ALASKA WORKERS' COMPENSATION BOARD

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

TERRY M. PARSONS, Employee, Claimant,	)	FINAL DECISION AND ORDER
v.	)	AWCB Case No. 200111621
CRAIG CITY SCHOOL DISTRICT, Employer,	)	AWCB Decision No. 18-0013
and	)	Filed with AWCB Juneau, Alaska On February 7, 2018
ALASKA MUNICIPAL LEAGUE JOINT INSURANCE ASSOC., Insurer, Defendants.	)	

Terry M. Parson's (Employee) September 18, 2017 petition to reopen her case and Craig City School District's (Employer) October 19, 2017 petition to dismiss were heard on January 9, 2018, in Juneau, Alaska, a date selected on November 16, 2017. Employee appeared telephonically, represented herself and testified. Attorney Rebecca Holdiman Miller appeared telephonically and represented Employer. At hearing, Employee sought to introduce testimony from a non-party witness. Employer objected to Employee's witness testimony and an oral ruling sustained Employer's objection. This decision examines the oral order to sustain Employer's objection to Employee's non-party witness testimony and decides Employee's and Employer's petitions. The record closed at the hearing's conclusion on January 9, 2018.

ISSUES

Employee filed a witness list to have a non-party witness testify at hearing. Employer objected to Employee's witness testimony because Employee's witness list did not comply with the regulations. Employer contended Employee was not entitled to call her non-party witness because her witness list was nonconforming as it failed to include a brief description of the subject matter and substance of the witness's expected testimony.

Employee contended she was not aware she was required to include a brief description of the subject matter and substance of the non-party witness's expected testimony. Employee contended she expected the witness to testify regarding the content of the witness's notarized statement which was in the record. Employer's objection was sustained and Employee's non-party witness was not permitted to testify.

1) Was the oral order sustaining Employer's objection to Employee's witness testimony correct?

Employee contends her claim was unjustly denied. Employee seeks an order reopening her claim and awarding her benefits for her 2001 work injury. Employee contends the statutory deadlines for reconsideration and modification should be relaxed.

Employer contends Employee's petition was untimely and unsupported by the evidence.

2) Should Employee's September 18, 2017 petition to reopen her case be granted?

Employer contends Employee's petition to reopen her claim is meritless and re-litigating it is a waste of Employer's resources. Employer contends res judicata and law of the case bar Employee from re-litigating her claim. Employer seeks an order dismissing Employee's petition.

Employee opposes Employer's petition to dismiss.

3) Should Employer's October 19, 2017 petition to dismiss Employee's September 18, 2017 petition be granted?

FINDINGS OF FACT

The following facts and factual conclusions are established by a preponderance of the evidence or are reiterated from *Parsons v. Craig City School District*, AWCB Decision No. 11-0140 (September 13, 2011) (*Parsons I*) and *Parsons v. Craig City School District*, AWCAC Decision No. 168 (August 30, 2012) (*Parsons II*):

1) On June 29, 2001, Employee had an injury while working as a custodian for Employer. Employee was closing a pull down attic ladder when it came back down on Employee, hitting her right arm and chest and knocking her to the floor. Soon after the injury, Employee began to experience symptoms, including pain in her head, neck, shoulders, arms, legs, chest, back, abdomen, pelvis, inflammation throughout her entire body and diarrhea. (*Parsons I*).

2) On August 16, 2011, Marla Anderson testified as a witness for Employee and Employer cross-examined her about her account of Employee's 2001 work injury. (Board Hearing Transcript at 31-42, August 16, 2011).

3) On September 13, 2011, *Parsons I* held (1) Employee's claim was not denied under AS 23.30.110(c) and (2) Employee's 2001 work injury was not a substantial factor in Employee's past and current need for medical treatment for her ongoing complaints and symptoms. The division served *Parsons I* by first class mail on Employee on September 13, 2011, at her address of record. It explained Employee could petition for reconsideration, but must do so within 15 days, and she could petition for modification within one year. *Parsons I* explained Employee could appeal within 30 days with the office of the Alaska Workers' Compensation Appeals Commission (Commission). (*Parsons I*).

