ALASKA WORKERS' COMPENSATION BOARD

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

JESUS PEREZ, Employee, Claimant, v. WESTWARD SEAFOODS, INC., Employer, and ACE AMERICAN INSURANCE COMPANY, Insurer, Defendants.	)	FINAL DECISION AND ORDER AWCB Case No. 201505882 AWCB Decision No. 20-0051 Filed with AWCB Anchorage, Alaska on June 26, 2020

Jesus Perez's (Employee) petition for more time to request a hearing and Westward Seafoods, Inc.'s (Employer) petition to dismiss Employee's claim were heard on June 25, 2020, in Anchorage, Alaska, a date selected on April 14, 2020. A February 24, 2020 hearing request, gave rise to this hearing. Employee appeared telephonically, testified and represented himself through Spanish interpreter "José." Attorney Jeffrey Holloway appeared telephonically and represented Employer and its insurer. The record closed at the hearing's conclusion on June 25, 2020.

ISSUE

Employee contends he does not need more time to request a hearing on his April 4, 2017 claim. Rather, he contends he filed his evidence, wants his case decided and opposes Employer's March

5, 2020 petition to dismiss his claim for failure to timely request a hearing or request additional time to ask for a hearing. Employee admits he did not timely request a hearing or a timely request more time to request a hearing.

Employer contends Employee has no valid legal excuse for not timely requesting a hearing on his claim or seeking more time to request one. It contends its controversion notices, two prehearing conference summaries and a Spanish speaking division technician all repeatedly advised him that he had to file a hearing request within two years of the date Employer controverted his claim, or his claim could be denied. Since Employee did nothing for over two years to bring his claim to hearing, and his request for more time was untimely, Employer contends his petition should be denied and its petition should be granted.

Should Employee be given more time to request a hearing, or should his claim be denied?

FINDINGS OF FACT

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

1) On April 3, 2017, Employee filed a notice changing his mailing address to 69 W. ******** Street, Heber, CA 92249; his address is partially redacted to protect his privacy. At hearing, he confirmed this mailing address was correct at all times relevant to the current issues. (State of Alaska Division of Workers' Compensation Change of Address, February 6, 2017; Employee).

2) On April 4, 2017, Employee filed a claim seeking unspecified temporary total disability (TTD) benefits, permanent partial impairment (PPI) benefits, medical benefits and related transportation costs, a compensation rate adjustment, a penalty, interest and a finding Employer made an unfair or frivolous controversion. (Workers' Compensation Claim, April 4, 2017).

3) On April 24, 2017, Employer served on Employee by mail at his correct address a notice advising him it denied, "All benefits to include TTD, PPI, Medical Costs, Transportation, Compensation Rate, Penalty, Interest, Unfair or frivolous controvert." Grounds for denying these benefits are not relevant to the instant issues. (Controversion Notice, April 24, 2017).

4) On April 26, 2017, the division received Employer's April 24, 2017 notice. (Agency file).

5) On May 15, 2017, Employer filed and served on Employee by mail at his correct address a notice advising it denied his right to any benefits related to a left shoulder condition, right foot

plantar fasciitis and right great toe diabetic ulcer. It denied Employee's claim for TTD benefits from June 14, 2015, and continuing, PPI benefits, medical costs that are not reasonable, necessary, related to the work injury or not supported by a required treatment plan or not otherwise in compliance with the Alaska medical fee schedule or not timely filed under the Act. Employer denied medical-related transportation expenses for unreasonable medical care or expenses not properly documented. It also denied a compensation rate adjustment and penalty, interest and an unfair or frivolous controversion finding. Employer's grounds for this denial are not relevant to the current issues. (Controversion Notice, May 15, 2017).

6) On May 15, 2017, Employer propounded written discovery requests and interrogatories to Employee at his correct mailing address. (Request for Production of Documents; Special Interrogatories, Set One, May 15, 2017).

