

ALASKA WORKERS' COMPENSATION BOARD



P.O. Box 115512

Juneau, Alaska 99811-5512

TERRY BRYANT,)
)
Employee,)
Claimant,) INTERLOCUTORY
) DECISION AND ORDER
v.)
) AWCB Case No. 201617107
RAVN AIR GROUP,)
) AWCB Decision No. 20-0094
Employer,)
and) Filed with AWCB Anchorage, Alaska
) On October 13, 2020.
COMMERCE AND INDUSTRY)
INSURANCE COMPANY,)
)
Insurer,)
Defendants.)

Terry Bryant's (Employee) February 27, 2020 petition to extend the AS 23.30.110(c) deadline was heard on the written record in Anchorage, Alaska on September 16, 2020, a date selected on July 7, 2020. Attorney J.C. Croft represented Employee. Attorney Krista M. Schwarting represented Ravn Air Group and Commerce and Industry Insurance Company (Employer). An oral order denied consideration of Employee's September 11, 2020 affidavit of attorney fees and costs. This decision examines the oral order and decides Employee's petition to extend the AS 23.30.110(c) deadline. The record closed at the hearing's conclusion on September 16, 2020.

ISSUES

Employee contends the time for filing an affidavit of readiness for hearing under AS 23.30.110(c) should be extended for two reasons. First, Employee contends because Employer did not file post-claim controversions until August and October 2018 and Employee participated in the SIME process, his time to request a hearing was tolled well beyond February 2020. Second, Employee contends it is reasonable to wait until after he completes his current vocational rehabilitation plan before requesting and proceeding to hearing.

Employer contends there is no basis for extending the AS 23.30.110(c) deadline as the only substantive issue that has not been resolved is for medical and transportation costs and Employee has not provided any basis to extend the statutory deadline. Employer admits the statutory deadline has not run because there is a tolling period during the SIME process.

1) Should Employee's AS 23.30.110(c) deadline to file his affidavit of readiness for hearing be extended?

Employee submitted an attorney fees affidavit on September 11, 2020.

Employer filed its objection to Employee's attorney fee affidavit on September 14, 2020, contending the hearing issue is interlocutory in nature and it is inappropriate for the Board to consider the attorney fee affidavit for the entirety of the claim when the hearing was scheduled to hear one finite issue.

2) Was the order refusing to consider Employee's attorney fees affidavit correct?

FINDINGS OF FACT

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

1. On October 10, 2016, Employee suffered an injury while changing out a water pump at work. His arm became numb, lost strength, and he had to use his other arm to get his left arm out of the position it was in. (Dr. Wickler's 10/12/16 medical report; ROI, 11/15/16.)
2. On October 12, 2016, Dr. Wickler evaluated Employee's painful, numb left arm. Dr. Wickler's impression was probable cervical spine stenosis or ruptured disc. He ordered an MRI. (Dr. Wickler's 10/12/16 medical report.)
3. On October 12, 2016, a cervical spine MRI showed multilevel degenerative changes with disc osteophyte, foraminal narrowing and disc space narrowing including C3-4, 5-6, and 6-7. (MRI report, 10/12/16.)
4. On October 18, 2016, neurosurgeon Louis Kralick, M.D., opined Employee's neck and arm pain and neurologic symptoms correlated with cord and root compression. Dr. Karlick ordered a CT and said Employee would benefit from disc excision and decompression anteriorly with interbody fusion C5 through C7. (Dr. Kralick's 10/18/16 medical report.)
5. On November 11, 2016, Employee was examined by neurosurgeon Louis Dietrich, M.D., for an employer's medical evaluation (EME). On November 23, 2016, Dr. Dietrich opined the October 10, 2016 work injury was the substantial cause of Employee's need for medical treatment of his cervical condition and radiculopathy. (Dr. Dietrich's 11/11/16 EME report and 11/23/16 follow-up response to Employer's questions.)
6. On December 8, 2016, Employee underwent anterior cervical decompression and interbody fusion C4-C7. (Dr. Kralick's Operative Report, 12/8/16.)
7. On January 17, 2017, five weeks post-surgery, Employee was seen at the neurosurgery clinic. It was noted his left arm pain had resolved and strength was improving. Employee complained of continued posterior neck pain and aching, which was also slowly improving. He had occasional difficulty swallowing. Employee had been unable to return to work due to decreased range of motion and lifting restrictions. He was referred for physical therapy. (Clinic note, PA Tempel, 1/12/17.)