4) Employee appealed *Parsons I*, and on August 30, 2012, the Commission issued *Parsons II*. The Commission (1) reversed Parsons I's order denying Employer's petition to dismiss under AS 23.30.110(c) and (2) affirmed its order denying Employee's claim for benefits. (*Parsons II*).

5) On September 18, 2017, Employee requested her claim be reopened in a letter which stated:

> I wrote a letter a while back. And your office gave me a certain amount of time before closing my case. I couldn't get my info [sic] in time because of the stress and also sickness and meds [sic], I was on. The meds [sic] took their toll on me. . . . Please help me reopen my case. So I can live the rest of life with the help I deserved a long time ago.

(Letter, September 18, 2017).

6) On October 11, 2017, Employee filed a June 7, 2010 notarized letter from Marla Anderson. In the letter, Ms. Anderson stated she witnessed Employee's 2001 work injury and provided her account. (Evidence, October 11, 2017).

7) On October 17, 2017, a board designee explained the deadlines to request reconsideration or modification of a Board decision and order, to request Commission reconsideration of a previous Commission decision, and to appeal a Commission decision to the Alaska Supreme Court. Employee stated her September 18, 2017 letter asked the Board to reopen her case because fibromyalgia caused by the 2001 work injury disables her. The designee treated Employee's September 18, 2017 letter as a petition and informed the parties that only a hearing panel could decide the petition. (Prehearing Conference Summary, October 17, 2017).

8) On October 19, 2017, Employer requested dismissal of Employee's September 18, 2017 petition. (Petition, October 19, 2017).

9) On October 30, 2017, Employee stated in a letter:

> I've been seen by numerous doctors and taken lots of medicines. Chiropractor Melendrea 7/23/01, Dr. Roper 29, 2003 [sic] diagnosed trigger points set up by accident. And Doctor Roper was giving me cortisone shots. Just like I am getting now, from my now treating [orthopedic] doctor Cape Fear [orthopedics]. Also I'm having to still see [a] rheumatology doctor because of accident. Wide spread nerve damage fibromyalgia which is noted from time again from doctors I'd seen along the way. The accident caused nerve damage [and] inflammation in my body, which I'll always have to take medicine for. . . . I am asking the labor board to please open up my case. Cymbalta was medicine I took that caused me so many problems. I couldn't think right. I was put on disability on 12-01-2012. I have harassment case also, in my opinion!

(Letter, October 30, 2017).

10) On November 8, 2017, Employee stated in another letter:

> I wouldn't have taken Cymbalta if not for pain I was in from accident. Also it was impossible for me to focus on case in 2011 [because] I was at my worse mentally and physically also financially not able. I wrote the letter for help thinking I was, when I got answer back for system I fell to pieces, my brain turned off all contact. . . . Please open my case and give me my benefits that I deserve.

(Letter, November 8, 2017).

11) On November 16, 2017, the parties agreed to schedule an oral hearing on January 9, 2018 to hear Employee's September 18, 2017 petition and Employer's October 19, 2017 petition. The

board designee ordered the parties to file witness lists by close of business on January 3, 2018. (Prehearing Conference Summary, November 16, 2017).

12) On December 15, 2017, Employee filed a witness list. The witness list included the name, mailing address and telephone number for a non-party witness, Marla Anderson, but did not include a brief description of the subject matter and substance of the witness's expected testimony. (Witness List, December 15, 2017; Observation).

13) On December 15, 2017, Employee filed another copy of the same June 7, 2010 notarized statement by Marla Anderson. (Notice of Intent to Rely, December 15, 2017).

