

ALASKA WORKERS' COMPENSATION BOARD



P.O. Box 115512

Juneau, Alaska 99811-5512

SOFIA MORALES DE LOPEZ,)	
Employee,)	
Claimant,)	
)	FINAL DECISION AND ORDER
v.)	
)	AWCB Case No. 201307999
UNISEA, INC.,)	
Employer,)	AWCB Decision No. 16-0050
)	
and)	Filed with AWCB Anchorage, Alaska
)	on August 8, 2016
ALASKA NATIONAL INSURANCE,)	
Insurer,)	
Defendants.)	
)	

Sofia Morales de Lopez' (Employee) March 7, 2016 claim was heard on June 22, 2016 in Anchorage, Alaska. The hearing date was selected on April 27, 2016. Attorney Eric Croft appeared and represented Employee. Attorney Richard Wagg appeared and represented Unisea, Inc. (Employer). There were no witnesses. The record closed on July 8, 2016 to allow the parties to file additional evidence.

ISSUES

Employee contends Employer paid permanent partial impairment (PPI) benefits late, entitling Employee to penalties and interest on those benefits. Employee also contends she is entitled to attorney's fees and costs.

Employer contends PPI benefits were timely paid. Employer contends Employee is not entitled to any penalty or interest. Employer also contends Employee is not entitled attorney's fees and costs related to the penalty issue. Employer objects to Employee's attorney's fees on the basis of

what Employer contends is a meritless claim, and also to the individuals and work itemized in Employee's fee affidavit. In the event fees are awarded, Employer contends the fees should be reduced and limited to only the bona fide issues presented.

1) Is Employee entitled to penalties, interest, and attorney's fees related to payment of PPI benefits?

Employee concedes no controversion of PPI benefits was filed. However, Employee contends Employer's failure to timely pay PPI benefits constitutes a controversion-in-fact. Employee contends she is entitled penalties, interest, and attorney's fees related to an unfair or frivolous controversion.

Employer contends because no obligation to pay PPI benefits was triggered until it received a true whole person impairment rating, no controversion-in-fact occurred. Employer contends no penalty for unfair or frivolous controversion is owed.

2) Did Employer unfairly or frivolously controvert PPI benefits?

FINDINGS OF FACT

The following facts are undisputed or are established by a preponderance of the evidence:

- 1) On June 3, 2015, Employee filed a claim seeking unspecified temporary total disability (TTD), medical costs, transportation costs, and a "personal care attendant." (Workers' Compensation Claim, June 3, 2015). The claim states Employee was injured "while sorting fish on the third floor and . . . fell off the roof & broke right ankle & fractured the left knee & broke 3 ribs." (*Id.*). The claim lists June 23, 2013 as the date of injury. (*Id.*).
- 2) On November 3, 2014, Employee was seen by psychiatrist Michael Friedman, D.O., for an employer's medical evaluation (EME). Dr. Friedman's report states:

The claimant was and continues to be in need of psychiatric treatment following the June 23, 2013 injury. . .

Psychiatrically, I would anticipate the claimant's condition should resolve within six to eight months. . .

[The claimant] has not reached medical stability. . .

Responding to whether Employee has incurred a ratable permanent partial impairment, Dr. Friedman states, “She is not in a position in which she is ratable. . .” Regarding whether additional palliative care is reasonable or necessary, Dr. Friedman states only, “The claimant has not reached psychiatric stability.” (Friedman EME Report, November 3, 2014).

3) On November 4, 2014, Employee was seen by neurologist Mark Holmes, M.D., and orthopedic surgeon Eugene Toomey, M.D., for an EME. The report, signed by Drs. Holmes and Toomey, states:

The patient has received five percent impairment of the lumbar spine. . . and the discussion is covered [sic] how we came to that rating. The work injury was the substantial cause of this permanent impairment under the Alaska guidelines. . .

We do not believe this patient is in need of further treatment and that she is fixed and stable from her injuries. . .

No further palliative care is needed. (Holmes & Toomey, EME Report, November 4, 2014).

4) On February 17, 2015, Employer controverted specific benefits based on the November 4, 2014 EME report by Drs. Toomey and Holmes. (Controversion Notice, February 17, 2015).

