

**ALASKA WORKERS' COMPENSATION BOARD**



**P.O. Box 115512**

**Juneau, Alaska 99811-5512**

IN THE MATTER OF THE PETITION FOR	)	
A FINDING OF FAILURE TO INSURE	)	FINAL DECISION AND ORDER
WORKERS' COMPENSATION	)	
LIABILITY, AND ASSESSMENT OF A	)	AWCB Case No. 700004503
CIVIL PENALTY AGAINST,	)	
	)	AWCB Decision No. 14-0127
JACK M. ALLEN, d/b/a NUSHAGAK CAB	)	
COMPANY	)	Filed with AWCB Anchorage, Alaska
	)	on September 12, 2014
Respondent.	)	
	)	

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The Division of Workers' Compensation, Special Investigations Unit's Petition for Failure to Insure Workers' Compensation Liability, and Assessment of a Civil Penalty, was heard in Anchorage, Alaska on August 14, 2014, a date selected on May 2, 2014. Investigator Christine Christensen represented the Special Investigations Unit ("SIU" or "division") and testified. Jack M. Allen (Employer) appeared and testified. The record closed at the hearing's conclusion on August 14, 2014.

ISSUE

The parties stipulated to most relevant facts and issues in this case. The SIU contended an appropriate civil penalty given the particular circumstances should be assessed, and did not oppose a payment plan. Mr. Allen admitted the petition's allegations, but asked that mitigating factors be considered in assessing a penalty.

***In what amount should Employer be assessed a civil penalty for failure to insure for purposes of workers' compensation liability?***

FINDINGS OF FACT

The following facts and factual conclusions are either undisputed or established by a preponderance of the evidence:

1. Employer began operating Nushagak Cab Company as a sole proprietor in 2000 in Dillingham, Alaska. (Division of Corporations, Business and Professional Licensing, License Details).
2. When Employer began operations, it had several cabs, drivers, and dispatchers. (Allen).
3. Other taxicab businesses started in the area, but did not provide workers' compensation coverage to their employees. One of Employer's competitors did not even obtain liability insurance for its cabs. (Allen).
4. As early as 2005, Employer approached the Dillingham City Council with a petition signed by 53 people asking the City to regulate taxicabs and drivers, but no regulation was enacted. (Allen; Petition; City of Dillingham Meeting Notes, May 24, 2005).
5. In 2006, a Dillingham cab driver with a lengthy criminal history strangled a passenger and hid her body. He was convicted in April 2008 and given a life sentence. ([http://juneauempire.com/stories/110908/sta\\_35402045.shtml](http://juneauempire.com/stories/110908/sta_35402045.shtml)).
6. Employer approached the City of Dillingham about regulation of taxicabs on at least two other occasions, in 2012 and 2013. (Allen; City of Dillingham, Memorandum on Proposed Taxicab Ordinance, November 2, 2012; Dillingham City Council, Code Review Committee, Meeting Minutes, January 13, 2013).
7. The City of Dillingham has still not adopted regulations regarding taxicabs or drivers. (Allen).
8. Because of the competition, Employer was forced to reduce the number of cabs and drivers, and he no longer used dispatchers. (Allen). In 2012, Employer had only three uninsured employee workdays. (Uninsured Employer Worksheet).
9. On August 17, 2007, Employer allowed its workers' compensation insurance to expire. (Allen; NCCI Proof of Coverage print-out). Employer knew workers' compensation was required, but he could not compete with other taxicab businesses that did not have workers' compensation insurance, or comply with other regulations. Employer's income from the taxicab business was the primary source of support for his family. Because his non-compliant competitors were able to undercut his prices, Employer allowed his workers' compensation insurance to lapse so that he could continue to support his family. (Allen).

