ALASKA WORKERS' COMPENSATION BOARD

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

JAVED IQBAL, Employee, Claimant, v. UNITED AUTO SALES, LLC, Employer, and ALASKA NATIONAL INSURANCE, Insurer, Defendants.	INTERLOCUTORY DECISION AND ORDER AWCB Case No. 202300434 AWCB Decision No. 26-0013 Filed with AWCB Anchorage, Alaska on February 17, 2026.

United Auto Sales' and Alaska National Insurance's (Employer) September 25, 2025, petition to dismiss was heard in Anchorage, Alaska on January 15, 2026, a date selected on November 19, 2025. A November 4, 2025, hearing request gave rise to this hearing. Attorney Stacy Stone appeared and represented Employer. Javed Iqbal (Employee) appeared, represented himself and testified on his own behalf. The record closed upon the conclusion of deliberations on February 2, 2026.

ISSUE

Employer contends Employee's January 6, 2023, claim should be dismissed because he failed to request a hearing on his claim within two years of its controversion; because he did not timely report his injury; and because he has not signed and returned releases of information, all contrary to statutes.

Employee's position on Employer's petition to dismiss is unclear. He did not answer the petition or file a hearing brief, and he did not directly address Employer's contentions at hearing. He is presumed to oppose dismissal of his claim.

Should Employee's January 6, 2023, claim be dismissed?

FINDINGS OF FACT

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

1) On January 6, 2023, Employee reported that, on October 31, 2022, he was working as a security guard and making rounds in the parking lot at work where he experienced unspecified pain and difficulty breathing. He went home, did not improve, called 911 and was taken to Alaska Regional Hospital where he was diagnosed with pneumonia and heart failure. (Employee Report of Occupational Injury or Illness, January 6, 2023). That same day, Employee claimed permanent total disability (PTD) and permanent partial impairment (PPI) benefits, as well as medical and related transportation costs, penalty, and interest. (Claim for Workers' Compensation Benefits, January 6, 2023). He also authorized his son, Shahzad Iqbal, and his wife, Sahar Javed, to act as his non-attorney representatives. (Notices of Appearance, January 6, 2023).

2) On February 2, 2023, Employer controverted all claimed benefits for numerous reasons on a board-prescribed controversion notice form that advised Employee he must request a hearing within two years of the date of the controversion notice. (Controversion Notice, February 2, 2023).

3) On February 12, 2023, Employee visited the Workers' Compensation Division's (Division) office because, according to him, Employer's adjuster did not want to talk to him during a phone call on account his son, whom he had designated as his personal representative, was not present during the phone call. He stated he told the adjuster his wife was present during the call and he had also designated his wife to act as his personal representative. The staff member told Employee that his wife and his son were for "support and writing purposes." Employee requested a prehearing conference so he could communicate with Employer's adjuster with a prehearing conference with a prehearing officer as a neutral party. (Incident Claims and Expense Reporting System (ICERS) event entry, January 12, 2023; Request for Conference, January 12, 2023).

4) At a February 15, 2023, prehearing conference, the designee told Employee, to prevent claim denial, he must file an Affidavit of Readiness for Hearing (ARH), or a petition to extend the deadline, no later than February 2, 2025. Other topics covered the designee covered at the conference included the conference's purpose, the designee's role at the conference, verification of Employee's contact information, confirmation of Employee's receipt of Employer's answer and controversion notice, an explanation of the discovery process, and the provision of an attorney list. The prehearing conference summary issued by the designee twice set forth the February 2, 2025, ARH deadline in bold typeface and contained the routine "Notice to Claimant" concerning the two-year limitation under AS 23.30.110(c). (Prehearing Conference Summary, February 15, 2023). That same day, Employee also filed a letter to give his son, Shahzad Iqbal, and his wife, Sahar Javed, "power of atterny [sic]" to "reopen" his case. (Employee letter, February 15, 2023).

5) On March 6, 2023, Employer again controverted all claimed benefits for numerous reasons on a board-prescribed controversion notice form that advised Employee he must request a hearing within two years of the date of the controversion notice. (Controversion Notice, March 6, 2023).