5) On June 25, 2015, Employer again controverted specific benefits based on the November 4, 2014 EME report by Drs. Toomey and Holmes. (Controversion Notice, June 25, 2015).

6) On July 10, 2015, Employee filed a claim for medical costs, interest, and attorney’s fees and costs. (Workers’ Compensation Claim, July 10, 2015). The claim states:

In a letter dated 6/23/2015, Dr. Renato Aller-Zumaeta addresses Mrs. Morales’ lower back injury, stating that she is still in need of further medical treatment. Also, in a letter dated 6/18/2015, Dr. Claudia Cerda indicates that further treatment for PTSD is still necessary. Claimant seeks these benefits and any other reasonable benefits that may be owed under the Act. . . . (*Id.*).

7) On August 14, 2015, Employer controverted all benefits. The notice states, “Employee refuses to submit to a properly notified examination requested by the employer.” (Controversion Notice, August 14, 2015).

8) On September 24, 2015, Employee filed a claim for medical treatment, penalty, interest, unfair or frivolous controversion, attorney’s fees and costs, and to “reinstate TTD from 08-12-2015 and continuing.” (Workers’ Compensation Claim, September 24, 2015).

9) On November 13, 2015, Employee was seen by Dr. Friedman for another EME. Dr. Friedman's report states:

The claimant has had extensive psychiatric treatment. She describes her condition as having plateaued. More probable than not, she is at medical stability. . .

The claimant would correspond to a 10 percent Mental and Behavioral Disorders (M&BD) impairment in accordance with the American Medical Association Guides to the Evaluation of Permanent Impairment, 6th Edition. . .

I do not believe additional psychiatric treatment will prove curative. . .

The only treatment I am recommending is the consideration of the use of a second generation antipsychotic. I do not feel there are any additional evaluations necessary. (Friedman EME Report, November 13, 2015).

10) On February 8, 2016, in response to a request from Employer, Dr. Friedman wrote an addendum to his November 13, 2015 EME report. Dr. Friedman's report states:

Q: After reviewing the Guides related to the rating of mental disorders, it is not clear to me if your M&BD impairment rating translates directly to a whole person rating under the guides. Would it be possible for you to clarify that for me? If the 10% M&BD rating is in fact a whole person rating please state that in your report. If it has to be converted to a whole person rating I would appreciate if you would do that and provide a reference to the section of the Guides being relied upon. . . If that combination is outside your area of expertise, please let me know and we will refer back to Drs. Holmes and Toomey for a rating.

A: In accordance with the AMA, 6th edition, page 355, section 14.5c, the purpose in including all 3 of the BPRS, GAF and PIRS scales is provided on a broad assessment of the patient with M&BD. The BPRS focuses solely on symptom severity, the PIRS on role function, and the GAF is a blend of the 2. Clearly, interview, review of records, mental status exam, along with assessment of these 3 scales will provide an excellent basis for arriving at a strongly supportable impairment rating. . .

In accordance with the AMA, 6th edition, the 10 percent M&BD would equate to a psychiatric 10 percent whole person impairment rating. As noted in the clarification request, Ms. Lopez was previously rated at 5 percent whole person impairment. The [G]uides are not particularly clear on a combination of psychiatric and physical impairments, however, as these equate to whole person impairment and if in fact the medical 5 percent whole person (which is outside the scope of my expertise) has been rated, then the current whole person impairment after my examination would combine to 15 percent whole person impairment. . . (Friedman EME Report, February 8, 2016).

11) On March 7, 2016, Employee filed a claim for penalty on late-paid PPI, a Board finding that the job dislocation benefit Employee signed on March 3, 2014 was not valid, interest, and attorney's fees and costs. (Workers' Compensation Claim, March 7, 2016). The claim states:

On November 4, 2014, the insurer had Ms. Morales seen by Drs. Toomey & Holmes for her physical injury. They rated her physical condition at 5%. On February 17, 2016, the insurer mailed Ms. Morales the \$8,500 PPI. This is 470 days, or 1 year, 3 months, and 13 days between the report date and the check date.

On November 13, 2015, the insurer had Ms. Morales seen by Dr. Friedman for her mental injury. He rated her mental condition at 10%. On February 17, 2016, the insurer mailed Ms. Morales the \$17,700 PPI. This is 96 days or 13 weeks and 4 days between the report date and the check date.

