

ALASKA WORKERS' COMPENSATION BOARD



P.O. Box 115512

Juneau, Alaska 99811-5512

STEVE SCHOPPENHORST,)
)
Employee,)
Claimant,) INTERLOCUTORY
) DECISION AND ORDER
v.)
) AWCB Case No. 202105734
PROPERTY PROS, INC.,)
) AWCB Decision No. 24-0071
Employer,)
and) Filed with AWCB Fairbanks, Alaska
) on December 19, 2024
PENNSYLVANIA MANUFACTURERS)
ASSOCIATION,)
)
Insurer,)
Defendants.)

Property Pros, Inc.'s and Pennsylvania Manufacturers Association's (Employer) August 14, 2023 amended petition seeking a litigation screening order was heard on the written record in Fairbanks, Alaska on October 3, 2024, a date selected on August 20, 2024. Steve Schoppenhorst (Employee) represented himself. Attorney Colby Smith represented Employer. Previous decisions in this case include, *Steve Schoppenhorst v. Property Pros, Inc.*, AWCAC Dec. No. 23-0076 (December 8, 2023) (*Schoppenhorst I*) (denying Employee's September 29, 2021 claim for workers' compensation benefits); *Steve Schoppenhorst v. Property Pros, Inc.*, AWCAC Dec. No. 306 (August 14, 2024) (*Schoppenhorst II*) (affirming *Schoppenhorst I*). The record closed at the hearing's conclusion on October 3, 2024, and was opened and closed again on October 15, 2024 to receive into evidence Employer's Entry of Appearance before the Supreme Court of Alaska (Court) in an identically captioned case, and reopened and closed again on November 18, 2024 to receive into evidence the Alaska Workers' Compensation Appeals Commission's

(Commission) Notice of Transmittal of Record to the Court, as well as petitions Employee had filed in the interim.

ISSUES

Employee seeks a hearing continuance on numerous bases, including his case is in the appeals process, he has medical appointments scheduled “in the near future,” he “could not reasonably be expected to file [his hearing brief] timely,” and to obtain favorable medical evidence, which he terms “medical discovery.”

Employer opposes a hearing continuance because there is no valid reason for one, and because it would be prejudiced as it is still obligated to defend against Employee’s repetitive and redundant claims that have no merit since no new evidence exists.

1) Should the hearing be continued?

Employer contends, since *Schoppenhorst II*, Employee has filed “copious amounts” of new petitions and filed a new claim seeking the same benefits denied in *Schoppenhorst I*, notwithstanding no new medical evidence being filed in the case. It contends many of Employee’s petitions attack Employer, Employer’s counsel and the Board itself, with frequent allegations of Board bias, jurisdictional difficulties and retaliation. Employer further contends that many of Employee’s petitions request benefits not available under the Alaska Workers’ Compensation Act (Act) such as relocation benefits. It contends it has expended significant resources responding to Employee’s pleadings and that the only way to ensure the process is fair and efficient moving forward is for the imposition of a litigation screening order.

Employee’s hearing brief does not address why a litigation screening order should not be imposed but rather sets forth his reasons why he thinks he qualifies for benefits, which include him being the victim of discrimination, retaliation and fraud. It is presumed Employee opposes a litigation screening order.

2) Should Employer’s petition seeking a litigation screening order be granted?

FINDINGS OF FACT

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

1) Employee has a lengthy preexisting history of low back pain dating to 2010, when a magnetic resonance imaging (MRI) study showed a large central and left-sided disc herniation that was flattening the left S1 nerve root. (Imaging report, October 11, 2010). Employee attributed his back pain at the time to lifting items around the house and sneezing. (*Schoppenhorst I*).

2) On July 24, 2013, Employee injured his back while working for a former employer. (*Id.*).