14) On December 15, 2017, Employee filed but did not serve a medical summary along with 62 pages of medical records. On the medical summary form, Employee listed medical records from 2001, 2002 and 2003 that were already in the record and medical records from 2012 and 2017, which were not in the record and not in the 61 pages of medical records. The 62 pages of medical records included the following medical records:

> On April 22, 2014, Employee reported bilateral hip pain with an onset of February 22, 2014. Douglas McFarlane, M.D. diagnosed bilateral trochanteric bursitis and low back pain with intermittent sciatica. Dr. McFarlane prescribed physical therapy and Mobic. (McFarlane, Medical Report, April 22, 2014; McFarlane, Physical Therapy Prescription, April 22, 2014).
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> On May 15, 20, 22, 27 and 29, 2014 and June 3, 5, 10 and 12, 2014, Employee underwent physical therapy. (Rowland Pickett, Physical Therapy Reports, May 15, 20, 22, 27, and 29, 2014 and June 3, 5, 10, and 12, 2014).
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> On September 28, 2017, Employee visited Gary L. Aldrich, PA-C for right hip pain. (Aldrich, Medical Report, September 28, 2017).
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> On October 25, 2017, Employee followed up with Kyle M. Fox, PA-C for right hip pain. She received a cortisone injection for trochanteric bursitis. (Fox, Medical Report, October 25, 2017).

(Medical Summary, December 15, 2017; Record; Observation).

15) On December 15, 2017, a workers' compensation technician emailed Employer a copy of Employee's filings for hearing, including her witness list and December 15, 2017 medical summary. (ICERS, Email Entry, December 15, 2017).

16) At hearing on January 9, 2018, Employee contended she expected Marla Anderson to testify regarding the content of her June 7, 2010 notarized statement. Employee contended the record

contains evidence proving the 2001 work injury is a substantial factor in her past and current need for medical treatment for her ongoing complaints and symptoms. (Employee).

17) At hearing on January 9, 2018, Employee testified she is seeking justice for her denied claim for her 2001 work injury. She stated she is still receiving the same medical treatment for the same complaints caused by the 2001 work injury. However, she acknowledged she has no new opinion relating her past and current need for medical treatment for her ongoing complaints and symptoms to the 2001 work injury. Employee testified the stress of the 2001 work injury, the abusive work environment she experienced while working for Employer, and the medication she was on to treat the 2001 work injury prevented her from timely petitioning for modification or reconsideration of *Parsons I*. (Employee).

PRINCIPLES OF LAW

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

The board may base its decision on not only 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 23.30.130. Modification of awards.**
> (a) Upon its own initiative, or upon the application of any party in interest on the ground of a change in conditions, including, for the purposes of AS 23.30.175, a change in residence, or because of a mistake in its determination of a fact, the board may, before one year after the date of the last payment of compensation benefits under AS 23.30.180, 23.30.185, 23.30.190, 23.30.200, or 23.30.215, whether or not a compensation order has been issued, or before one year after the rejection of a claim, review a compensation case under the procedure prescribed in respect of claims in AS 23.30.110. Under AS 23.30.110 the board may issue a new compensation order which terminates, continues, reinstates, increases, or decreases the compensation, or award compensation.

(b) A new order does not affect compensation previously paid, except that an award increasing the compensation rate may be made effective from the date of the injury, and if part of the compensation due or to become due is unpaid, an award decreasing the compensation rate may be made effective from the date of the injury, and payment made earlier in excess of the decreased rate shall be deducted from the unpaid compensation, in the manner the board determines.

8 AAC 45.112. Witness list. A witness list must indicate whether the witness will testify in person, by deposition, or telephonically, the witness's address and phone number, and a brief description of the subject matter and substance of the witness's expected testimony. If a witness list is required under 8 AAC 45.065, the witness list must be filed with the board and served upon all parties at least five working days before the hearing. If a party directed at a prehearing to file a witness list fails to file a witness list as directed or files a witness list that is not in accordance with this section, the board will exclude the party's witnesses from testifying at the hearing, except that the board will admit and consider

(1) the testimony of a party, and

(2) deposition testimony completed, though not necessarily transcribed, before the time for filing a witness list.

8 AAC 45.120. Evidence.

. . . .

(e). . . . Irrelevant or unduly repetitious evidence may be excluded on those grounds.

8 AAC 45.195. Waiver of procedures. A procedural requirement in this chapter may be waived or modified by order of the board in manifest injustice to a party would result from a strict application of the regulation. However, a waiver may not be employed merely to excuse a party from failing to comply with the requirements of law or to permit a party to disregard the requirements of law.