On February 8, 2016, at the request of the insurer, Dr. Friedman combines the 5% and 10% for a final 15% whole person impairment. (*Id.*).

Attached as an exhibit to the March 7, 2016 claim was a copy of a check issued by Alaska National Insurance Company, payable to Employee, in the amount of \$34,550. The check itemizes this amount as \$8,850 for 5% "WPI," \$17,700 for 10% "WPI," and \$8,000 for a job dislocation benefit. (*Id.*).

12) On April 25, 2016, Employer controverted specific benefits. The notice states, "Specific benefits controverted - reemployment benefits, attorney fees and/or costs, penalties and/or interest." (Controversion Notice, April 25, 2016).

13) On June 22, 2016, Employee's March 7, 2016 claim was heard. (Record). On June 29, 2016, the hearing record was re-opened for additional evidence. The letter order stated:

This letter is to advise the parties the Board, on its motion, is reopening the hearing record for additional evidence under 8 AAC 120(m). . .

If the parties would like the [November 4, 2014 EME reports by Drs. Toomey, Holmes, and Friedman] considered as evidence as part of the June 22, 2016 hearing, they have until July 8, 2016 to file those reports. No additional briefs or argument will be accepted. The June 22, 2016 hearing record will close on that date. (Letter Order, June 29, 2016).

14) On July 1, 2016, Employer filed evidence in response to the above letter order. (Record).

15) Employee was paid TTD payments at the weekly rate of \$244.00 from June 24, 2014 through August 7, 2015. (Compensation Report, February 22, 2016). The compensation report states

Employee was paid a lump sum PPI payment in the amount of \$26,550.00 on February 7, 2016 and that Employee elected and was paid a job dislocation benefit in the amount of \$8,000.00 on February 7, 2016. (*Id.*).

16) Employer argued at hearing TTD benefits were only terminated when Employee unreasonably refused to attend a previously-scheduled EME appointment. (Employer's Hearing Argument). The job dislocation benefit issue raised in Employee's March 7, 2016 claim is set for hearing on August 16, 2016. (Record).

17) Under the AMA *Guides*, Sixth Edition, impairment ratings reflect the severity of impairment and resulting functional limitations on the whole person. (*Guides*, 2.2a). Impairments among various organ systems are combined using the Combined Values Chart, which allows the examiner to account for the effects of multiple impairments, resulting in a final impairment value. (2.2c). Applying the *Guides*, the resulting final impairment value is always equal to or less than the collective sum of all the impairment values taken individually. (*Id.*). Related but separate conditions are rated separately, and impairment ratings are combined, unless criteria for the second impairment are included in the primary. (2.2d). Only permanent impairment may be rated according the *Guides*, and only after the status of "Maximum Medical Improvement" (MMI) is reached in the examiner's opinion. (2.2c). The examiner's findings must indicate the medical condition is static and well stabilized for the person to have reached MMI. (*Id.*).

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. . .

(3) this chapter may not be construed by the courts in favor of a party;

(4) hearings in workers' compensation cases shall be impartial and fair to all parties and that all parties shall be afforded due process and an opportunity to be heard and for their arguments and evidence to be fairly considered.

The board may base its decision not only on direct testimony, medical findings, 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 23.30.135. 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 by 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. . . .

AS 23.30.145. Attorney Fees. (a) Fees for legal services rendered in respect to a claim are not valid unless approved by the board, and the fees may not be less than 25 percent on the first \$1,000 of compensation or part of the first \$1,000 of compensation, and 10 percent of all sums in excess of \$1,000 of compensation. When the board advises that a claim has been controverted, in whole or in part, the board may direct that the fees for legal services be paid by the employer or carrier in addition to compensation awarded; the fees may be allowed only on the amount of compensation controverted and awarded. When the board advises that a claim has not been controverted, but further advises that bona fide legal services have been rendered in respect to the claim, then the board shall direct the payment of the fees out of the compensation awarded. In determining the amount of fees the board shall take into consideration the nature, length, and complexity of the services performed, transportation charges, and the benefits resulting from the services to the compensation beneficiaries.