3) On November 1, 2013, Kim Wright, M.D., a neurosurgeon, evaluated Employee, who reported severe pain radiating into his left lower extremity following the July 24, 2013 work injury. After reviewing the updated MRI, which showed “a rather large disc herniation to the left at L5-S1,” Dr. Wright offered Employee microdiscectomy surgery. Employee never underwent that procedure and subsequently settled his case with the employer, which closed out Employee’s entitlement to medical benefits. He testified that the \$39,000 he received from that settlement was insufficient to cover the costs of the surgery. (*Id.*)(dollar amount corrected in *Schoppenhorst II*).

4) On April 7, 2021, Employee reported injuring his back while shoveling snow for Employer and stated that lifting heavy equipment for Employer the next day exacerbated his injury. (First Report of Occupational Injury or Illness (FROI), May 4, 2021).

5) On August 17, 2021, a workers’ compensation officer saw Employee for a walk-in appointment and provided him with the name of Employer’s adjustor. She also advised him to get an off work slip from his doctor and W2s for 2019 and 2020. (Incident Claims and Expense Reporting System (ICERS) event entry, August 17, 2021).

6) On August 30, 2021, a workers’ compensation officer saw Employee for a walk-in appointment. She discussed temporary total disability (TTD), informed Employee he needed an off work slip from his doctor and noted, “Looks like meds are being paid-no controversion in the file.” (ICERS event entry, August 30, 2021).

7) On September 29, 2021, Employee claimed unspecified benefits for a back injury that occurred on April 7, 2021, when he was lifting a heavy dental chair and shoveling heavy snow for Employer. He explained the reason for filing his claim was “Mental anguish, depression and anxiety from being warned by [Employer] that I should not file a workers [sic] compensation claim because [Employer] was previously dealing with someone else on a prior work

compensation claim and that [Employer's] company was not covered.” (Claim for Workers’ Compensation Benefits, undated).

8) On October 7, 2021, a workers’ compensation officer saw Employee for a walk-in appointment. She helped him complete a medical summary and emailed a copy to Employer’s adjustor. (ICERS event entry, October 7, 2021).

9) On November 3, 2021, a workers’ compensation designee advised Employee that the informational pamphlet *Workers’ Compensation and You* was available on the Division’s website and provided an address for the website. She also provided Employee with an attorney list, encouraged him to seek the assistance of a workers’ compensation technician and provided a telephone number for the technician. (Prehearing Conference Summary, November 3, 2021).

10) On November 12, 2021, R. David Bauer, M.D. performed an employer’s medical evaluation (EME). (*Schoppenhorst I*).

11) On November 19, 2021, Employer controverted all benefits based on Dr. Bauer’s November 12, 2021 EME. (*Id.*).

12) On December 9, 2021, a workers’ compensation designee encouraged Employee to take Dr. Bauer’s report to his physician to get a written opinion whether his physician agrees or disagrees with it. She also advised Employee that he should file this evidence on a medical summary and that the parties may agree to an secondary independent medical evaluation (SIME) if there is a medical dispute. (Prehearing Conference Summary, December 9, 2021).

13) On December 21, 2021, a workers’ compensation officer saw Employee for a walk-in appointment. She provided Employee with a copy of his deposition notice that showed the address of the court reporter. (ICERS event entry, December 21, 2021). Employee was deposed that same day and asked if he had any other symptoms, in addition to his back and leg symptoms, that he felt were the result of working for Employer. He testified he felt “mental anguish” because of an unspecified threat from his boss. (Employee dep., December 21, 2021 at 38-39).