AS 44.62.540. Reconsideration.

(a) The agency may order a reconsideration of all or part of the case on its own motion or on petition of a party. To be considered by the agency, a petition for reconsideration must be filed with the agency within 15 days after delivery or mailing of the decision. The power to order a reconsideration expires 30 days after the delivery or mailing of a decision to the respondent. If no action is taken on a petition within the time allowed for ordering reconsideration, the petition is considered denied.

> (b) The case may be reconsidered by the agency on all the pertinent parts of the record and the additional evidence and argument that are permitted, or may be assigned to a hearing officer. A reconsideration assigned to a hearing officer is subject to the procedure provided in AS 44.62.500. If oral evidence is introduced before the agency, an agency member may not vote unless that member has heard the evidence.

The Alaska Supreme Court identified three possible options for a party that is dissatisfied with a board decision:

> A party to a worker's compensation case has three methods by which to pursue its position before the board's award is final. The party may raise the issue in a pleading [footnote omitted], petition for review of all or part of the case within the time limits set forth in AS 44.62.540, [footnote omitted], or, in the case of a factual mistake or a change in conditions, it may ask the board to exercise its discretion to modify the award at any time until one year after the last compensation payment is made [footnote omitted]. The "appropriate recourse for allegations of legal error is a direct appeal or petition to the board for reconsideration of the decision within the time limits set by AS 44.62.540(a)." *George Easley Co. v. Estate of Lindekugel*, 117 P.3d 734, 743-44 (Alaska 2005).

The Alaska Supreme Court also provided guidance for modifying a decision when a party alleges a change in condition or a mistake in fact:

> In order to modify a previous order on the theory of mistake, a new order should make it clear that it is doing so, should review the evidence of the first hearing and should indicate in what respect the first order was mistaken -- whether in the inaccuracy of the evidence, in the impropriety of the inferences drawn from it, or, as may be true in the present case, because of the impossibility of detecting the existence of the particular condition at the time of the earlier order. *Fischback & Moore of Alaska, Inc. v. Lynn*, 430 P.2d 909, 911-12 (Alaska 1967).
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> Change in condition necessarily implies a change from something previously existing. In this context, it must refer to a change from the condition at the time of the award being modified. *Fischback & Moore of Alaska, Inc. v. Lynn*, 453 P.2d 478, 485 (Alaska 1969).

In *Kim v. Alyeska Seafoods, Inc.* 197 P.3d 193, 198 (Alaska 2008) the Alaska Supreme Court held timely substantial compliance may be adequate to excuse strict compliance with the statutory deadline for requesting a hearing. In *Bohlmann v. Alaska Const. & Engineering, Inc.* 205 P.3d 316, 321-22 (Alaska 2009), the Court held failure to comply with the statutory deadline

may be excused when the Board did not inform an unrepresented employee of the deadline, or how to determine what the deadline was.

In *Robertson v. American Mechanical, Inc.*, 54 P.3d 777, 779 (Alaska 2002), the Alaska Supreme Court held *res judicata*, or claim preclusion, applies to workers' compensation cases; however it is not always applied as rigidly in administrative as in judicial proceedings. *Id.* at 779-80. When applicable, *res judicata* precludes a subsequent suit between the same parties asserting the same claim for relief when the matter raised was, or could have been, decided in the first suit. *Id.* at 780. Application of the principle requires the subject issue to be identical to that already litigated and requires a final judgment on the merits. *Id.*

The law of the case doctrine prevents re-litigation of issues previously decided in a case. In *Wolff v. Arctic Bowl, Inc.*, 560 P.2d 758, 763 (Alaska 1977), the Alaska Supreme Court held:

> The doctrine of the Law of the Case prohibits the reconsideration of issues that have been adjudicated in a previous appeal in the same case . . . . Even issues not explicitly discussed in the first appellate opinion, but directly involved with or "necessarily inhering" in the decision will be considered the law of the case.