10. The annual premium for the policy that expired on August 17, 2007 is unknown. (Christensen).
11. On June 4, 2013, Employer started leasing cabs to drivers under leases complying with AS 23.10.055(a)(13). (Allen; Nushagak Cab Co., Lessor/Lessee Agreement, June 4, 2013). After that date, Employer had no covered employees. (Allen; AS 23.30.230(7)).
12. On November 21, 2013, the SIU filed a petition for finding of failure to insure and assessment of civil penalty against Employer, together with a discovery demand. The SIU sought penalties beginning November 21, 2007, six years before the date of the petition. (Petition; Discovery Demand, November 21, 2013).
13. The petition and discovery demand were served on Employer by certified mail and received on November 27, 2013. (Affidavit of Service, November 21, 2013; USPS Return Receipt, November 27, 2013).
14. The SIU received Employer's discovery responses on December 3, 2013. (Christensen).
15. The parties agreed Employer was uninsured from November 21, 2007 through June 4, 2013, for a total of 2,022 uninsured calendar days. Of the total days, 830 occurred before February 28, 2010, the effective date of 8 AAC 45.176, and 1,102 occurred after. (Uninsured Employer Worksheet; Christensen; Allen).
16. Employer did not maintain records of the hours or days his employees had worked, but did maintain records of the wages paid to the employees. (Employer Payroll Records). The parties stipulated that Employer had paid the employees \$18.00 per hour during the period. Based on the stipulated rate, the parties agreed that Employer had 959 uninsured employee workdays, 560 of which occurred before February 28, 2010, and 399 which occurred after. (Christensen; Allen).
17. The parties agreed that had Employer been insured during the lapse, the average daily cost would have been \$4.25 per day based on the rate for class code 7370, taxicab drivers. (Christensen; Allen; NCCI Quick Rate Search Printout).
18. In response to the discovery demand, Employer produced income tax returns showing the profit from the business varies widely, from less than \$4,500.00 per year to over \$50,000.00. (Forms 1040, Schedule C).
19. At hearing, Employer produced a profit and loss statement from January 1, to August 13, 2014 showing year-to-date profit of \$999.00. (Nushagak Cab Co., Profit & Loss, January 1 through August 13, 2014).

20. Employer currently operates only one cab and has no employees. (Allen).
21. Employer has had no reported injuries since it began operations. (Christensen).
22. The maximum allowable penalty would result in the closure of the business and financial devastation of Employer. (SIU Hearing Brief).
23. Employer explained a payment plan with fixed payments might be difficult given revenues vary significantly. He produced bank statements showing an available line of credit, and stated his preference was to use the line of credit to pay any penalty if possible. (Allen, Bank Statement).

### PRINCIPLES OF LAW

Employers have a duty to insure their employees against work-related injury.

**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 . . . to ensure . . . quick, efficient, fair, and predictable delivery of indemnity and medical benefits to injured workers at a reasonable cost to . . . Employers. . . .

The board may base its decision 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).

**AS 23.30.075. Employer's liability to pay.**

(a) An Employer under this chapter, unless exempted, shall either insure and keep insured for the Employer's liability under this chapter in an insurance company or association . . . or shall furnish the board satisfactory proof of the Employer's financial ability to pay directly the compensation provided for. . . .

(b) If an employer fails to insure and keep insured employees subject to this chapter or fails to obtain a certificate of self-insurance from the board, upon conviction the court shall impose a fine of \$10,000 and may impose a sentence of imprisonment for not more than one year . . . . If an employer is a corporation, all persons who, at the time of the injury or death, had authority to insure the corporation or apply for a certificate of self-insurance, and the person actively in charge of the business of the corporation shall be subject to the penalties prescribed in this subsection and shall be personally, jointly, and severally liable together with the corporation for the payment of all compensation or other benefits in which the corporation is liable under this chapter if the corporation at that time is not insured or qualified as a self-insurer.

When an employer is subject to the requirement of AS 23.30.075 and fails to comply, the board may assess a civil penalty. Since the November 7, 2005 effective date of the 2005 amendments to the Alaska Workers' Compensation Act (Act), when an employer subject to the requirements of AS 23.30.075 fails to insure, the law grants the board discretion to assess a civil penalty of up to \$1,000.00 for each employee, for each day an employee is employed while the employer fails to insure. Alaska's penalty provision at AS 23.30.080(f) is one of the highest in the nation. *See e.g., In re Alaska Native Brotherhood #2*, AWCB Decision No. 06-0113 (May 8, 2006). The statute's severity is a statement of policy that failure to insure for worker's compensation liability will not be tolerated in Alaska. The legislature has made its intentions clear: uninsured employers are subject to a severe penalty when employees are permitted to work without coverage for workers' compensation liability in place. *See* Committee Minutes from March 10, 2005, SB 130, before the Senate Labor and Commerce Committee, testimony of Director of Workers' Compensation, Paul Lisanke, beginning at 1:47:55 PM. The six-year statute of limitation in AS 09.10.120 applies to actions seeking a penalty under AS 23.30.075. *In re United Auto Sales, LLC*, AWCB Decision No 11-0131 (August 24, 2011).