7) On May 16, 2017, the parties met telephonically at conference with a board designee to discuss Employee's case; a Spanish interpreter also participated. The board's designee recorded:

> Designee explained the adjudications process noting that once discovery is complete, and a settlement has not occurred, either party may file an Affidavit of Readiness for Hearing (ARH) form to notify the Alaska Workers Compensation Board (AWCB) that a Hearing is necessary.

The summary also contained the following standard language:

> **Notice to Claimant:**
>
> AS 23.30.110(c) provides: "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." In other words, when Employee files a workers' compensation claim and Employer controverts the claim, to avoid possible dismissal of Employee's claim, Employee must file with the board and serve on all opposing parties an affidavit of readiness for hearing within two years of the controversion. The board has an affidavit of readiness for hearing form Employee can complete and file. If Employee has not completed all discovery and cannot file the affidavit of readiness for hearing within two years of Employer's controversion, but still wants a hearing, Employee should provide written notice to the board and serve the notice upon all opposing parties.

The summary does not record that Employee requested a hearing orally. (Prehearing Conference Summary, May 16, 2017).

8) On June 13, 2017, Employer filed and served on Employee by mail at his correct address notice advising him it denied his claim for "All Benefits." Employer's reasons for this denial are not relevant to the current issues. (Controversion Notice, June 13, 2017).

9) Employer's three relevant denial notices all include the following language:

> **TO EMPLOYEE . . . READ CAREFULLY**
> . . . .
>
> **TIME LIMITS**
> . . . .
>
> 2. When must you request a hearing (Affidavit of Readiness for Hearing Form)?
>
> If the insurer/employer filed this controversion notice after you filed a claim, you must request a hearing before the AWCB within two years after the date of this controversion notice. You will lose your right to the benefits denied on the front of this form if you do not request a hearing within two years.
>
> **IF YOU ARE UNSURE WHETHER IT IS TOO LATE TO . . . REQUEST A HEARING, CONTACT THE NEAREST AWCB OFFICE**. (Controversion Notices, April 24, 2017; May 15, 2017; June 13, 2017; emphasis in originals).

10) On July 13, 2017, the parties met again telephonically at conference with a board designee and a Spanish interpreter to discuss Employee's case. The designee's summary again advised:

> **Notice to Claimant:**
>
> AS 23.30.110(c) provides: "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." In other words, when Employee files a workers' compensation claim and Employer controverts the claim, to avoid possible dismissal of Employee's claim, Employee must file with the board and serve on all opposing parties an affidavit of readiness for hearing within two years of the controversion. The board has an affidavit of readiness for hearing form Employee can complete and file. If Employee has not completed all discovery and cannot file the affidavit of readiness for hearing within two years of Employer's controversion, but still wants a hearing, Employee should provide written notice to the board and serve the notice upon all opposing parties.

The summary does not record that Employee requested a hearing orally. This was the last prehearing conference the parties attended until January 8, 2020. (Prehearing Conference Summary, July 13, 2017; agency file).

11) The division served the May 16, 2017 and July 13, 2017 conference summaries by mail on Employee at his correct address. (Prehearing Conference Summaries, May 16 and July 13, 2017).

12) On April 17, 2018, Employee called the division and spoke to Spanish-speaking staff member Elizabeth Pleitez who summarized the conversation and recorded:

> EE wants to move forward with case and would like to send some medical evidence as well as a file for an ARH -- emailed a Medical Summary cover sheet & ARH --discussed attorney list but was not interested. (Agency file, Communications tab, April 17, 2018).

13) At hearing, Employee recalled the April 17, 2018 teleconference, acknowledged the note was accurate and agreed Pleitez emailed him the ARH; but he stated there was a problem with his email and he could not open it. Pleitez always spoke Spanish to Employee and he understood her. He said he called Pleitez's direct line on one or more subsequent occasions but an English-speaking person always answered the phone and transferred him to Pleitez's voicemail. Employee said he left voice-mail messages but did not say whether Pleitez ever returned his calls. (Employee).