(b) If an employer fails to file timely notice of controversy or fails to pay compensation or medical and related benefits within 15 days after it becomes due or otherwise resists the payment of compensation or medical and related benefits and if the claimant has employed an attorney in the successful prosecution of the claim, the board shall make an award to reimburse the claimant for the costs in the proceedings, including reasonable attorney fees. The award is in addition to the compensation or medical and related benefits ordered.

AS 23.30.155. Payment of compensation. (a) Compensation under this chapter shall be paid periodically, promptly, and directly to the person entitled to it, without an award, except where liability to pay compensation is controverted by the employer. . .

(b) The first installment of compensation becomes due on the 14th day after the employer has knowledge of the injury or death. On this date all compensation then due shall be paid. Subsequent compensation shall be paid in installments,

every 14 days, except where the board determines that payment in installments should be made monthly or at some other period. . .

(e) If any installment of compensation payable without an award is not paid within seven days after it becomes due, as provided in (b) of this section, there shall be added to the unpaid installment an amount equal to 25 percent of the installment. This additional amount shall be paid at the same time as, and in addition to, the installment, unless notice is filed under (d) of this section or unless the nonpayment is excused by the board after a showing by the employer that owing to conditions over which the employer had no control the installment could not be paid within the period prescribed for the payment. The additional amount shall be paid directly to the recipient to whom the unpaid installment was to be paid.

(f) If compensation payable under the terms of an award is not paid within 14 days after it becomes due, there shall be added to that unpaid compensation an amount equal to 25 percent of the unpaid installment. The additional amount shall be paid at the same time as, but in addition to, the compensation, unless review of the compensation order making the award as provided under AS 23.30.008 and an interlocutory injunction staying payments is allowed by the court. The additional amount shall be paid directly to the recipient to whom the unpaid compensation was to be paid. . .

(p) An employer shall pay interest on compensation that is not paid when due. Interest required under this subsection accrues at the rate specified in AS 09.30.070(a) that is in effect on the date the compensation is due. . .

The Alaska Supreme Court has held the purpose of AS 23.30.155 is clear: “It is an incentive to employers to make prompt and timely compensation owing to employees. The importance to the worker, whose means of support is more often than not composed mainly of his wages, of receiving compensation without delay cannot be overemphasized. The injured worker, depending on his circumstances, typically cannot afford time away from the job without periodic and prompt compensation.” *Land & Marine Rental Co. v. Rawls*, 686 P.2d 1187, 1191 (Alaska 1984).

For a controversion notice to be filed in good faith, the employer must possess sufficient evidence in support of the controversion that, if the claimant does not introduce evidence in opposition to the controversion, the board would find that the claimant is not entitled to benefits. *Harp v. ARCO*, 831 P.2d 352 (Alaska 1992).

The Alaska Supreme Court has taken a broad reading of the term “controverted,” and has held a “controversion in fact” can occur when an employer does not file a formal notice of controversy. *Alaska Interstate v. Houston*, 586 P.2d 618 (Alaska 1978). A controversion-in-fact can occur when an employer does not “unqualifiedly accept” an employee’s claim for compensation, *Shirley v. Underwater Construction, Inc.*, 884 P.2d 156, 159 (Alaska 1994), or when an employer consistently denies and litigates its obligation to pay an increase in benefits. *Wien Air Alaska v. Arant*, 592 P.2d 352 (Alaska 1979). To determine whether there has been a controversion-in-fact, an employer’s answer to a claim for benefits and its actions after the claim is filed must be examined. *Harnish Group, Inc. v. Moore*, 160 P.3d 146; 152 (Alaska 2007). Resistance before the filing of a claim cannot serve as a basis for a controversion-in-fact. *Id.* For there to be a controversion in fact, an employer must take some action in opposition to a claim after it is filed. *Id.*

Under AS 23.30.155(p), interest accrues from the date a benefit should have been paid. *Land & Marine Rental Company v. Rawls*, 686 P.2d 1187, 1192 (Alaska 1984).