**AS 23.30.080 Employer's failure to insure.**

...

(f) If an employer fails to insure or provide security as required by AS 23.30.075, the division may petition the board to assess a civil penalty of up to \$1,000.00 for each employee for each day an employee is employed while the employer failed to insure or provide the security required by AS 23.30.075. The failure of an employer to file evidence of compliance as required by AS 23.30.085 creates a rebuttable presumption that the employer failed to insure or provide security as required by AS 23.30.075.

In assessing an appropriate civil penalty, consideration is given to a number of factors to determine whether an uninsured employer's conduct, or the impact of that conduct, aggravates or mitigates its offense. Those factors were codified in 8 AAC 45.176, effective February 28, 2010.

The law requires employers to file evidence of compliance with the workers' compensation insurance requirements.

**AS 23.30.085 Duty of employer to file evidence of compliance.**

(a) An employer subject to this chapter, unless exempted, shall initially file evidence of his compliance with the insurance provisions of this chapter with the division, in the form prescribed by the director. The employer shall also give evidence of compliance within 10 days after the termination of the employer's insurance by expiration or cancellation. These requirements do not apply to an employer who has certification from the board of the employer's financial ability to pay compensation directly without insurance.

(b) If an employer fails, refuses, or neglects to comply with the provision of this section, the employer shall be subject to the penalties provided in AS 23.30.070 . . . .

**AS 23.30.230. Persons not covered.**

(a) The following persons are not covered by this chapter:

. . . .

(7) an individual who drives a taxicab whose compensation and written contractual arrangement is as described in AS 23.10.055(a)(13), unless the hours worked by the individual or the areas in which the individual may work are restricted except to comply with local ordinances; . . . .

**AS 23.10.055. Exemptions; compensation of executives, administrators, and professionals.**

(a) The provisions of AS 23.10.050-23.10.150 do not apply to

. . . .

(13) an individual who drives a taxicab, is compensated for taxicab services exclusively by customers of the service, whose written contractual arrangements with owners of taxicab vehicles, taxicab permits, or radio dispatch services are based upon flat contractual rates and not based on a percentage share of the individual's receipts from customers, and whose written contract with owners of taxicab vehicles, taxicab permits, or radio dispatch services specifically provides that the contract places no restrictions on hours worked by the individual or on areas in which the individual may work except to comply with local ordinances;

**AS 23.30.255. Penalty for failure to pay compensation.**

(a) An employer required to secure the payment of compensation under this chapter who fails to do so is guilty of a class B felony if the amount involved exceeds \$25,000 or a class C felony if the amount involved is \$25,000 or less. If the employer is a corporation, its president, secretary, and treasurer are also severally liable to the fine or imprisonment imposed for the failure of the corporation to secure the payment of compensation. The president, secretary, and treasurer are severally personally liable, jointly with the corporation, for the compensation or other benefit which accrues under this chapter in respect to an injury which happens to an

employee of the corporation while it has failed to secure the payment of compensation as required by AS 23.30.075.

**AS 23.30.395. Definitions.**

In this chapter,

....

(20) "employer" means the state or its political subdivision or a person employing one or more persons in connection with a business or industry coming within the scope of this chapter and carried on in this state;

**8 AAC 45.176. Failure to provide security: assessment of civil penalties.**

(a) If the board finds an employer to have failed to provide security as required by AS 23.30.075, the employer is subject to a civil penalty under AS 23.30.080(f), determined as follows:

....