14) Between January 5, 2022 and August 29, 2022, Employee filed at least fourteen letters setting forth a multitude of grievances and complaints, including his cell phone and internet connections had been “infiltrated” and are being used as a “gateway” to traffic his personal information; he was being treated unfairly and discriminated against by medical professionals because they may have been contacted by an “outside source” that is able to “monitor, manipulate and infiltrate” his digital communications; his phone an internet connections have

been “hacked” and “fraudulently compromised”; a “multitude of unknown people” are able to intercept his electronic information; helicopters and unmarked government vans are following him; his neighbors are spying on him with drones; Employer’s “crooked” attorney lied about not receiving paperwork that was sent to him; Employer’s attorney committed “workers comp fraud” by denying him medical care; he was wrongfully terminated from his employment with Employer; Employer told him to not report his work injury; his belief that Employer was uninsured for workers’ compensation liability; he was being discriminated against because of a preexisting injury; his frustrations with trying to obtain medical opinions on Dr. Bauer’s EME report, which was “irrelevant,” “lacking medical evidence,” and “lacks integrity”; and his frustrations trying to obtain medical care and prescriptions in outside Alaska. (E.g. Employee letters, January 5, 2022; April 8, 2022; May 23, 2022; July 27, 2022; Employee faxes, May 23, 2022; May 26, 2022; June 2, 2022; July, 29, 2022; August 4, 2022; August 8, 2022; August 29, 2022; Employee email, August 1, 2022). Many of these filings were duplicative, containing pages from letters and medical records previously filed. (Observations).

15) In March 2022, Employee moved to Wisconsin. (ICERS event entries, March 7, 2022; March 9, 2022; March 14, 2022).

16) On March 14, 2022, at Employee’s request, a workers’ compensation technician mailed Employee a petition form, request for release of information form, change of address form, claimant’s attorney list and the pamphlet *Workers’ Compensation and You* to the Wisconsin address. (ICERS event entry, March 14, 2022).

17) On March 21, 2022, a workers’ compensation designee explained to Employee that his case is “driven by medical evidence” and encouraged him to have his treating physician provide a written opinion whether he agrees or disagrees with Dr. Bauer’s EME report. She also advised Employee that he should file this evidence on a medical summary and that the parties may agree to an SIME if there is a medical dispute. (Prehearing Conference Summary, March 21, 2022).

18) On March 23, 2022, Employee petitioned for an SIME. (Petition, undated).

19) On April 8, 2022, Employee wrote that his fear of discrimination in his workers’ compensation case had caused “high levels of stress and depression in [his] life,” as well as anxiety, mental fatigue and anguish. (Employee fax, undated).

20) On April 18, 2022, Employee called a workers’ compensation technician and said “it was pointless to bring any reports to a doctor. (ICERS event entry, April 18, 2022).

- 21) On April 29, 2022, a workers' compensation designee explained to Employee that he needed to take Dr. Bauer's EME report to his treating physician to get a written opinion stating the physician agrees or disagrees with it. She also explained that his case is "driven by medical evidence" and instructed Employee to file the evidence on a medical summary. The designee further explained how to use an Affidavit of Readiness for Hearing (ARH) form to request a hearing on his SIME petition or to request a hearing on his claim. (Prehearing Conference Summary, April 29, 2022).
- 22) On May 17, 2022, Employee called a workers' compensation technician wanting to know what is the "next step he can take." The technician explained using an ARH to request a hearing and encouraged him to call he if he needed any assistance with filing it. She also mailed Employee a claimant's attorney list at his request. (ICERS event entry, May 17, 2022).
- 23) On May 26, 2022, Employee called a workers' compensation officer to ask what he could do procedurally to move his case forward. The workers compensation officer advised Employee to file an ARH on his SIME petition and encouraged him to keep trying to get an opinion from his doctors on Dr. Bauer's EME report. (ICERS event entry, May 26, 2022).
- 24) On June 9, 2022, Employee called a workers' compensation officer, who noted she had recommended to Employee multiple times that he should file an ARH to get his case to a hearing. (ICERS event entry, June 9, 2022).
- 25) On July 27, 2022, Employee filed an ARH on his SIME petition, which was returned because it was not notarized. (ARH, July 21, 2022).
- 26) On July 28, 2022, Employee filed a notarized ARH for his SIME petition. (Employee ARH, July 28, 2022).
- 27) On August 1, 2022, Employee called a workers' compensation officer, who explained how to electronically file documents. She also explained the purpose of an upcoming prehearing conference, mailed him another copy of the prehearing conference notice and explained the venue for his case. (ICERS event entry, August 1, 2022). That same day, Employee filed an identical email three times, requesting that his case be reviewed "outside the Fairbanks office." (Employee emails, August 1, 2022).
- 28) On August 8, 2022, Employee requested that "multiple petition forms" be sent to him. He also wrote that he was petitioning for an investigation of his claim for fraud; for reimbursement of his travel costs to Wisconsin to seek a new primary care physician; for an investigation of his