6) On March 9, 2023, Employer controverted all claimed benefits on a board-prescribed controversion notice form because Employee had failed to return releases of information. The form advised Employee that he must request a hearing within two years of the date of the controversion notice. (Controversion Notice, March 9, 2023). On that same date, Employer also petitioned to compel Employee to sign its releases. (Employer Petition, March 9, 2023).

7) At an April 12, 2023, prehearing conference, the designee ordered Employee to return Employer's releases by April 21, 2023, and explained that he might lose his benefits if he did not comply. The prehearing conference summary issued by the designee set forth the February 2, 2025, ARH deadline in bold typeface and contained the routine "Notice to Claimant" concerning the two-year limitation under AS 23.30.110(c). (Prehearing Conference Summary, April 12, 2023).

8) The agency record shows a gap in litigation activity until September 13, 2024. (Observations).

9) On September 13, 2024, Employee wrote a letter requesting help to "Reopen" his case. (Employee letter, September 13, 2024).

10) On September 23, 2024, Division staff replied to Employee's September 13, 2024, letter and reminded him that he had been ordered to sign releases and advised him, if he wished to move his

case forward, to contact Employer's attorney or schedule a prehearing conference. (Hardy email, September 23, 2024).

11) On October 14, 2024, Employee visited the Division's office to "reopen [his] claim." A staff member inquired about Employer's releases, but Employee did not remember signing them. Employee was advised how to request a prehearing conference and he requested one. (Incident Claims and Expense Reporting System (ICERS) event entry, October 14, 2024; Request for Conference, October 14, 2025). That same day, Employee also revoked his consent for Shahzad Iqbal and Sahar Javed to act as his personal representatives and refiled his September 13, 2024, letter requesting help to "Reopen" his claim. (Employee letters, September 13, 2024; October 14, 2024; Request for Conference, October 14, 2024).

12) On October 15, 2024, a prehearing conference was scheduled for October 29, 2024, but the conference was later rescheduled several times, at least one of which was due to Employee's unspecified "medical issues." (Prehearing Conference Notice, October 15, 2025; Prehearing Conference Reschedule Notices, October 28, 2024; January 17, 2025; May 1, 2025; ICERS event entry, October 28, 2024).

13) On January 14, 2025, Employee visited the Division's office to inquire about rescheduling a prehearing conference the following day. A staff member assisted Employee with rescheduling the conference and noted the following: "I also offered translator services since EE wanted to reschedule because he was waiting for someone to get back to Anchorage to help him with his case (but they wouldn't be returning until June or so). EE said he didn't need any translator help." (ICERS event entry, January 14, 2025).

14) On June 3, 2025, Employee did not attend a scheduled prehearing conference. (Prehearing Conference Summary, June 3, 2025). He later explained at hearing that he did not attend the conference because he had been hospitalized for about a week after a car accident. (Record). The prehearing conference summary issued by the designee set forth the February 2, 2025, ARH deadline in bold typeface and contained the routine "Notice to Claimant" concerning the two-year limitation under AS 23.30.110(c). (Prehearing Conference Summary, June 3, 2025).

15) On August 13, 2025, Employee visited the Division's office and asked whether his case was "closed" or "open." He was advised to contact Employer's attorney and reminded about signing Employer's releases. Employee requested a prehearing conference and a staff member "pre filled [sic] out" a form for him. (ICERS event entry, August 13, 2025).

16) On September 17, 2025, Employee had still not signed Employer's releases. He stated he had not been feeling mentally well but was now feeling much better and was ready to proceed with signing Employer's releases. Employer's attorney stated she intended to file a petition to dismiss pursuant to AS 23.30.110(c). (Prehearing Conference Summary, September 17, 2025).

17) On September 25, 2025, Employer filed its instant petition to dismiss Employe's claim pursuant to AS 23.30.110(c). (Petition, September 25, 2025).

