue" or in dispute in the case. In the second step we must decide whether the information sought by employer is relevant for discovery purposes, that is, whether it is reasonably "calculated" to lead to facts

> that will have any tendency to make a question at issue in the case more or less likely.
> . . . .
>
> The proponent of a release must be able to articulate a reasonable nexus between the information sought to be released and evidence that would be relevant to a material issue in the case. To be "reasonably" calculated to lead to admissible evidence, both the scope of information within the release terms and the time periods it covers must be reasonable. The nature of employee's injury, the evidence thus far developed, and the specific disputed issues in the case determine whether the scope of information sought and period of time covered by a release are reasonable.

Information is relevant for discovery purposes if it is reasonably calculated to lead to facts that will have any tendency to make a question at issue in the case more or less likely. *Granus*. Information that may have a "historical or causal connection to the injuries" is generally discoverable. *Id*.

In an attempt to balance the goals of liberal discovery and reasonable protection of injured workers' privacy, discovery is generally limited to two years before the earliest evidence of related symptoms. *Smith v. Cal Worthington Ford, Inc.*, AWCB Dec. No. 94-0091 (April 15, 1994). Discovery of employment records is generally limited to the period beginning ten years before the work injury. *Id*.

ANALYSIS

Shall this decision grant the Fund's appeal from the designee's discovery order?

The Fund appealed the designee's October 28, 2025, discovery order denying its August 26, 2025, petition to compel Claimant to answer questions one and two of the January 20, 2025, informal interrogatories. AS 23.30.108(c); 8 AAC 45.065(h). It contended the information sought in the questions are relevant to Claimant's claim and should be authorized. Claimant contended the information sought was not relevant.

8 AAC 45.065(h) requires a petition appealing the discovery order be filed no later than 10 days after service of the discovery order; no ARH is required, and AS 23.30.108(c) requires a written-record hearing be held. The Division served the October 28, 2025, prehearing conference

summary containing the discovery order on Wilton Adjustment Services, Inc., at its mailing address on October 28, 2025. 10 days after October 28, 2025, and allowing three additional days for service by mail is November 10, 2025. The Fund timely appealed on November 10, 2025. 8 AAC 45.060(b); 8 AAC 45.065(h).

When a discovery order is appealed, no evidence or argument not presented to the designee may be considered. The appeal shall be determined "solely on the basis of the written record." AS 23.30.108(c). The reviewing panel must affirm the designee's discovery order absent "an abuse of discretion." *Id*. An abuse of discretion consists of a decision which is arbitrary, capricious, or manifestly unreasonable, stems from an improper motive, or fails to apply the controlling law. *Sheehan*; *Manthey*.

The Fund, like an employer, has the right to investigate and defend against claims, which includes the right to investigate different causes of Claimant's disability and need for medical treatment using interrogatories. AS 23.30.010(a); AS 23.30.082(c); AS 23.30.115(a); *Granus*. The Fund is investigating the contribution of different causes, and its defense to disability and medical benefits is pertinent to the determination of whether the benefits should be awarded. However, the Fund's right to investigate and defend against claims must be balanced against Claimant's privacy concerns. *Granus*; *Smith*.

Information is relevant for discovery purposes if it is reasonably calculated to lead to facts that will have any tendency to make a question at issue in the case more or less likely. *Granus*. The first step in determining whether information sought is relevant is to analyze what matters are "at issue" or in dispute. AS 23.30.135(a). Claimant seeks TTD, TPD, PTD and PPI benefits, medical and transportation costs, a finding of unfair or frivolous controversion, a penalty for late paid compensation, interest, and attorney fees and costs for injuries to her hands and wrist, including CTS and TOS.

For a discovery request to be reasonably calculated to lead to admissible evidence, it must be based on a deliberate and purposeful design and that design must be both reasonable and articulable. There must be a reasonable nexus between the information the Fund seeks and a material issue in

the case. *Granus*. In the second step, the Fund must demonstrate the information it seeks is relevant, meaning it is reasonably calculated to lead to facts that will make any question at issue more or less likely. *Id*. Information that may have a causal connection to the injuries is generally discoverable. *Id*.

The primary issues in dispute in this case is whether the work for Defendant is the substantial cause of Claimant's disability and need for medical treatment CTS and TOS. The Fund controverted all benefits for TOS, disability benefits after April 5, 2024, for CTS, and medical treatment for CTS after February 21, 2025, based upon Dr. Lee's EME report. It contended that the disputed discovery is necessary to investigate causes of Claimant's need for medical treatment and disability, and her physical capacities, and referenced the October 22, 2024, medical record. The October 22, 2024, medical record states that Claimant's most severe symptoms occurred when she attended a hockey game and was standing for long periods of time and sitting with her arms on her legs and the cold exacerbated the symptoms. The designee cited *Granus* and found questions one and two "to be overbroad, irrelevant, and unlikely to lead to discoverable information relating to" Claimant's claims. The designee found, "no reasonable nexus between the information the Fund is seeking and a material issue in this case. Designee [found] no reasonable calculation that leads to facts that will make any question at issue more or less likely. Designee note[d] that any causal connection between Employee's hockey game attendance and travel is documented at length in the physician reports and medical documentation gathered with the previously executed Discovery Releases and submitted via Medical Summary."