8. On February 23, 2017, physical therapist Klain noted Employee had upper cervical spine pain and headaches, as well as weakness, especially in his shoulder girdle muscles. PT Klain recommended therapy twice a week for eight weeks. (Clinic notes, PT Klain, 2/23/17.)
9. On March 21, 2017, PA Tempel noted Employee's posterior neck pain was unbearable at times. Significant muscle spasms and neck tightness, as well as migraine headaches were also noted. PA Tempel referred Employee to pain specialist Christopher Gay, M.D., for evaluation and pain treatment. (Clinic notes, PA Tempel, 3/21/17).
10. From March 2017 and ongoing, Employee has treated with Dr. Gay for management of his neck pain and headaches. Treatment has included radiofrequency ablation, nerve blocks, medial branch blocks, trigger point injections and steroid injections. (Clinic notes of Dr. Gay, March 2017 to January 10, 2019.)
11. From March 2017 through January 2018, Employee participated in physical therapy and a work hardening program. He completed a Functional Capacity Evaluation on January 30, 2018, when his overall level of work fell into the medium range. His initial pain level was 2/10 and exiting pain level was 6/10. The testing time was four hours. (PT clinic notes, 3/17 through 1/30/18.)
12. On July 13, 2017, Employee was found ineligible for reemployment benefits based on Dr. Kralick's prediction Employee would have the physical capacity to perform his combination job at the time of injury. (RBA designee's letter, 7/13/17.)
13. On January 7, 2017, Employee underwent a second EME with Dr. Dietrich, who opined Employee would not be able to return to his work as a heavy equipment mechanic, but would be able to return to the work force. He stated the work injury had resolved and did not need further treatment. Dr. Dietrich opined Employee was medically stable as to the work injury and did not require active treatment beyond the medication Lyrica for up to a year. (EME report, 7/7/17).
14. On January 24, 2018, Employer, relying on Dr. Dietrich's December 17, 2017 opinions, controverted temporary total disability (TTD), temporary partial disability (TPD), permanent partial impairment (PPI) in excess of 17% of the whole person, and all medical benefits as of January 12, 2018, except for a functional capacity evaluation and the medication Lyrica for up to one year and possible radiofrequency ablation in the future. Employer also controverted reemployment benefits. (Controversion Notice, 1/24/18.)

15. On February 27, 2018, Employee filed a claim for workers' compensation benefits, namely PPI and medical costs, listing the injury date as October 10, 2016. (Claim, 2/27/18.)
16. On February 28, 2018, Employee filed a petition for a second independent medical evaluation (SIME). (Petition, 2/28/18.)
17. On March 9, 2018, Krista Schwarting entered an appearance on behalf of Employer. (Entry of Appearance, Krista Schwarting, 3/9/18.)
18. On March 14, 2018, J.C. Croft entered an appearance on behalf of Employee. (Entry of Appearance, J.C. Croft, 3/14/18.)
19. On March 20, 2018, Employer answered Employee's February 27, 2018 claim stating it had no objection to Employee obtaining his own PPI rating. Regarding Employee's claim for unspecified medical benefits, Employer indicated its intent to rely on Dr. Dietrich's opinion Employee required no further medical treatment. (Answer, 3/20/18.)
20. On March 28, 2018, Employee amended his February 27, 2018 claim to include reemployment benefits. (PHC summary, 3/28/18.)
21. On August 8, 2018, Employer, controverted time loss benefits after December 7, 2017, PPI over 17% and medical benefits, except for a physical capacities evaluation, the medication Lyrica for a period not to exceed one year and treatment for recurrent symptoms related to radiofrequency ablation. (Controversion notice, 8/8/18.)
22. On August 29, 2018, in response to Employee's questions, Dr. Gay opined Employee was not medically stable, but could return to work with no lifting and no repetitive movement of his head. He further opined Employee would not be able to return to heavy-duty work. Dr. Gay also stated the work injury was the substantial cause of these restrictions and the restrictions were permanent. He opined the treatment to date had been reasonable and necessary and recommended repeated interventional treatments as needed, to include radiofrequency ablations and cervical epidurals. (Dr. Gay's responses to Employee's questions, 8/29/18.)
23. On September 6, 2018, Employee filed a second petition for an SIME to resolve the dispute between Employee's treating physician Dr. Gay and EME physician, Dr. Dietrich. (Petition for SIME, 6/6/18.)
24. On September 19, 2018, Employee amended his February 27, 2018 claim to add claims for TTD, medical costs and transportation, interest and attorney's fees and costs. (Claim, 9/19/18.)