18) Employer has not petitioned for dismissal of Employee's claim on the basis he did not timely report his injury, or because he has not returned releases of information. (Observations).

19) On October 7, 2025, Employee visited the Division's office for a scheduled appointment with a staff member. He wanted to file medical records and a typed statement with photographs. The staff member provided Employee with "prefilled" forms so he could file his evidence and explained "in detail more than once" how to complete the rest of the forms. Employee expressed his displeasure that the staff member would not complete the entire forms for him and because he had to perform his own legal research. The staff member also recorded that Employee "seemed confused" about Employer's releases, "engaged in a diatribe" about Employer's releases, and "delivered another diatribe" about employer attorneys bribing employee attorneys and workers' compensation staff members. (ICERS event entry, October 7, 2025).

20) At an October 22, 2025, prehearing conference, the designee asked Employee why he did not file an ARH on his claim or a petition requesting a time extension. Employee stated he does not have anyone to help him, and he tried to get an attorney, but none would take his case. (Prehearing Conference Summary, October 22, 2025).

21) On November 4, 2025, Employer filed an ARH on its September 25, 2025, petition. (ARH, November 4, 2025).

22) On November 19, 2025, Employer's September 25, 2025, petition was scheduled for a hearing on January 15, 2026. (Prehearing Conference Summary, November 19, 2025).

23) On January 15, 2026, in addition to contending that Employee's claim should be dismissed for failing to timely request a hearing on his claim, Employer also contended Employee's claim should be dismissed for his failure to sign releases and his failure to timely report his injury. (Employer Hearing Brief, January 14, 2026; record).

24) On January 14, 2026, after Employer's opening statement at hearing, the hearing chair asked Employee if he understood Employer's contentions regarding its petition. Employee answered as

follows: He has a lot of problems from Employer. He cannot go to the mosque because of Employer. His injury was real, but he can't get the justice he needs, "like an ant or elephant," he doesn't understand. He has brought his medical records to this office, but they are refused because they must be sent to Employer's attorney. He cannot afford 50 cents each to make copies. Employer never sent him his employment records like his W2. When he sees this type of situation, he knows Employer is a very powerful person in Anchorage and he is nothing. He is the victim of pneumonia. Employer made him walk the lot every half an hour and this is the reason he got pneumonia. He went to Regional Hospital then spent seven days at Providence Hospital. He is unable to pay for his medicine and his expenses. He is missing his mail and is still looking for his justice. (Employee).

25) On January 15, 2026, Employee testified further. He was asked to explain his missing mail, and he stated he lives in Alaska Housing because he had a confrontation with his ex-wife and did not change his address to forward his mail. The situation with his ex-wife is "very hard" and they don't talk very much and that is why a lot of his mail is missing. He did not update his address with the Division because he tried to "make nice" with his ex-wife so he could go back and live with her. When asked, Employee stated he was aware he was required to request a hearing on his claim, and he sent three letters and he tried to "explain everything," including what happened to him and what was going on with him. The Division's office staff told him he must send everything to Employer's attorney and Employer's attorney would send everything to the Anchorage office. He thought this was confusing and never sent anything to Employer's attorney but came to the workers' compensation office instead. When asked about Employer's releases, Employee stated he does not understand his medical condition, and he cannot see very well so he cannot read the letters when he gets them, so he does not understand what is going on. (Employee).

26) Employee's testimony on matters relevant to the hearing was credible because it is supported by the agency's written record. (Experience, judgment, and observations).

27) Employee speaks with a thick accent, and it is thought he is from an immigrant background. His numerous letters in the agency record show he is not competent writing in the English language. Employee's competency in reading the English language is difficult to ascertain; however, it is thought to be equally poor. (Experience, judgment, observations, unique or peculiar facts of the case, and inferences drawn therefrom).

PRINCIPLES OF LAW

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 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, 533-34 (Alaska 1987).

The Board owes a duty to every claimant to fully advise him of "all the real facts" that bear upon his right to compensation, "so far as it may know them," and to instruct him on how to pursue that right under law. *Richard v. Fireman's Fund Insurance Co.*, 384 P.2d 445, 449 (Alaska, 1963).