AS 23.30.190. Compensation for permanent partial impairment; rating guides. (a) In case of impairment partial in character but permanent in quality, and not resulting in permanent total disability, the compensation is \$177,000 multiplied by the employee’s percentage of permanent impairment of the whole person. The percentage of permanent impairment of the whole person is the percentage of impairment to the particular body part, system, or function converted to the percentage of impairment to the whole person as provided under (b) of this section. The compensation is payable in a single lump sum, except as otherwise provided in AS 23.30.041, but the compensation may not be discounted for any present value considerations.

(b) All determinations of the existence and degree of permanent impairment shall be made strictly and solely under the whole person determination as set out in the American Medical Association Guides to the Evaluation of Permanent Impairment, except that an impairment rating may not be rounded to the next five percent. The board shall adopt a supplementary recognized schedule for injuries that cannot be rated by use of the American Medical Association Guides.

(c) The impairment rating determined under (a) of this section shall be reduced by a permanent impairment that existed before the compensable injury. If the combination of a prior impairment rating and a rating under (a) of this section would result in the employee being considered permanently totally disabled, the prior rating does not negate a finding of permanent total disability. . . .

Compensation is payable for a disability that arises out of the employment, not for the loss of function of a specific body part. Disability, whether total or partial, temporary or permanent, is suffered by the whole employee, although only one part of the employee's body may be permanently impaired by an injury. Alaska Statute 23.30.190 directs that calculation of permanent impairment is to be based on the whole person rather than on a schedule of values for separate body parts, such as arms, fingers, or legs. All impairment ratings must be combined and converted to the percentage of impairment to the whole person in a single rating, which is payable in a single lump sum. Until the claimant has received a true "whole person" rating of permanent partial impairment, the single lump sum of PPI is not payable. *Lowes HIW, Inc. v. Anderson*, AWCAC Decision No. 130 (March 17, 2010).

AS 23.30.395. Definitions. In this chapter,

....

"medical stability" means the date after which further objectively measurable improvement from the effects of the compensable injury is not reasonably expected to result from additional medical care or treatment; notwithstanding the possible need for additional medical care or the possibility of improvement or deterioration resulting from the passage of time; medical stability shall be presumed in the absence of objectively measurable improvement for a period of 45 days; the presumption may be rebutted by clear and convincing evidence. . . .

ANALYSIS

1) Is Employee entitled to penalties, interest, and attorney's fees related to payment of PPI benefits?

Compensation for permanent impairment is payable in a lump sum, based on percentage of impairment of the whole person as rated under the *AMA Guides*. AS 23.30.190(a),(b); *Anderson*. Until a claimant has received a true "whole person" rating of permanent impairment, the single lump sum of PPI is not payable. *Id.* Alaska Statute 23.30.155(e) imposes a penalty on employers who fail to "pay or controvert," within certain time limits, an employee's workers' compensation claim "payable without an award." *Id*; *Rawls*; *Harp*.

Employee received multiple permanent impairment evaluations through the course of almost three years, the first on November 3, 2014 by EME psychiatrist Michael Friedman, D.O., which stated Employee had not yet reached medical stability, and therefore no psychiatric PPI rating

was possible. On November 4, 2014, Employee was evaluated by neurologist Mark Holmes, M.D., and orthopedic surgeon Eugene Toomey, M.D., as part of a panel EME. Drs. Holmes and Toomey stated no further treatment was needed and that Employee was “fixed and stable” with regards to the lumbar spine portion of her work injuries. Drs. Holmes and Toomey assigned a five percent PPI rating under the *Guides*. On February 17, 2016, Employer mailed Employee a check for the \$8,850 PPI benefit as well as the \$17,700 PPI benefit. Employee contends these payments were late since she contends she was entitled to PPI benefits when the EME report of Drs. Holmes and Toomey issued on November 4, 2014. AS 23.30.155. Alternately, Employee contends a PPI benefit was due on the date of Dr. Freidman’s second psychiatric EME, on November 13, 2015. *Id.*

Dr. Friedman’s November 3, 2014 report opined Employee had not yet reached medical stability and so no PPI benefit could have been due. Dr. Friedman’s November 13, 2015 report, while opining Employee had reached medical stability with regards to her psychiatric condition, still did not provide a combined, whole person impairment; it was confined to a discussion of the mental conditions. On February 8, 2016, Employer wrote to Dr. Freidman to clarify the degree of impairment Employee had and seek clarification on a combined, whole person impairment. Dr. Freidman responded by combining the physical five percent with the mental ten percent, providing a medical opinion of a then-current whole person impairment of 15 percent. No provision of the Act requires an employer to make piecemeal PPI payments, as ratings issue, for various, separate body parts. *Id.*; AS 23.30.135. Until Employer had a true “whole person” rating, which it did only by way of Dr. Freidman’s February 8, 2016 addendum EME, PPI was not payable and so no penalty is owed. *Id.*