wrongful termination; for reimbursement of the “total value” of his impounded vehicle and all its contents; and for an investigation “as to why, who [and] what the hell is all the cellular phone communication hacking all about.” (Employee fax, August 8, 2022).

29) On August 9, 2022, Employee called a workers’ compensation officer, who explained the SIME process. (ICERS event entry, August 9, 2022).

30) On August 17, 2022, Employer agreed to an SIME. (Prehearing Conference Summary, August 17, 2022).

31) On September 20, 2022, Employee filed petition form for “reconsideration of compensation” and to “discuss wrongful termination.” (Petition, undated).

32) On September 23, 2022, Employee called a workers’ compensation officer, who noted they “Discuss same topics,” and discussed the SIME. She also suggested that Employee might consider making a settlement offer to Employer but informed him that she could not be involved with settlement discussions. (ICERS event entry, September 23, 2022).

33) On October 10, 2022, a worker’s compensation officer gave Employee guidance on coordinating SIME travel arrangements with the adjuster. (ICERS event entry, October 10, 2022).

34) On October 24, 2022, a workers’ compensation designee encouraged Employee to get a written off work slip from his doctor since he was seeking time loss benefits. (Prehearing Conference Summary, October 24, 2022).

35) On October 31, 2022, Employee filed a petition seeking additional transportation costs to attend the SIME. (Petition, October 28, 2022).

36) On November 11, 2022, Charles Roland, M.D., performed an SIME. (*Schoppenhorst I*).

37) On January 13, 2023, Employer again controverted benefits based on Dr. Bauer’s EME report. (Controversion Notice, January 13, 2023).

38) On January 25, 2023, a workers’ compensation designee emailed Employee an ARH form. (Prehearing Conference Summary, January 25, 2023).

39) On February 23, 2023, Employee filed two petition forms, one contending he had been discriminated against based on a preexisting condition and “unethical tactics,” and the other to “Appeal” Employer’s controversions. (Petitions, February 23, 2023).

40) On March 6, 2023, Employee filed two petition forms, one seeking an investigation into Health Insurance Portability and Accountability Act (HIPAA) privacy violations “because my

device is hacked,” and the other was a copy of his previously filed February 23, 2023 petition to “Appeal” Employer’s controversions. (Employee petitions, February 23, 2023; March 6, 2023).

41) On March 13, 2023, Employee filed two petition forms, one seeking compensation for parking costs and the loss of his vehicle at the Anchorage airport because it was “unethically” towed and impounded, and another alleging HIPAA privacy violations because the Department of Health and Human Services and Employer’s attorney did not have adequate policies in place to protect his information and because correspondence between the Fairbanks workers’ compensation office and Employer’s attorney are not encrypted and do not provide adequate protection from being “spied upon.” (Petitions, March 13, 2023).