AS 23.30.110. Procedure on claims.
. . . .

(c) Before a hearing is scheduled, the party seeking a hearing shall file a request for a hearing together with an affidavit stating that the party has completed necessary discovery, obtained necessary evidence, and is prepared for the hearing. . . . If the employer controverts a claim on a board-prescribed controversion notice and the employee does not request a hearing within two years following the filing of the controversion notice, the claim is denied.
. . . .

Statutes with language similar to AS 23.30.110(c) are referred to by the late Professor Arthur Larson as "no progress" or "failure to prosecute" rules. "[A] claim may be dismissed for failure to prosecute it or set it down for hearing in a specified or reasonable time." 7 Arthur Larson & Lex K. Larson, *Workers' Compensation Law*, Sec. 126.13 [4], at 126-81 (2002). The statute's object is to bring a claim to the board for a decision quickly so the goals of speed and efficiency in Board proceedings are met. *Providence Health System v. Hessel*, AWCAC Decision No. 131 (March 24, 2010).

AS 23.30.110(c) requires an employee to prosecute a claim in a timely manner once a claim is filed and controverted by the employer. *Jonathan v. Doyon Drilling, Inc.*, 890 P.2d 1121, 1124

(Alaska 1995). The Alaska Supreme Court (Court) has compared § .110(c) to a statute of limitations. *Suh v. Pingo Corp*., 736 P.2d 342, 346 (Alaska, 1987). In *Tipton v. ARCO Alaska, Inc.*, 922 P.2d 910, 912, 913 (Alaska 1996), the Court noted the language of § .110(c) is clear, requiring an employee to request a hearing within two years of the controversion date or face claim dismissal. However, it also noted the statute of limitations defense is "generally disfavored," and neither "the law [n]or the facts should be strained in aid of it." *Id.* at 912-913.

Certain events relieve an employee from strict compliance with the requirements of § .110(c). In *Bohlmann v. Alaska Const. & Engineering,* 205 P.3d 316 (Alaska, 2009), the Court, applying *Richards,* held the Board has a specific duty to inform a *pro se* claimant how to preserve his claim under § .110(c). Certain legal grounds might also excuse noncompliance with § .110(c), such as lack of mental capacity or incompetence, and equitable estoppel against a governmental agency by a *pro se* claimant. *Tonoian v. Pinkerton Security,* AWCAC Decision No. 029 (January 30, 2007).

The Alaska Workers' Compensation Appeals Commission (Commission) has held that an SIME request, filed by the claimant nearly eight months after the expiration of time under § .110(c), in conjunction with his opposition to dismissal, filed one and one-half years after the expiration of time, "could be considered an implicit request for an extension of time," since they demonstrated the claimant was "not sitting on his rights, but was actively pursuing his claim." *Davis v. Wrangell Forest Products,* AWCAC Decision No. 256 (January 2, 2019) at 24. *Contra Hessel* at 12 (the "object of the statute is not to generally pursue the claim, it is to bring it to the board for a decision quickly so that the goals of speed and efficiency . . . are met."). It also faulted the Board for not notifying the claimant his time to request a hearing had already expired when he petitioned for a second SIME. *Id*. at 25. *But see Denny's of Alaska v. Colrud,* AWCAC Decision No. 148 (March 10, 2011) at 14 (declining to require the board to correct erroneous information concerning a § .110(c) deadline after time had already run). The Commission suggested, "In the future, the Board could avoid this kind of situation by establishing a practice of advising a claimant at the first prehearing after a claim and controversion have been filed, of the date by which a hearing needed to be requested, absent any extensions of time." *Davis* at 25. *But see Tonoian at 12* (obligation to give notice of § .110(c) time-bar satisfied by mailing of Board-approved controversion notice

forms even though the employee did not read them); *Hessel* at 17-18 (applying *Tonoian* and holding obligation to give notice of § .110(c) time-bar satisfied by mailing of Board-approved controversion notice forms even though the employee misread them).