14) On January 10, 2019, Employee called Pleitez. She summarized the call and recorded:

> *Spanish EE call to find out if I can assist him with the status of his case. I went over our last conversation and he recalled that he needs to follow up with an ARH and submitting some additional medical evidence. I went over the adj. process again and offered him a list of attorneys which he declined stating he already had one. Sent EE attached email including parties[’] email addressed [sic] per his request. (Agency file, Communications tab, January 10, 2019).

15) At hearing, Employee agreed Pleitez's January 10, 2019 note was accurate; he confirmed that she sent him the requested email addresses for Holloway and the board by email and by hardcopy. By at least as early as January 10, 2019, Employee's email was working and he had the board's electronic filing address. (Employee; inferences from the above).

16) Pleitez's January 10, 2019 email written in Spanish to Employee stated:

> Buenos Dias Mr. Perez,
>
> Aqui tiene la forma que me ah [sic] pedido. Abajo de estas palabras esta la informacion de emails donde puede mandar al abogado de la asegurnsa [sic].
>
> Jeffrey Holloway: bhcsservice@bhclaw.com
> Workers[’] Compensation: workerscomp@alaska.gov
>
> Cualquier pregunta mi telefono directo esta en mi firma.
>
> Gracias.
>
> Elizabeth Pleitez (Pleitez email, January 10, 2019).

17) Other than Employee’s April 17, 2018 and January 10, 2019 telephone calls and his participation at the May 16, 2017 and July 13, 2017 prehearing conferences, there was no communication from him from April 26, 2017 through November 13, 2019. (Agency file).

18) On November 13, 2019, Employee called Pleitez again, who summarized and recorded:

> *Spanish, EE call [sic] to find out status of claim. EE stated that he wants to be done with this case. I explained the time to request a hearing under AS 23.30.110(c). I explained the petition to extend time since EE past [sic] the time to file an ARH. EE requested for me to email the petition to him. (Agency file, Communications tab, November 13, 2019).

19) On November 22, 2019, Employee filed a request for an extension of time to request a hearing under §110(c). He stated, “I didn’t know I had a time limit to request a hearing to finish defining the case.” (Petition, November 21, 2019).

20) Assuming Employee’s November 22, 2019 petition can be considered his first request for a hearing, it came two years and 210 days after Employer’s April 26, 2017 controversion, two years and 191 days after its May 15, 2017 controversion and two years and 162 days after its June 13, 2017 controversion. This did not substantially comply with §110(c). (Observations; judgment).

21) On February 24, 2020, Employee notified the division that he changed his mailing address to 1100 ***** Dr. Apt ***, Imperial, CA 92251. (State of Alaska Division of Workers’ Compensation Change of Address, February 17, 2020).

22) On February 24, 2020, Employee filed his only formal hearing request. This came two years and 300 days after Employer’s April 26, 2017 controversion, two years and 281 days after

its May 15, 2017 controversion and two years and 252 days after its June 13, 2017 controversion. This did not substantially comply with §110(c). (Affidavit of Readiness for Hearing, undated but filed February 24, 2020; observations; judgment).

23) On February 26, 2020, Employee filed various documents with a cover-email written in Spanish. The documents appear to be his responses to Employer's May 15, 2017 requests for production and interrogatories. (Employee email, February 26, 2020; judgment).