42) On March 15, 2023, a prehearing conference was held on Employee’s February 23, 2023 petitions, during which Employer’s attorney asked Employee what type of discrimination he was alleging and what benefits he was seeking through the alleged discrimination. Employee stated he did not have time to answer questions and disconnected from the conference. (Prehearing Conference Summary, March 15, 2023). That same day, Employee filed two public records request forms. One requested the deposition transcript of an unnamed physician. The second request was for documentation from the Fairbanks Memorial Hospital and Behavioral Health Clinical Professionals regarding a recommendation that weapons be removed from his house and it also requested a police report from the Fairbanks Police Department concerning an “assault.” (Public Records Requests, March 15, 2023). That same day, the Workers’ Compensation Division (Division) Director wrote Employee and explained the Division does not have authority to seek records from an outside entity on behalf of a party. (Collins letter, March 15, 2023).

43) On March 16, 2023, Employee filed a petition form to compel discovery of Fairbanks Police and Alaska State Trooper records concerning the removal of weapons from his house, and to compel discovery from Fairbanks Memorial Hospital and Behavioral Health Professionals of video and audio recordings of him being “attacked” while he was in their facility. (Petition, undated). On that same day, the Division Director wrote Employee in response to his March 15, 2023 public records request for a deposition transcript and instructed Employee on three ways he could obtain it. (Collins letter, March 16, 2023).

44) On March 24, 2023, Employee filed a petition form contending Employer’s attorney committed “discrimination” by relying on Dr. Bauer’s EME report, which “demonstrates the

incompetence, unfair and unethical integrity and corruptness of his character.” (Petition, March 23, 2023).

45) On April 2, 2023, Employee filed a petition form seeking a job dislocation benefit, explanations concerning the denial of his medical costs, an explanation why his request for an SIME was “first ignored,” and transportation costs for driving from Fairbanks to Anchorage, airport parking, impound fees and loss of his vehicle, as well as airfare from Anchorage to Wisconsin. He also contended Employer “demonstrated negligence” by not having workers’ compensation insurance and employees at the worksite who were medically trained and discriminated against him by withholding “medical discovery procedures” and denying him his “right to change primary care physician.” Employee further questioned whether he had signed releases for psychological or psychiatric care records and thought that these were irrelevant to his injury. (Petition, undated).

46) On April 4, 2023, Employer filed an ARH on numerous of Employee’s petitions and a prehearing conference was scheduled for May 1, 2023. (ARH, April 4, 2023; Prehearing Notice, April 3 [sic], 2023).

47) On April 5, 2023, Employee filed 12 petition forms contending his emails and petitions were intentionally being ignored, his request for an SIME was never acknowledged, the workers’ compensation office did not help him, he was denied a “2nd opinion,” he was never allowed to get a “2nd opinion,” he was not “allowed to change medical primary care of my choice,” his “Civil Rights have been violated,” Dr. Bauer’s opinions were biased, and Employer’s attorney used “unethical [expletive omitted] tactics.” One petition alleges HIPAA privacy violations and discrimination because his electronic devices had been hacked, and another stated he filed a claim with the Equal Employment Opportunity Commission (EEOC) for discrimination. He also twice-filed the same petition form stating, “Accessing personal & private sensitive medical information UNRELATED to my injury.” (Petitions, April 4, 2023; April 5, 2023). That same day, a workers’ compensation officer spoke to Employee about his petition filings and advised him that the Workers’ Compensation Board did not have jurisdiction for many of them. She noted a prehearing conference was scheduled for May 1, 2023 where his petitions would be discussed further and encouraged Employee to file an ARH so his case could be heard. (ICERS event entry, April 5, 2023).

48) On May 1, 2023, a prehearing conference was held on Employer's April 4, 2023 ARH for numerous of Employee's petitions. After noting the numerosity of Employee's petitions, the designee observed that "[t]he board does not have jurisdiction over many of the subjects that [Employee] is asking for in the petitions." The summary next states:

The chair ended this prehearing with [Employee] before a hearing date was set. [Employee] was screaming obscenities at the chair and [Employer's attorney]. [Employee] accused [Employer's attorney] and the Division of Workers' Compensation of using [profanity omitted] tactics which has harmed his case and made it impossible for him to retain legal counsel.