Employee first sought treatment for and reported her work injury in the beginning of April 2024. The first question seeks a full account of Claimant's travel more than 50 miles away from her home over the last five years and the second question seeks a full account of all hockey games Claimant attended in the last five years; both questions seek information going back to 2020 -- more than two years before the work injury. Discovery is generally limited to two years before the earliest evidence of related symptoms, which would be April 5, 2022. *Smith*. Therefore, the time period for both questions is not reasonable and is too broad.

On September 11, 2025, Claimant reported difficulty driving due to pain. The medical records did not suggest all travel more than 50 miles from Claimant's home exacerbated the symptoms for which she is seeking medical treatment and disability benefits in her claims. Furthermore, there was no mention in the medical records that travel by airplane exacerbated Claimant's symptoms. The Fund contends the travel information and amount was directly relevant to Claimant's work capacity. As Claimant sought PTD benefits, her capacity to earn wages she was receiving at the time of injury is at issue so her ability to perform her job duties at the time of injury as a Housecleaner and other jobs she has held in the past ten years is relevant. Her ability to lift, grasp, grip, and pinch is discoverable.

However, Claimant has the right to privacy. An account for every instance of travel for the last five years, more than 50 miles away, the reason for the trip, and who accompanied Claimant is unreasonable and excessive as it will include nonrelative information. *Granus*; *Smith*. Travel itself does not require Claimant to lift, grasp, grip or pinch, and the reason for the trip is not probative of her ability to lift, grasp, grip, or pinch, and who accompanied her is not probative of her ability to lift, grasp, grip, or pinch. In other words, the information sought will not make it more or less likely that Claimant can lift, grasp, grip, and pinch. The Fund failed to articulate how the information sought in question one is reasonably calculated to lead to facts that will make the PTD benefits at issue in Claimant's claims more or less likely. *Id*.

The October 22, 2024, medical record discussed attending a hockey game, which involved standing for extended periods, and cold increased her symptoms. The October 1, 2024, record also discussed Claimant experiencing hypersensitivity while attending a hockey game and the October 8, 2024, record discussed the back of Claimant's hand being painful and numb while attending a hockey game. The medical record is clear that Claimant's attendance at hockey games exacerbated the symptoms s for which she is seeking medical treatment and disability benefits in her claims. The medical evidence shows a reasonable nexus between Claimant's attendance at hockey games and her continuing symptoms and disability. *Granus*. The Fund articulated how the information sought in question two going back two years from the work injury is reasonably calculated to lead to facts that will make the question of the contribution of different causes of Claimant's disability and need for medical treatment more or less likely. *Granus*.

The designee abused his discretion by denying the Fund's petition in full. *Granus*; *Sheehan*. The Fund is entitled to a list of all hockey games or tournaments Claimant has attended since April 5, 2022, by date and the location of the tournaments. Claimant will be directed to answer the limited interrogatory question two. This decision will partially grant the Fund's appeal from the designee's discovery order.

CONCLUSION OF LAW

This decision should partially grant the Fund's appeal from the designee's discovery order.

ORDER

1) The Fund's November 10, 2025, petition is granted in part and denied in part.
2) The designee's October 28, 2025, discovery order is reversed in part.
3) The Fund is entitled to a list of all hockey games or tournaments Claimant attended since April 5, 2022, and the location of the tournaments.
4) Claimant is directed to provide a list of all hockey games or tournaments she attended since April 5, 2022, and the location of the tournaments.

Dated in Anchorage, Alaska on January 12, 2026.

ALASKA WORKERS' COMPENSATION BOARD

/s/
Kathryn Setzer, Designated Chair

/s/
Michael Dennis, Member

/s/
Anthony Ladd, Member

PETITION FOR REVIEW

A party may seek review of an interlocutory or other non-final Board decision and order by filing a petition for review with the Alaska Workers' Compensation Appeals Commission. Unless a petition for reconsideration of a Board decision or order is timely filed with the board under

AS 44.62.540, a petition for review must be filed with the commission within 15 days after service of the board's decision and order. If a petition for reconsideration is timely filed with the board, a petition for review must be filed within 15 days after the board serves the reconsideration decision, or within 15 days from date the petition for reconsideration is considered denied absent Board action, whichever is earlier.

RECONSIDERATION

A party may ask the board to reconsider this decision by filing a petition for reconsideration under AS 44.62.540 and in accordance with 8 AAC 45.050. The petition requesting reconsideration must be filed with the board within 15 days after delivery or mailing of this decision.

MODIFICATION

Within one year after the rejection of a claim, or within one year after the last payment of benefits under AS 23.30.180, 23.30.185, 23.30.190, 23.30.200, or 23.30.215, a party may ask the board to modify this decision under AS 23.30.130 by filing a petition in accordance with 8 AAC 45.150 and 8 AAC 45.050.

CERTIFICATION

I hereby certify the foregoing is a full, true and correct copy of the Interlocutory Decision and Order in the matter of Sarah Schulze, claimant v. Bippity Boppity Boo Cleaners, LLC; Benefits Guaranty Fund, defendants; Case No. 202405693; dated and filed in the Alaska Workers' Compensation Board's office in Anchorage, Alaska, and served on the parties by certified U.S. Mail, postage prepaid, on January 12, 2026.

/s/
Rochelle Comer, Workers' Compensation Officer