24) At hearing on June 25, 2020, Employee testified he did not need more time to request a hearing; he just wanted his case heard; he did not know there was a time limitation. He reads English with some help needed and is not "100 percent." His written English is "not so good," but his English-speaking is about "70 to 80 percent"; while working in Alaska, Employee could speak English with Filipino coworkers. Between April 26, 2017 and April 29, 2019, Employee was not incarcerated or mentally disabled but was hospitalized for approximately one month, total. Between those dates, he left the country to visit family in Mexico perhaps 40 days, total. When he was younger, Employee attended school, finished college and is a licensed dental surgeon in Mexico. He received the prehearing conference summaries but does not recall if he read them. When Employee has questions about something he reads in English, he gets help from his children who speak English "perfectly." Employee admitted he did not file a hearing request or ask for additional time to file one before April 29, 2019. When asked if there was anything the division could have done better to prevent him from missing his deadline, Employee said "a reminder." He also said it might be helpful if the division's forms were provided in Spanish. Employee has a smartphone with a calendar function. He wants a decision in his favor. (Employee).

25) Employer contends Employee filed a claim, and Employer controverted it three times. The controversion notices are on the director-prescribed form and each gave him a legally sufficient notice and a warning to file a hearing request or a request for more time to file one within two years, or his claim would be dismissed. It contends dismissal is mandatory unless Employee's failure can be excused. Employer contends Employee gave no reason to excuse his failure to timely file a hearing request or an extension. It relies on Alaska Supreme Court and commission precedent to support its position. Employer faults Employee for not reading the prehearing conference summaries and suggests by not reading them he had a "lack of knowledge, not a lack

of notice." It also relies primarily on Employee's uncontradicted testimony as factual support for its request to deny his petition for more time and to grant its petition to dismiss. (Record).

PRINCIPLES OF LAW

> **AS 23.30.001. Intent of the legislature and construction of chapter.** It is the intent of the legislature that
> . . . .
>
> (2) workers' compensation cases shall be decided on their merits except where otherwise provided by statute. . . .

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). In *Rockney v. Boslough Construction Co.*, 115 P.3d 1240 (Alaska 2005), the court stated that the statutory presumption of compensability does not apply if there is no factual dispute about an issue.

> **AS 23.30.110. Procedure on claims**. . . .
> . . . .
>
> (c) Before a hearing is scheduled, a party seeking a hearing shall file a request for hearing together with an affidavit stating that the party has completed necessary discovery, obtained necessary evidence, and is prepared for the hearing. An opposing party shall have 10 days after the hearing request is filed to file a response. . . . 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. . . .

The Alaska Supreme Court in *Richard v. Fireman's Fund Insurance Co.,* 384 P.2d 445, 449 (Alaska, 1963), held the board owes a duty to fully advise a claimant of "all the real facts" that bear upon his right to compensation, and to instruct him on how to pursue that right. *Bohlmann v. Alaska Const. & Engineering,* 205 P.3d 316 (Alaska, 2009), held the board had a duty to inform a self-represented claimant how to preserve his claim under §110(c), and to correct the employer's lawyer's incorrect statement that §110(c) had already run on his claim. *Bohlmann* said *Richards* may excuse noncompliance with §110(c) when the board failed to adequately inform a claimant of the two-year time limitation. Since Bohlmann still had over two weeks to

file a hearing request when the employer's lawyer gave wrong information, and the board's designee did not correct it, the court reversed the board's claim dismissal and directed it to accept the tardy hearing request as timely. The court presumed Bohlmann would have timely filed his hearing request had the board or staff satisfied its duty to him, because he had consistently filed his own pleadings previously.

Certain legal grounds may excuse noncompliance with §110(c), such as lack of mental capacity, incompetence or equitable estoppel asserted against a government agency by a self-represented claimant. *Tonoian v. Pinkerton Security,* AWCAC Decision No. 029 (January 30, 2007). The Alaska Supreme Court in *Tipton v. ARCO Alaska, Inc.,* 922 P.2d 910, 912-13 (Alaska 1996) noted the statute of limitations defense is "generally disfavored," and neither "the law [n]or the facts should be strained in aid of it." In *Kim v. Alyeska Seafoods, Inc*., 197 P.3d 193 (Alaska 2008), the claimant requested a hearing continuance and more time to prepare for hearing, two days before the §110(c) time limits to request a hearing ran out; the board denied his claim under §110(c). The Alaska Supreme Court noted §110(c) though different, is "likened" to a statute of limitations and "provisions absent from subsection .110(c) should not be read into it." *Kim* said:

> . . . The board has discretion to extend the deadline for good cause. (*Id*. at 194). Subsection .110(c) is a procedural statute that 'sets up the legal machinery through which a right is processed' and 'directs the claimant to take certain action following controversion.' A party must strictly comply with a procedural statute only if its provisions are mandatory; if they are directory, then 'substantial compliance is acceptable absent significant prejudice to the other party.'
> . . . .
>
> We conclude that the language of subsection .110(c) satisfies these criteria and hold its provisions are directory. . . .
> . . . .
>
> On remand, the Board should fully consider the merits of Kim's request for additional time and any resulting prejudice to Alyeska. If in its broad discretion the Board determines that Kim's reasons for requesting additional time have insufficient merit, or that Alyeska would be unduly prejudiced, the Board can set a hearing of its own accord or require Kim to file an affidavit of readiness within two days -- the amount of time remaining before the original two-year period expired. (*Id*. at 199).

Pruitt v. Providence Extended Care, 297 P.3d 891, 985 (Alaska 2013), cited *Kim*'s holding, but also said "we did 'not suggest that a claimant can simply ignore the statutory deadline and fail to file anything.'" *Pruitt* said in respect to the claimant in that case, "She did not file anything indicating she wanted to prosecute the 2005 written claim until August 2009, well after the statutory deadline expired." *Roberge v. ASRC Construction Holding Co.*, AWCAC Decision No. 19-001 at 8 (September 24, 2019), said, "Yet the idea of a hearing not being held on the merits of a claim is strongly disfavored by the Court and the Board has an obligation to determine if there is a way around the running of the .110(c) defense."

> **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 are "binding for any review of the Board's factual findings." *Smith v. CSK Auto, Inc.,* 204 P.3d 1001, 1008 (Alaska 2009).

> **8 AAC 45.060. Service**. . . .
> . . . .
>
> (b) . . . If a right may be exercised or an act is to be done, three days must be added to the prescribed period when a document is served by mail.

ANALYSIS

Should Employee be given more time to request a hearing, or should his claim be denied?

There are no factual disputes on the issues decided here. Employee admitted he did not timely file a hearing request or a request for additional time to file one. *Pruitt*. Therefore, the statutory presumption of compensability analysis need not be applied. *Rockney*. The relevant facts are undisputed: Employee filed a claim for benefits on April 4, 2017; Employer controverted it on April 26, 2017. Employee had two years to either file a written hearing request or a written request asking for more time to file one. Because Employer served the April 24, 2017 controversion notice on Employee by mail, three days must be added to Employee's two-year filing deadline. 8 AAC 45.060(b). Thus, Employee had to take some action to request a hearing

or to preserve his right to request one by no later than April 29, 2019. Employee admitted he did not.

Legal grounds, such as lack of mental capacity, incompetence, or equitable estoppel asserted against the division may excuse his noncompliance with §110(c). A second independent medical evaluation (SIME) process pauses the §110(c) two-year deadline. *Tonoian*. Employee could not point to any misinformation Employer, or the division or its representatives, gave him. Unlike the situation in *Bohlmann*, there was no incorrect date provided to Employee that the designee failed to correct. By contrast, Employer's three controversion notices and two relevant prehearing conference summaries repeatedly provided him with sufficient, legal notice and warning about the two-year deadline. Further, Employee spoke to Pleitez twice during the relevant time, in Spanish; she told him about his duty to request a hearing. On January 10, 2019, Employee called Pleitez and said he "recalled that he needs to follow up with an ARH [Affidavit of Readiness for Hearing] and submitting some additional medical evidence." On this occasion, Pleitez went over the adjudications process "again" and emailed and mailed Employee email addresses for Holloway and the division. His email may not have worked properly early in the relevant time period, but by at least January 10, 2019, it was working and Employee knew he had to file a hearing request and could have done so electronically. *Rogers & Babler*.