Technical noncompliance with § .110(c) may be excused in cases where a claimant has substantially complied with the statute. *Kim v. Alyeska Seafoods, Inc.*, 197 P.3d 193 (Alaska, 2008), *accord Omar v. Unisea, Inc.*, AWCAC Decision No. 053 (August 27, 2007) (remanded to the board to determine whether the circumstances as a whole constituted compliance sufficient to excuse failure to comply with the statute). The Court stated because § .110(c) is a procedural statute, its application is directory rather than mandatory, and substantial compliance is acceptable absent significant prejudice to the other party. *Kim* at 196. However, substantial compliance does not mean noncompliance, *id.* at 198, or late compliance, *Hessel* at 12, and although substantial compliance does not require the filing of a formal affidavit, it nevertheless still requires a claimant to file, within two years of a controversion, either a request for hearing, *id.*, or a request for additional time to prepare for a hearing, *Colrud* at 11. Attending prehearings, an employer's medical evaluation, and a third doctor's evaluation does not establish substantial compliance. *Hessel*. *But see Davis* at 25 (extending "leeway" to an injured worker "actively engaged in the litigation process").

> **AS 23.30.122. Credibility of witnesses**. The board has the sole power to determine the credibility of a witness. A finding by the board concerning the weight to be accorded a witness's testimony, including medical testimony and reports, is conclusive even if the evidence is conflicting or susceptible to contrary conclusions. The findings of the board are subject to the same standard of review as a jury's finding in a civil action.

The Board's credibility findings and weight accorded evidence are "binding for any review of the Board's factual finding." *Smith v. CSK Auto, Inc.*, 204 P.3d 1001; 1008 (Alaska 2009).

> **8 AAC 45.070. Hearings.**
> . . . .
>
> (g) Except when the board or its designee determines that unusual and extenuating circumstances exist, the prehearing summary, if a prehearing was conducted and if applicable, governs the issues and the course of the hearing.

> **AS 09.10.140. Disabilities of minority and incompetency.** (a) [I]f a person entitled to bring an action mentioned in this chapter is at the time the cause of action accrues either (1) under the age of majority, or (2) incompetent by reason of mental illness or mental disability, the time of a disability identified in (1) or (2) of this subsection is not a part of the time limit for the commencement of the action.

Adkins v. Nabors Alaska Drilling, Inc., 609 P.2d 15 (Alaska 1980) (distinguished on other grounds by *Farmer v. State*, 788 P.2d 43 (Alaska 1990)), involved an action to recover damages for injuries sustained by plaintiff when he tripped and fell over a hose at an oil well drilling site. Plaintiff added defendant oil well-driller as a party defendant after the limitations period had expired but contended that he was mentally incompetent within the meaning of the tolling statute. The trial court granted summary judgment dismissing the defendant oil well-driller.

On appeal, the Court wrote: "Courts have interpreted liberally the type of mental condition that will toll a statute of limitations. The general test is whether a person could know or understand his legal rights sufficiently well to manage his personal affairs. It does not require a formal finding of incompetency by a court." *Id*. at 23. The Court also examined decisions from other jurisdictions and observed that plaintiffs have engaged in a "surprising amount of activity" and still successfully claimed to be incompetent under a tolling statute. *Id*. Therefore, in this case, it was thought that the fact that plaintiff could actively work for some time after the accident, travel, obtain workers' compensation benefits, and retain an attorney might support an inference that he was not incompetent, but that issue should be decided at trial and not on a motion for summary judgment. *Id*. at 24. The Court held that the plaintiff had submitted sufficient admissible evidence in the form of an affidavit from a doctor, stating that he had suffered a concussion and amnesia and continued to take painkillers after the accident, to raise a genuine issue of fact as to his competency so summary judgment was improperly granted. *Id*. at 24.