In *Dieringer, Jr. v. Martin*, 187 P.3d 468, 474 (Alaska 2008), the Alaska Supreme Court held:

> The Law of the Case is both a doctrine of economy and of obedience to judicial hierarchy. The doctrine applies to all previously litigated issues unless there are "exceptional circumstances presenting a clear error constituting manifest injustice." (Footnotes omitted).

In *Beal v. Beal*, 209 P.3d 1012, 1016-1017 (Alaska 2009) the Alaska Supreme Court held:

> The law of the case doctrine, which is "grounded in the principle of stare decisis" and "akin to the doctrine of res judicata," generally "prohibits the reconsideration of issues which have been adjudicated in a previous appeal in the same case." Previous decisions on such issues -- even questionable decisions -- become the "law of the case" and should not be reconsidered on remand or in a subsequent appeal except "where there exist 'exceptional circumstances' presenting a 'clear error constituting a manifest injustice.'" (Footnotes omitted).

The law of the case doctrine applies in workers' compensation cases. *Failla v Fairbanks Resource Agency, Inc.*, AWCAC Decision No. 162 (June 8, 2012).

Black's Law Dictionary, Fifth Edition, defines "dismissal with prejudice" as follows:

> An adjudication on the merits, and final disposition, barring the right to bring or maintain an action on the same claim or cause. It is res judicata as to every matter litigated.

ANAYLYSIS

1) Was the oral order sustaining Employer's objection to Employee's witness testimony correct?

If required at a prehearing conference, parties must provide notice of who will be testifying at hearing and the subject matter and substance of the witnesses' expected testimony at least five working days before the hearing. 8 AAC 45.112. If a party directed at a prehearing conference to file a witness list fails to file a witness list as directed or files a witness list that is not in accordance with 8 AAC 45.112, the party's witnesses will be excluded from testifying at the hearing. The testimony of a party or completed deposition testimony may be considered. *Id*. At the November 16, 2017 prehearing conference, the designee required witness lists and set a filing deadline. Employee timely filed her witness list but it failed to include a brief description of the subject matter and substance of the witness's expected testimony. Employee's witness list was not in accordance with 8 AAC 45.112.

Employee testified she did not know the witness list must include a brief description of the subject matter and substance of the witness's expected testimony. A hearing panel may waive a procedural requirement if manifest injustice would result from strict application of a regulation. However a panel may not waive a procedural requirement merely to excuse a party from failing to comply with the requirements of law or to permit a party to disregard the law. 8 AAC 45.195. Employee failed to produce evidence establishing manifest injustice. Employee expected the non-party witness to testify regarding the witness' account of Employee's 2001 work injury. Employee filed the witness' notarized statement which provided the witness' account of Employee's 2001 work injury. Because Employee failed to show manifest injustice would result from strict application of 8 AAC 45.112, the oral order sustaining Employer's objection to Employee's witness testimony was correct.

In the alternative, Employee's witness testimony is unduly repetitive. 8 AAC 45.120(e). On August 16, 2011, Employee's witness testified and Employer cross-examined Employee's witness about her account of Employee's 2001 work injury. Therefore, the oral order sustaining Employer's objection to Employee's witness testimony was correct.

2) Should Employee's September 18, 2017 petition to reopen her case be granted?

Employee contends her case should be reopened because she is disabled due to fibromyalgia caused by the 2001 work injury and requested benefits. *Parsons I* held Employee's 2001 work injury was not a substantial factor in her past and current need for medical treatment for her ongoing complaints and symptoms. Under AS 44.62.540, Employee should have filed a request for reconsideration of *Parsons I* within 15 days of the decision's mailing. The division served *Parsons I* on Employee by first class mail on September 13, 2011. Employee did not request reconsideration until September 18, 2017, more than six years later. Her request for reconsideration was untimely.

Under AS 23.30.130, Employee had one year to a request for modification of *Parsons I.* A modification request must include more than a bare allegation of change of conditions or mistake of fact. Employee did not file her petition, treated as one requesting modification, until September 18, 2017, more than six years after *Parsons I* was served on her. Her request for modification was untimely.