25. On September 25, 2018, Employer answered Employee's petition for an SIME, requesting the addition of questions relating to causation, compensability and medical stability, as well as adding Dr. Kralick's opinion Employee is medically stable. (Employer's Answer to Employee's petition for an SIME, 9/25/18.)
26. On September 28, 2018, Employer stipulated Employee was eligible for reemployment benefits. (Employer's stipulation, 9/28/18.)
27. On October 3, 2018, Employee requested a hearing on his September 6, 2018 petition for an SIME. (Employee's ARH, 10/3/18.)
28. On October 5, 2018, Employer controverted Employee's claims for time loss benefits after December 7, 2017, PPI beyond 17% whole person, and medical benefits other than Lyrica for a period not to exceed one year and treatment for recurrent symptoms related to radiofrequency ablation. (Board-prescribed controversion notice, 10/5/18.)
29. On October 8, 2018, RBA Tusten sent notification Employee was eligible for reemployment benefits. (RBA's letter, 10/8/18.)
30. On October 9, 2018, the parties stipulated to conducting an SIME. (Prehearing Conference Summary, 10/9/18.)
31. On October 12, 2018, Employer opposed Employee's hearing request because the parties had stipulated to an SIME and a hearing was no longer necessary. (Employer's opposition to Employee's ARH, 10/12/18.)
32. On October 17, 2018, Employee elected to receive reemployment benefits and waived his right to receive a job dislocation benefit. (Election of Benefits Form, 10/17/18.)
33. On October 12, 2018, Employee requested a hearing on his attorney fees claim because his attorney assisted him in obtaining reemployment benefits. (ARH, 10/12/18.)
34. On December 21, 2018, Employer opposed Employee's hearing request and requested a prehearing conference. (Employer's Opposition to ARH, 12/21/18.)
35. On January 16, 2019, a March 6, 2019 hearing was set on Employee's attorney fees and costs claim. (PHC Summary, 3/6/19.)
36. On February 4, 2019 Dr. Silverman's SIME report was received. Dr. Silverman opined the October 10, 2016 work injury was the substantial cause of Employee's disability and need for medical treatment. She further opined Employee would need further treatment for his chronic pain. Dr. Silverman stated Employee was medically stable on January 20, 2018, and rated his

PPI at 19% whole person. She opined he would not be able to return to his job at the time of injury. (SIME report, 2/4/19.)

37. The AS 23.20.110(c) deadline was tolled for 117 days from October 9, 2018, the date parties stipulated to an SIME, until February 4, 2019, the date Dr. Silverman's SIME report was received. Judgment.)

38. On February 26, 2019, Employer filed a stipulation for approval of attorney's fees and costs through October 3, 2018 and another to cancel the March 6, 2019 hearing. (Stipulations of the parties, 2/26/19.) Both stipulations were approved by the Board. (Statements of the Board, 2/26/19.)

39. On April 11, 2019, a reemployment plan was approved. (Workers' Compensation Technician Charles' letter to RS Cortis, 4.11.19.)

40. On January 23, 2020, a letter from rehabilitation specialist Loretta Cortis reported Employee had started his retraining as a HVAC Technician at Mat-Su College and was also continuing to independently study math at Nine Star Enterprises. In addition, the reemployment plan had been extended to one month past the 24 months allotted by the law due to scheduling changes made by the college. (RS Cortis' letter, 1/23/20.)