(3) if an employer has not previously violated AS 23.30.075 , and is found to have no more than three aggravating factors, the employer will be assessed a civil penalty of no less than \$10 and no more than \$50 per uninsured employee workday; however, the civil penalty may not be less than two times the premium the employer would have paid had the employer complied with AS 23.30.075; without a board hearing, if an employer agrees to a stipulation of facts and executes a confession of judgment without action, the employer will be given a 25 percent discount of the assessed civil penalty; however, the discounted amount may not be less than any civil penalty that would be assessed under (2) of this subsection;

(4) if an employer is found to have no more than six aggravating factors, the employer will be assessed a civil penalty of no less than \$51 and no more than \$499 per uninsured employee workday; however, the civil penalty may not be less than two times the premium the employer would have paid had the employer complied with AS23.30.075 . . .

(5) if an employer is found to have no fewer than seven and no more than 10 aggravating factors, the employer will be assessed a civil penalty of no less than \$500 and no more than \$999 per uninsured employee workday; however, the civil penalty may not be less than four times the premium the employer would have paid had the employer complied with AS 23.30.075; . .

..

(d) For the purposes of this section, "aggravating factors" include

- (1) failure to obtain workers' compensation insurance within 10 days after the division's notification of a lack of workers' compensation insurance;
- (2) failure to maintain workers' compensation insurance after previous notification by the division of a lack of coverage;
- (3) a violation of AS 23.30.075 that exceeds 180 calendar days;
- (4) previous violations of AS 23.30.075;
- (5) issuance of a stop order by the board under AS 23.30.080(d), or the director under AS 23.30.080(e);
- (6) violation of a stop order issued by the board under AS 23.30.080(d), or the director under AS 23.30.080(e);
- (7) failure to comply with the division's initial discovery demand within 30 days after the demand;
- (8) failure to pay a penalty previously assessed by the board for violations of AS 23.30.075;
- (9) failure to provide compensation or benefits payable under the Act to an uninsured injured employee;
- (10) a history of injuries or deaths sustained by one or more employees while employer was in violation of AS 23.30.075;
- (11) a history of injuries or deaths while the employer was insured under AS 23.30.075;
- (12) failure to appear at a hearing before the board after receiving proper notice under AS 23.30.110;
- (13) cancellation of a workers' compensation insurance policy due to the employer's failure to comply with the carrier's requests or procedures;
- (14) lapses in business practice that would be used by a reasonably diligent business person, including
  - (A) ignoring certified mail;
  - (B) failure to properly supervise employees; and
  - (C) failure to gain a familiarity with laws affecting the use of employee labor;



(15) receipt of government funding of any form to obtain workers' compensation coverage under AS 23.30.075, and failure to provide that coverage.

Prior to February 28, 2010, the effective date of 8 AAC 45.176, penalties were assessed under the factors set out in *Alaska R&C Communications v. Division of Workers' Compensation*, AWCAC Decision No. 088 (September 16, 2008). The Commission grouped into four categories the factors to be considered in assessing a penalty. First are those relating to the duration and scope of the risk to employees; this is evaluated on a sliding scale. The second are those factors relating to the culpability of the employer. Third are factors bearing on the community. The Board must weigh the danger to the community presented by the continued operation of the business against the harm to the community and to the employees that would result from the business's closure. The fourth category pertains to the employer's ability to pay the fine.

Former decisions discussed a number of aggravating and mitigating factors considered in determining appropriate civil penalties under AS 23.30.080(f). Those factors include: number of days of uninsured employee labor, the size of the business, the record of injuries of the employer, both in general and during the uninsured period, the extent of employer's compliance with the Act, the diligence exercised in remedying the failure to insure, the clarity of notice of insurance cancellation, employer's compliance with the investigation and remedial requirements, the risk of employer's workplace, the impact of the penalty on employer's ability to continue to conduct business, the impact of the penalty on the employees, the impact of the penalty on employer's community, whether employer acted in blatant disregard for the statutory requirements, whether employer properly accepted service of the Division's petition, whether employer violated a stop order, and credibility of employer's promises to correct its behavior. Based on these factors, a wide range of penalties have been found reasonable based on the specific circumstance of the violation. In cases where the employer's conduct was not particularly egregious, penalties ranged from \$5.00 to \$15.00 per uninsured employee workday. *See, In re Alaska Native Brotherhood #2*, AWCBC Decision No. 06-0113 (May 8, 2006) [\$15.00 per employee per day], *In re Shkequim (Ski) Dobrova d/b/a Ski & Benny Pizza*, AWCBC Decision No. 07-0121 (May 9, 2007) [\$10.00 per employee per day].