Applying *Adkins*, the Court reached the same result in *Cikan v. ARCO Alaska, Inc.*, 125 P.3d 335 (Alaska 2005), where it noted the especially lenient test of mental incompetency in the context of summary judgment and emphasized that "prior litigation and representation are not necessarily indicative of mental capacity, since awareness of an existing claim does not necessarily reflect a person's ability to access and pursue it in a rational and effective manner." *Id*. at 340.

ANALYSIS

Should Employee's January 6, 2023, claim be dismissed?

As a preliminary issue, Employer's September 25, 2025, petition, which sought dismissal of Employee's claim on the basis he failed to timely request a hearing on his claim, was set for hearing at a November 19, 2025, prehearing conference. In its hearing brief and during oral arguments at hearing, Employer contended Employee's claim should be dismissed not only for that reason, but also because he did not timely report his injury and because he has not signed and returned releases of information. However, Employer's September 25, 2025, petition did not seek dismissal on the latter two grounds and neither has Employer sought dismissal based on those grounds with any other petition.

The regulations provide, absent unusual or extenuating circumstances, the prehearing conference summary governs the issues for hearing. 8 AAC 45.070(g). Employer did not contend that unusual or extenuating circumstances applied to this hearing and neither are any such circumstances self-evident. Therefore, the sole issue to be decided here is whether Employee's claim should be dismissed because he failed to timely request a hearing on his claim. *Id*.

A claim may be dismissed for failure to prosecute it or set it down for hearing in a specified time. *Larson*; *Jonathon*. Alaska's statute provides, "[i]f the employer controverts a claim on a board-prescribed controversion notice and the employee does not request a hearing within two years following the filing of the controversion notice, the claim is denied." AS 23.30.110(c). The statute's objective is to bring a claim to the Board for a decision quickly so the goals of speed and efficiency in Board proceedings are met. *Hessel*.

After Employer's opening statement at hearing, the hearing chair asked Employee if he understood Employer's contentions regarding its petition. In response, Employee delivered a lengthy and wondering answer that included numerous personal complaints about Employer, Employer not providing him with tax documents, his frustration with his attempts to file medical records in this case, his pneumonia, the working conditions that he thinks caused his pneumonia, his hospitalizations, his financial difficulties, and his problems receiving his mail. Employee's answer

to the first question presented did not address one of Employer's factual or legal contentions and indicates he did not understand the basis of Employer's petition or the hearing's purpose. *Rogers & Babler.*

Employee's testimony on matters relevant to the hearing was credible because it was supported by the agency's written record. AS 23.30.122; *Smith*. He speaks with a thick accent, and it is thought he is from an immigrant background. *Rogers & Babler*. Although Employee was difficult to understand at hearing because of his accent, he was able to communicate in spoken English, and he made valid arguments on his own behalf if the issue for hearing had been other than the one presented. Employee's verbal communication of his ideas does not indicate he is of inadequate intellect to necessarily understand his legal rights and responsibilities. *Id*. However, his numerous letters in the agency record show he is not competent writing in the English language. *Id*. Employee's competency in reading the English language is difficult to ascertain; however, it is thought to be equally poor. *Id*.

These conclusions are reinforced by Division staff twice seeing fit to provide Employee with "prefilled" forms and Employee becoming upset when a staff member would not complete entire forms for him. The staff member also recorded that she had to explain "in detail more than once" how to complete the remainder of a prefilled form. On other occasions, staff members thought it appropriate to offer Employee translation services, noted that he "seemed confused" about Employer's information releases, and told him that his non-attorney representatives were for there to support him and to help him with his writing.

Concerns regarding Employee's English literacy are further reflected in his statements and testimony. He credibly testified that he was confused about how to serve Employer with documents, so he would come to the Division's office instead. When Employee was asked why he did not file an ARH on his claim or a petition requesting a time extension at the October 22, 2025, prehearing conference, he stated he did not have anyone to help him. Although he attributed poor eyesight, Employee also testified he cannot read letters when he gets them, so he does not understand what is going on with his claim.