41. On February 27, 2020, Employee requested an extension of time to request a hearing under AS 23.30.110(c). (Petition, 2/27/20.)

42. On March 18, 2020, Employer opposed Employee's request stating no extension of time was warranted as there was no revised reemployment plan in place. (Employer's Answer, 3/18/20.)

43. On June 5, 2020, Employee requested a hearing on his February 27, 2020 petition for an extension of time to request a hearing. (ARH, 6/5/20.)

44. On June 15, 2020, Employer had no objection to a hearing on Employee's February 27, 2020 petition. (Employer's Response to Employee's ARH, 6/15/20.)

45. On July 7, 2020, a hearing on Employee's petition to extend the 110(c) deadline was set on the written record on September 16, 2020. (PHC summary, 7/7/20.)

46. On September 11, 2020, Employee filed an affidavit of attorney fees. (Employee's affidavit, 9/11/20.)

47. Employer contends Employee has the evidence needed to argue for the time loss, medical and transportation benefits claimed in his September 18, 2018 claim. The § 110(c) deadline for Employee's September 18, 2018 claim is Monday, February 1, 2021. (Judgment.)

48. On September 14, 2020, Employer objected to Employee's attorney fee affidavit. Employer contended, *inter alia*, the hearing was scheduled to hear one finite issue. (Employer's Objection, 9/14/20.)

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 decisions not only on direct testimony and other tangible evidence, but also on the board's "experience, judgment, observations, unique or peculiar facts of the case, and inferences drawn from all of the above." *Fairbanks North Star Borough v. Rogers & Babler*, 747 P.2d 528, 533-534 (Alaska 1987).

AS 23.30.110. Procedure on claims.

(a) Subject to the provisions of AS 23.30.105, a claim for compensation may be filed with the board . . . and the board may hear and determine all questions in respect to the claim.

. . . .

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

. . . .

(h) The filing of a hearing request under (c) of this section suspends the running of the two-year time period specified in (c) of this section. However, if the employee subsequently requests a continuance of the hearing and the request is approved by the board, the granting of the continuance renders the request for

hearing inoperative, and the two-year time period specified in (c) of this section continues to run again from the date of the board's notice to the employee of the board's granting of the continuance and of its effect. If the employee fails to again request a hearing before the conclusion of the two-year time period in (c) of this section, the claim is denied.

An employee's "claim" for benefits, *i.e.*, his pleading, is differentiated from the employee's right to benefits. Both a worker's right to compensation and his claim may be controverted, but only a controverted claim starts the two-year time period for requesting a hearing. AS 23.30.110(c) requires an employee to timely prosecute a claim once the employer controverts the claim. A "claim" for AS 23.30.110(c) purposes is a "written claim for compensation." *Jonathan v. Doyon Drilling, Inc.*, 890 P.2d 1121, 1123-24 (Alaska 1995).

AS 23.30.110(c) is a procedural statute and "directory" rather than "mandatory." *Kim v. Alyeska Seafoods, Inc.*, 197 P.3d 193 (Alaska, 2008). Thus, substantial compliance is acceptable absent undue prejudice to the other party. *Id.* at 199. In addition, the Alaska Supreme Court found if an Employee is unable to file a truthful affidavit stating he or she is ready for an immediate hearing, Employee must explain to the board the reasons he or she is unable to do so and request additional time. The requirements of substantial compliance are met when both the hearing request and the request for addition time are filed. The time bar will be tolled until the board decides whether to give the claimant more time to pursue the claim. *Id.* at 198.

The Alaska Workers' Compensation Appeals Commission (Commission) has found the time limitation for filing an ARH in .110(c) should be tolled when the SIME process is proceeding. *Narcisse v. Trident Seafoods Corp.*, AWCAC Dec. No. 242 (Jan. 11, 2018). The Commission also found the best demarcation for tolling the .110(c) deadline is when parties stipulate to an SIME at a prehearing conference and the stipulation is memorialized in the prehearing conference summary. *Roberge v. ASRC Construction Holding Company*, AWCAC Dec. No 269 (Sept. 24, 2019), at 17. The Commission found the .110(c) deadline should be tolled until the SIME report is completed and received. *Id.* at 18.