ANALYSIS

***In what amount should Employer be assessed a civil penalty for failure to insure for purposes of workers' compensation liability?***

Employer concedes he was an “employer” during the period from August 17, 2007 through June 4, 2013. AS 23.30.395(19), (20). As an “employer,” Employer is subject to AS 23.30.060. The record and hearing testimony show once Employer’s workers’ compensation insurance ended, he could no longer have posted a valid notice to his employees of workers’ compensation coverage because he had no valid insurance certificate. Therefore, Employer is conclusively presumed to have elected direct payment to his employees for any compensable, work-related injuries incurred from August 17, 2007 through June 4, 2013. AS 23.30.060(a).

Although an employer’s potential liability to employees injured while the employer was uninsured may not arise for many years, the six-year statute of limitation in AS 09.10.120 limits liability for any penalty to six years before the date of the petition. As a result, the SIU is seeking a penalty beginning November 27, 2007, six years before its petition was filed. The parties agree that Employer was no longer required to maintain insurance after June 4, 2013.

The regulation establishing the presumptive penalty, 8 AAC 45.176, became effective on February 28, 2010, and does not apply to the portion of Employer lapse before that date. Under the regulation, the penalty for the portion of the lapse after that date is calculated based on two factors: the number of uninsured employee workdays and the number of aggravating factors in the case. Here, Employer was uninsured for 1,192 calendar days after the regulation became effective, and accumulated 399 uninsured employee workdays during that time. There is only one aggravating factor in this case – Employer’s lapse in coverage days exceeded 180 calendar days. 8 AAC 45.176(d)(2). With one- aggravating factor, 8 AAC 45.176(a)(3) provides the proper penalty range, from \$10.00 to \$50.00 per uninsured employee workday, but not less than two times the premium Employer would have paid had it been insured. That results in a penalty between \$3,990.00 and \$19,950.00. Under the regulation, however, the penalty may not be less than two times the premium Employer would have paid had it been insured. Employer would have paid

\$4.25 per calendar day had it been insured, or \$5,066.00 for the 1,192 calendar days. Twice that amount is \$10,132.00, which is the minimum penalty for the period after February 28, 2010.

Prior to the enactment of 8 AAC 45.176, penalties were determined based on the facts and circumstances of each case. The purpose of the regulation was not to impose harsher or more lenient penalties; it was to ensure similarly culpable employers received similar penalties. Despite the fact Employer knowingly violated the requirement for workers' compensation insurance, there are several mitigating factors in this case. Employer complied with the insurance requirement until non-compliant competitors threatened the existence of the business. He attempted to get regulations enacted that would limit those competitors or ensure they complied. His responses to SIU's discovery demand were extraordinarily prompt and very thorough. Finally, in 13 years of operation, Employer had no reported injuries. For those reasons, a penalty of \$10.00 per uninsured workday for the 560 uninsured workdays before February 28, 2010 is appropriate, for a penalty of \$5,600.00. That amount is consistent with similarly culpable Employers, *see Alaska Native Brotherhood #2, Dobrova d/b/a Ski & Benny Pizza*. Also, Employer's culpability was no different before or after the adoption of the regulation, and there is no reason the penalty should be significantly different.

Employer's total penalty would be \$15,732.00 (\$10,132.00 + \$5,600.00). In this case, however, the minimum penalty for the period after February 28, 2010 is unduly harsh, because Employer was uninsured for many calendar days yet had few uninsured employee workdays. As a result, the minimum penalty based on uninsured calendar days far exceeds the penalty based on uninsured employee workdays. For example, Employer was uninsured all of 2012, a leap year. At a cost to insure of \$4.25 per calendar day, the omitted premium would be \$1,555.50 (\$4.25 x 366), and twice that amount would be \$3,111.00, which is the minimum penalty under 8 AAC 45.176(3). In contrast, with three uninsured employee workdays during that time, at \$10.00 per uninsured employee workday, Employer's penalty would have been \$30.00. For that reason, and because of the mitigating factors discussed above, \$11,732.00 of the penalty will be suspended for one year so long as Employer obtains and maintains insurance for any covered employees during that time. Employer will be ordered to pay the unsuspended portion of the penalty \$4,000.00 within 14 days of this decision and order.