The Alaska Supreme Court has held the fact-finders may, in some situations, may excuse strict compliance with statutory deadlines. *Kim*. However, fact-finders may not lightly disregard statutory deadlines. Employee did not substantially comply with the statutory one year deadline for modification or with the statutory 15 day deadline for reconsideration. *Parsons I* clearly set out the deadline for requesting reconsideration and modification. *Bohlmann*. Employee testified the stress of the 2001 work injury, the abusive work environment at Employer, and medication she was on prevented her from timely petitioning for modification or reconsideration of *Parsons I.* However, this assertion is not credible as Employee filed an appeal of *Parsons I* with the Commission within the 30-day statutory deadline. AS 23.30.122; *Rogers & Babler*. Because

Employee did not timely seek reconsideration or modification of *Parsons I* and has not shown why this decision should excuse the statutory deadline, her request to reopen her case is without merit. Therefore, this decision will deny Employee's September 18, 2017 petition.

3) Should Employer's October 19, 2017 petition to dismiss Employee's September 18, 2017 petition be granted?

As previously addressed, this decision cannot reconsider *Parsons I* under AS 44.62.540 and it cannot modify *Parsons I.* AS 23.30.130. *Parsons I* was a final decision on the merits of Employee's 2001 work injury. The Commission affirmed *Parsons I* in *Parsons II.* Only the Commission or the Alaska Supreme Court can reconsider or reverse Parsons II, respectively. Employer asserted the doctrines of res judicata and law of the case against Employee. Employee's September 18, 2017 petition seeks the same relief denied in *Parsons I* and *Parsons II*. *Wolff*; *Robertson.* Employee seeks to re-litigate issues already decided. Employer demonstrated all elements for application of res judicata doctrine. Consequently, res judicata bars Employee's September 18, 2017. *Id.*

Evidence in the record, including Employee's medical evidence submitted for hearing, fails to provide an exceptional circumstance presenting a clear error constituting manifest injustice. *Dieringer, Jr.*; *Beal*. The law of the case doctrine also bars Employee's September 18, 2017 petition. *Id*. Because the res judicata and law of the case bar Employee from filing another request for benefits for her 2001 work injury, Employee's September 18, 2017 petition will be dismissed with prejudice. Employer's October 19, 2017 petition to dismiss Employee's September 18, 2017 petition will be granted.

CONCLUSIONS OF LAW

1) The order sustaining Employer's objection to Employee's witness' testimony was correct.
2) Employee's September 18, 2017 petition will be denied.
3) Employer's October 19, 2017 petition will be granted.

ORDERS

1) Employer's October 19, 2017 petition is granted.
2) Employee's September 18, 2017 petition is denied with prejudice.

Dated in Juneau, Alaska on February 7, 2018.

ALASKA WORKERS' COMPENSATION BOARD

/s/
Kathryn Setzer, Designated Chair

/s/
Bradley Austin, Member

CONCURRENCE OF BOARD MEMBER CHARLES COLLINS

The concurrence respectfully agrees with denying Employee's September 18, 2017 petition and granting Employer's October 19, 2017 petition to dismiss. However, the concurrence is also concerned with Employee petitioning for relief and claiming benefits when clearly barred by statutory deadlines and the doctrine of res judicata. The concurrence finds it troubling that this decision must address and Employer must defend against a frivolous petition. Such actions inappropriately consume agency resources and increase costs for employers. Frivolous petitions like Employee's clearly violate the legislature's intent to provide "quick, efficient, fair, and predictable" delivery of benefits to injured workers at a reasonable cost to employers. AS 23.30.001(1).

/s/
Charles Collins, 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 TERRY M. PARSONS, employee / claimant; v. CRAIG CITY SCHOOL DISTRICT, employer; ALASKA MUNICIPAL LEAGUE JOINT INSURANCE ASSOC., insurer / defendants; Case No. 200111621; dated and filed in the Alaska Workers' Compensation Board's office in Juneau, Alaska, and served on the parties by First-Class U.S. Mail, postage prepaid, on February 7, 2018.

/s/_____
Dani Byers, Workers' Compensation Technician