8 AAC 45.063. Computation of time. (a) In computing any time period prescribed by the Act or this chapter, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last

day of the period is included, unless it is a Saturday, Sunday or a legal holiday, in which case the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. . . .

8 AAC 45.065. Prehearings.

. . . .

(c) After a prehearing the board or designee will issue a summary of the actions taken at the prehearing, the amendments to the pleadings, and the agreements made by the parties or their representatives. The summary will limit the issues for hearing to those that are in dispute at the end of the prehearing. Unless modified, the summary governs the issues and the course of the hearing.

8 AAC 45.070. Hearings.

. . . .

(i) At hearing, the board will consider a legal memorandum only if it is in accordance with 8 AAC 45.114.

. . . .

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

. . . .

Unless modified, or when there are unusual and extending circumstances, the prehearing conference summary governs the issues and the course of the hearing. The board's authority to hear and determine questions in respect to a claim is "limited to the questions raised by the parties or by the agency upon notice duly given to the parties." *Simon v. Alaska Wood Products*, 633 P.2d 252, 256 (Alaska 1981).

ANALYSIS

1. Should Employee's petition to extend the AS 23.30.110(c) deadline to file his affidavit of readiness for hearing be granted?

AS 23.30.110(c) provides before a hearing is scheduled, the party seeking a hearing shall file a request for a hearing together with an affidavit stating the party has completed necessary discovery, obtained necessary evidence, and is prepared for the hearing. The statute also provides that once 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.

However, the statutory deadline is tolled during the SIME process. *Narcisse*. The starting date for the tolling of the statutory deadline is the date the parties stipulate to an SIME at a prehearing conference and the stipulation is memorialized in the prehearing conference summary. *Roberge*. The end date is the date the SIME report is completed and received. *Id.* at 18. Here the tolling period is from the parties' stipulation to an SIME at the prehearing conference on October 9, 2018 until the completion and receipt of the SIME report on February 4, 2019, a period of 117 days.

Employee has filed two claims. The first on February 27, 2018, which was controverted on August 8, 2018. This claim was strictly for PPI benefits. Employee filed an amended claim on September 18, 2018 for TTD, medical costs, transportation benefits and attorney fees and costs.

Employee contends his petition to extend the AS 23.30.110(c) deadline to file his hearing request should be granted as Employer did not file its post-claim controversions until August and October of 2018. In addition, Employee participated in the SIME process, which tolls the AS 23.30.110(c) deadline. Employee contends the board should use Employer's second controversion of October 5, 2018 to start the clock running on the deadline for filing his ARH. Employee also argues it is reasonable to wait until he has completed his current reemployment plan before having a hearing on the merits of his claim. Employee states the AS 23.30.110(c) deadline is presently uncertain and he is requesting the board to determine a date certain is his most prudent course.

Employee's contention the date of the post-claim controversion is the event starting the clock running on the deadline for filing his ARH is correct. AS 23.30.110(c). Employee is also correct his participation in the SIME process tolls the deadline. *Narcisse*. Considering the unique facts of this case, which include a claim, an amended claim, two controversions relatively close in time and an SIME, Employee requests a date certain §110(c) deadline. Employee also suggested it makes sense to extend the deadline until after Employee completes his

reemployment plan because there will then be a clearer picture of the benefits to which he is entitled.

Employee's initial February 7, 2018 claim is for a PPI rating by his attending physician. The claim was filed after he was given a 17% rating. Employer paid Employee's PPI benefits totaling \$30,090 on a biweekly basis and when his PPI benefits were exhausted, it commenced paying

AS 23.30.041(k) stipend benefits. Employee's February 7, 2018 claim may, therefore, be moot. However, even if it is not, that claim can be heard when Employee's September 18, 2018 claim is heard. AS 23.30.001.