Additionally, temporary total disability benefits are not payable after the date of medical stability. AS 23.30.185. Employee was paid TTD from June 24, 2014 through August 7, 2015, a period during which she was presumably not medically stable. *Id.*; *Rogers & Babler*; AS 23.30.395(28). Employer was not obligated under the Act to issue Employee a PPI benefit concurrently with ongoing TTD payments. *Id.*; AS 23.30.001; AS 23.30.135. Employee’s July 10, 2015 claim stated further medical treatment was still likely needed related to the lower back

and also post-traumatic stress disorder (PTSD), demonstrating again Employee was not yet medically stable, a prerequisite to PPI benefits becoming due. *Id.*

Under AS 23.30.145(a), attorney's fees may be awarded based on compensation awarded. Under AS 23.30.145(b), fees may be awarded when a claimant successfully prosecutes a claim. Employee was not awarded any compensation, and she was not successful in prosecuting her claim. Therefore, Employee is not entitled to attorney's fees or costs related to her March 7, 2016 claim. *Id.*

2) Did Employer unfairly or frivolously controvert PPI benefits?

Employer did not file a notice of controversion regarding PPI benefits, but Employee contends Employer "controverted in fact" when it did not pay PPI benefits after the November 4, 2014 EME report of Drs. Toomey and Holmes. For there to be a controversion in fact, an employer must take some action in opposition to a claim after it is filed. AS 23.30.155; *Houston; Arant; Shirley; Moore*. Because this decision finds Employee was not entitled to PPI benefits until she received a whole person impairment rating by way of Dr. Freidman's February 8, 2016 addendum EME, PPI was not payable. On February 17, 2016, Employer mailed Employee a check for the \$8,850 PPI benefit as well as the \$17,700 PPI benefit. Employer did not actively resist payment of PPI benefits and so no controversion in fact occurred. *Id.*; AS 23.30.135. Employee is not entitled to attorney's fees and costs related to an unfair or frivolous controversion. AS 23.30.145(a),(b).

CONCLUSIONS OF LAW

- 1) Employee is not entitled to penalties, interest, or attorney's fees related to payment of PPI benefits.
- 2) Employer did not unfairly or frivolously controvert PPI benefits.

ORDER

- 1) Employee's March 7, 2016 claim is denied.
- 2) Employee is not entitled to attorney's fees or costs.

Dated in Anchorage, Alaska on August 8, 2016.

ALASKA WORKERS' COMPENSATION BOARD

/s/
Matthew Slodowy, Designated Chair

/s/
Amy Steele, Member

/s/
Mark Talbert, Member

APPEAL PROCEDURES

This compensation order is a final decision. It becomes effective when filed in the office of the board unless proceedings to appeal it are instituted. Effective November 7, 2005 proceedings to appeal must be instituted in the Alaska Workers' Compensation Appeals Commission within 30 days of the filing of this decision and be brought by a party in interest against the boards and all other parties to the proceedings before the board. 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 due to the absence of any action on the reconsideration request, whichever is earlier. AS 23.30.127.

An appeal may be initiated by filing with the office of the Appeals Commission: 1) a signed notice of appeal specifying the board order appealed from and 2) a statement of the grounds upon which the appeal is taken. A cross-appeal may be initiated by filing with the office of the 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 ground upon which the cross-appeal is taken. AS 23.30.128.

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 SOFIA MORALES DE LOPEZ, employee / claimant; v. UNISEA, INC., employer; ALASKA NATIONAL INSURANCE, insurer / defendants; Case No. 201307999; dated and filed in the Alaska Workers' Compensation Board's office in Anchorage, Alaska, and served on the parties by First-Class U.S. Mail, postage prepaid, on August 8, 2016.

/s/

Elizabeth Pleitez, Office Assistant