In accordance with *Roberge*, Employee was asked at hearing about anything that could have been "a way around the running" of the time limitation in §110(c). There was nothing; there is no evidence mental incapacity, incompetence, absence, lengthy illness or incarceration prevented him from timely requesting a hearing or requesting more time to ask for one. There was no SIME. *Tonoian*. Employee reads English though "not 100 percent"; if he has a problem reading, he asks his children, who speak it "perfectly," for help; he speaks English well enough that he could converse with Filipino coworkers when he was in Alaska. He is well-educated and is a licensed dental surgeon in Mexico. Employee has a smartphone with a calendar feature; nothing prevented him from inserting a two-year deadline into his smartphone, with appropriately set "reminders." That Employee neglected his claim for over two years is exemplified by the fact he did not respond to Employer's May 15, 2017 production requests and interrogatories until February 26, 2020.

The Alaska Supreme Court has long held that §110(c) is likened to a "statute of limitations," which is a generally "disfavored defense" and neither "the law nor the facts should be strained in aid of it." *Tipton*; *Kim*. Neither the law nor the facts need to be strained in this case. And while §110(c) is "directory," and "substantial compliance" with its terms is acceptable action to prevent claim dismissal absent significant prejudice to the other party, Employee still should have filed something to prosecute his claim timely. *Kim*; *Pruitt*. He filed nothing notwithstanding at least four reminders. It is unlikely forms written in Spanish would have made any difference; Employee could not recall if he read the ones he received in English. Cases "shall be" decided on their merits, "except where otherwise provided by statute." AS 23.30.001(2). The relevant statute providing an exception to that general rule is §110(c). It required Employee to prosecute his claim promptly; he admittedly failed to do so.

In his November 21, 2019 petition, and in his opening statement, Employee said he did not know he had a time limit to request a hearing. His representation is not credible because at hearing Employee admitted he knew there was a deadline and through his own mistake failed to file anything timely. AS 23.30.122; *Smith*. The Alaska Supreme Court has held the division has a duty to fully advise Employee of "all the real facts" bearing upon his right to compensation and how to pursue it. *Richard*. This includes informing him how to preserve his claim under §110(c). *Bohlmann*. Employer and the division satisfied their duty in this case by adequately and repeatedly notifying and warning Employee about the two-year deadline to ask for a hearing. He had ample notice through three controversion notices, two prehearing conference summaries and two personal phone calls with Pleitez in his native tongue. It is unlikely giving Employee the exact date by which he had to take action to preserve his claim would have made any difference because he admittedly still needed "a reminder" even after being told he had to act within two years of the earliest controversion notice. Employee nonetheless missed all three post-controversion deadlines by anywhere from 210 to 164 days. Given this analysis and the undisputed facts, Employee's November 22, 2019 petition will be denied and his April 4, 2017 claim will be dismissed.

CONCLUSION OF LAW

Employee will not be given more time to request a hearing, and his claim will be denied.

ORDER

1) Employee's November 22, 2019 petition is denied.
2) Employee's April 4, 2017 claim is dismissed under AS 23.30.110(c).

Dated in Anchorage, Alaska on June 26, 2020.

ALASKA WORKERS' COMPENSATION BOARD

/s/
William Soule, Designated Chair

/s/
Nancy Shaw, Member

/s/
Sara Faulkner, 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 Jesus Perez, employee / claimant v. Western Seafoods, Inc., employer; ACE American Insurance Company, insurer / defendants; Case No. 201505882; dated and filed in the Alaska Workers' Compensation Board's office in Anchorage, Alaska, and served on the parties by certified U.S. Mail on June 26, 2020.

/s/
Kimberly Weaver, Office Assistant