Employee's requests a date certain deadline to file his hearing request. That date shall be February 1, 2021. This date is arrived at by adding 117 days, which is the time the deadline was tolled during the SIME process, to the two years §110(c) deadline from Employer's October 5, 2018 post claim controversion of Employee's September 18, 2018 amended claim. *Narcisse*. Although a prospective §110(c) deadline is not granted, this deadline does not preclude Employee from requesting a further extension if, prior to the deadline, additional discovery is needed or new claims arise. *Kim*. If Employee is not ready for an immediate hearing and still needs additional time to complete discovery or prepare for hearing, he must explain the reasons he was unable to complete hearing preparation and needs extra time and discuss whether Employer will be unduly prejudiced by an extension. The request must be filed before or at the same time as his hearing request. *Id* at 198-199.

2. Was the order to deny consideration of Employee's Affidavit of Attorney Fees at this hearing correct?

Per 8 AAC 45.065(a) (1) prehearing conferences are held so hearing issues can be identified and simplified. At completion of the prehearing conference, the designated chair issues a prehearing conference summary. Unless modified, the prehearing conference summary limits the issues for hearing and controls the course of the hearing. 8 AAC 45.065(c); 8 AAC 45.070(g); *Simon*. This allows the parties to have ample time to prepare for the hearing. Here, Employee did not raise attorney's fees and costs as an issue at the July 7, 2020 prehearing. Nor did he request an

amendment of the prehearing conference summary to include attorney's fees and costs should he prevail on his petition for an extension of time under AS 23.30.110(c). Furthermore, the Employer filed an objection to Employee's request for attorney's fees and costs when the hearing was scheduled to hear one finite issue. The order declining to hear Employee's petition for attorney's fees and costs at this hearing was correct. Employee has not waived his right to seek attorney's fees and costs should he prevail on his petition.

CONCLUSIONS OF LAW

- 1) Employee's deadline for filing his Affidavit of Readiness for Hearing shall be extended to February 1, 2021.
- 2) The order to deny consideration of Employee's September 11, 2020 affidavit of attorney's fees at this hearing was correct.

ORDER

- 1) Employee's request for a date certain AS 23.30.110(c) deadline is granted.
- 2) Employee's deadline for filing his Affidavit of Readiness for Hearing is February 1, 2021.
- 3) Consideration of Employee's September 11, 2020 affidavit of attorney's fees at this hearing is denied without prejudice.

Dated in Anchorage, Alaska on October 13, 2020.

ALASKA WORKERS' COMPENSATION BOARD

/s/ Judith DeMarsh
Judith DeMarsh, Designated Chair

/s/ Robert Weel
Robert Weel, Member

/s/ Pamela Cline
Pamela Cline, Member

PETITION FOR REVIEW

A party may seek review of an interlocutory other non-final Board decision and order by filing a petition for review with the Alaska Workers' Compensation Appeals Commission. Unless a petition for reconsideration of a Board decision or order is timely filed with the board under AS 44.62.540, a petition for review must be filed with the commission within 15 days after service of the board's decision and order. If a petition for reconsideration is timely filed with the board, a petition for review must be filed within 15 days after the board serves the reconsideration decision, or within 15 days from date the petition for reconsideration is considered denied absent Board action, whichever is earlier.

RECONSIDERATION

A party may ask the board to reconsider this decision by filing a petition for reconsideration under AS 44.62.540 and in accordance with 8 AAC 45.050. The petition requesting reconsideration must be filed with the board within 15 days after delivery or mailing of this decision.

MODIFICATION

Within one year after the rejection of a claim, or within one year after the last payment of benefits under AS 23.30.180, 23.30.185, 23.30.190, 23.30.200, or 23.30.215, a party may ask the board to modify this decision under AS 23.30.130 by filing a petition in accordance with 8 AAC 45.150 and 8 AAC 45.050.

CERTIFICATION

I hereby certify the foregoing is a full, true and correct copy of the Interlocutory Decision and Order in the matter of TERRY BRYANT, employee / claimant v. RAVN AIR GROUP, employer; COMMERCE AND INDUSTRY INSURANCE COMPANY, insurer / defendants; Case No. 201617107; dated and filed in the Alaska Workers' Compensation Board's office in Anchorage, Alaska, and served on the parties by certified U.S. Mail, postage prepaid, on October 13, 2020.

/s/
Nenita Farmer, Office Assistant