Certain legal grounds might excuse noncompliance with §110(c), such as lack of mental capacity or incompetence. *Tonoian*. Courts have interpreted liberally the type of mental condition that will toll a statute of limitations. The general test is whether a person could know or understand his legal rights sufficiently well to manage his personal affairs. It does not require a formal finding of incompetence by a court. *Adkins*.

This panel is mindful of the low evidentiary standard necessary to defeat summary judgment in civil court, as in *Adkins* and *Cikan*, whereas issues in workers' compensation cases are decided by a preponderance of the evidence. Here, the preponderance of the evidence discussed above shows Employee to be functionally illiterate in the English language. Employee was verbally advised of his obligations under § .110(c) only once at the first prehearing conference in the case, where many other issues were also covered. Meanwhile, although numerous controversion notices and prehearing conference summaries sought to inform Employee in writing that he was required to request a hearing on his claim within two years of Employer's February 2, 2023, controversion, such notices were superfluous since Employee lacked the capacity to read them. *Rogers & Babler*. In this regard, this case is distinguishable from *Tonoian*, where the claimant did not read notices, and *Hessel*, where the claimant misread notices. Here, Employee could not read them. Under these circumstances, Employee's English language illiteracy prevented him from understanding his legal responsibilities sufficiently to manage the prosecution of his claim and pursue it in a rational and effective manner. *Adkins*; *Cikan*. Therefore, Employee's illiteracy is an "incompetence" such that Employee's lack of compliance with the statute should be excused. *Tonoian*.

Additionally, technical noncompliance with § .110(c) may be excused in cases where a claimant has substantially complied with the statute. *Kim*. Here, Employee repeatedly sought in person assistance at the Division's office. Prior to expiration of time under § .110(c), he filed four letters on such occasions - one each on January 23, 2023; February 15, 2023; September 13, 2024; and October 14, 2024, seeking to "Reopen" his claim. He also sought to reopen his claim prior to the expiration of time during an October 14, 2024, office visit, and again on August 13, 2025, after the § .110(c) deadline had passed. Significantly, when asked at hearing, Employee stated he was aware he was required to request a hearing on his claim and testified he had sent three letters trying

to "explain everything." While none of these letters set forth an explicit hearing request, they nevertheless represent Employee's efforts to advance his claim to the best of his understanding, and under the unique facts of this case, may be considered substantial compliance with the statute such that his technical non-compliance should be excused. *Larson*; *Hessel*; *Kim*.

As concluding notes, and notwithstanding Employee previously declining translation services, a translator should be provided for Employee at all prehearing conferences to assist him with reading and completing written documents. *Richard*; *Bohlmann*. It is further suggested that Division staff have translation services available for any scheduled appointments with Employee. Meanwhile, although Employee can adequately communicate in spoken English, he is encouraged to utilize the translation services provided to assist him with reading and completing written documents. He is also reminded that he has been ordered to sign Employer's releases and has not done so, that he must file his medical evidence with a medical summary form, that he must file his non-medical evidence with a notice of intent to rely form, and he must either file an ARH requesting a hearing on his claim, or file a petition requesting additional time to prepare for a hearing, by the date set forth below.

CONCLUSION OF LAW

Employee's January 6, 2023, claim should not be dismissed for failing to timely request a hearing.

ORDERS

1) Employer's September 25, 2025, petition to dismiss is denied.
2) Employee is granted until August 17, 2026, to either request a hearing on his claim or to request additional time to prepare for a hearing.
3) Employee is ordered to inform the Division of his native language.
4) The parties are instructed to schedule a prehearing conference to discuss the results of this decision, where translation services will be provided to assist Employee with reading and completing written documents.

Dated in Anchorage, Alaska on February 17, 2026.

ALASKA WORKERS' COMPENSATION BOARD

/s/
Robert Vollmer, Designated Chair

Unavailable for signature
Brian Zematis, 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 JAVED IQBAL, employee / claimant v. UNITED AUTO SALES, LLC, employer; ALASKA NATIONAL INSURANCE, insurer / defendants; Case No. 202300434; 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 February 17, 2026.

/s/
Rochelle Comer, Workers' Compensation Officer