CONCLUSION OF LAW

Employer will be assessed a civil penalty of \$15,732.00 for failure to insure for purposes of workers' compensation liability, \$11,732.00 of which shall be suspended.

ORDER

- 1) The division's November 21, 2013 petition is granted.
- 2) At any time Jack M. Allen has employees, he shall maintain workers' compensation insurance coverage in accord with AS 23.30.075, and shall file evidence of compliance in accord with AS 23.30.085.
- 3) Pursuant to AS 23.30.060(a), Jack M. Allen is personally and directly liable for any and all benefits payable under the Act for compensable injuries to employees during the uninsured period.
- 4) Pursuant to AS 23.30.080(f), Jack M. Allen is assessed a civil penalty of \$15,732.00 of which \$11,732.00 is suspended. Jack M. Allen must timely pay \$4,000.00.
- 5) **Jack M. Allen shall pay \$4,000.00 within fourteen (14) days of this decision.**
- 6) Jack M. Allen is ordered to make payment to the Alaska Department of Labor, Division of Workers' Compensation, P.O. Box 115512, Juneau, Alaska 99811-5512. **Mr. Allen is ordered to make his checks payable to the Alaska Workers' Compensation Benefits Guaranty Fund. Checks must include AWCB Case Number 700004503, and AWCB Decision Number 14-0127.** If Mr. Allen fails to make timely payment as ordered in this decision, the entire \$15,732.00 shall immediately be due and owing and the director may declare the entire, assessed civil penalty in default and seek collection. Pending payment in accord with this Decision and Order, jurisdiction is maintained.
- 7) The SIU is directed to monitor Jack M. Allen for one year from this decision's date for continued compliance with the Act's insurance requirements.
- 8) The division's Collection Officer is ordered to prepare a proposed Liability Discharge Order within 30 days of Jack M. Allen's full, timely, civil penalty payment as set forth in this decision and order. The proposed order will be addressed in accord with 8 AAC 45.130.

*In re* JACK M. ALLEN, d/b/a NUSHAGAK CAB COMPANY

Dated in Anchorage, Alaska on September 12, 2014.

ALASKA WORKERS' COMPENSATION BOARD

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Ronald P. Ringel, Designated Chair

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Mark Talbert, Member

APPEAL PROCEDURES

This compensation order is a final decision and becomes effective when filed in the board's office, unless it is appealed. Any party in interest may file an appeal with the Alaska Workers' Compensation Appeals Commission within 30 days of the date this decision is filed. All parties before the board are parties to an appeal. If a request for reconsideration of this final decision is timely filed with the board, any proceedings to appeal must be instituted within 30 days after the reconsideration decision is mailed to the parties or within 30 days after the date the reconsideration request is considered denied because the board takes no action on reconsideration, whichever is earlier.

A party may appeal by filing with the Alaska Workers' Compensation Appeals Commission: (1) a signed notice of appeal specifying the board order appealed from; 2) a statement of the grounds for the appeal; and 3) proof of service of the notice and statement of grounds for appeal upon the Director of the Alaska Workers' Compensation Division and all parties. Any party may cross-appeal by filing with the Alaska Workers' Compensation Appeals Commission a signed notice of cross-appeal within 30 days after the board decision is filed or within 15 days after service of a notice of appeal, whichever is later. The notice of cross-appeal shall specify the board order appealed from and the grounds upon which the cross-appeal is taken. Whether appealing or cross-appealing, parties must meet all requirements of 8 AAC 57.070.

RECONSIDERATION

A party may ask the board to reconsider this decision by filing a petition for reconsideration under AS 44.62.540 and in accord 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 accord 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 Final Decision and Order in the matter of JACK M. ALLEN d/b/a NUSHAGAK CAB COMPANY, Employer / respondent; Case No. 700004503; dated and filed in the Alaska Workers' Compensation Board's office in Anchorage, Alaska, and served upon the parties on September 12, 2014.

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Pamela Murray, Office Assistant