The designee then exercised her discretion and scheduled a June 22, 2023 hearing on the merits of Employee's claim. (Prehearing Conference Summary, May 1, 2023).

49) On April 8, 2023, Employee emailed a workers' compensation technician and wrote, "My parents said they received some letter in the mail that there is a hearing scheduled for sometime in May? I did not file my paperwork for readiness for hearing yet. So how can anything be scheduled?" (Employee email, April 8, 2023).

50) On April 10, 2023, Employee filed a petition form stating, "Appeal: discovery order SIME binder complete (I have not received it)," and "Appeal WC Case No. 202105734 due to unfair treatment and tactics." (Petition, April 7, 2023).

51) On April 11, 2023, Employee filed a petition form stating, "deceptive practices & unlawful discrimination," and requesting a copy of the SIME physician's deposition transcript. An attachment to the petition form partially states, "Ethics & duty of trust violations involving claim #202105734," "Discovery of medical evidence suggests substantial material of conflicts of interests," "A claim for negligent infliction of emotional distress," "Intentionally inflicting emotional distress," "Request for recovery from harm suffered through out [sic] the worker's compensation claim process," including "loss of vehicle," "airport parking fees," "towing fees," "loss of revenue from PFD," "loss of income from not being able to sustain employment after being fired on worker's compensation," "financial devastation directly and indirectly related to workers' compensation claim," "could not collect unemployment benefits," "State of Alaska not responding in a timely manner for my background check," "preexisting duty breached by workers' compensation office personnel," "Medical professionals neglected my requests for 2nd

opinion,” “Duty of care breached throughout the entire process,” and “Discrimination Against all my pre-existing conditions.” (Petition, April 11, 2023).

52) On April 13, 2023, Employee filed two petition forms, one contending “Workers Compensation Corruption, negligence, and duty to provide care and oversight of my case being handled fairly and discriminating against my requests,” and another requesting to have his workers’ compensation claim added to his federal EEOC complaint. (Petitions, April 13, 2023).

53) On April 17, 2023, Employee filed a petition form contending “Constitutional barriers between Alaska State laws and Federal laws,” “Discrimination throughout the process of worker’s compensation,” and “Breach of care by workers’ compensation to provide correct jurisdiction for my complaints.” (Petition, April 17, 2023).

54) On May 3, 2023, Employee filed a petition form to cancel a scheduled hearing and to “Appeal” the hearing scheduling orders. (Petition, May 3, 2023).

55) On May 4, 2023, Employee filed a petition form setting forth “Details concerning why I lost my vehicle in regards to workers compensation case & I should be reimbursed full value of the vehicle.” (Petition, May 4, 2023).

56) On May 5, 2023, Employee filed three petition forms, one requesting “to have my complaints filed with the correct jurisdiction to oversee my workers compensation case,” another seeking a “Review of my case for discrimination & unfair tactics,” and a third stating, “Waiver of re-employment benefits & elect to receive job dislocation benefit.” (Petitions, May 4, 2023; May 5, 2023).

57) On June 22, 2023, a hearing was held on the merits of Employee’s claim. (*Schoppenhorst D*).

58) On June 30, 2023, Employee filed a petition form stating he had requested time off work from his employer in Wisconsin to attend the hearing and requested a note stating his rate of pay so he could be “reimbursed” for his time off work. (Petition, June 30, 2023).

59) On July 5, 2023, Employee filed a petition form contending Employer has a history of employment violations and an unsafe work environment. (Petition, July 3, 2023).

60) On July 10, 2023, Employee filed two petition forms, one requesting a prior workers’ compensation case number, and another requesting a “hardship document” because of unpaid medical bills and requesting reimbursements for medical copays and airfare. (Petitions, July 10, 2023).

61) On July 20, 2023, Employee filed two petition forms, one stating, “I filed paperwork to cancel my workers comp hearing regarding my entire case because I filed an EEOC complaint and have a meeting scheduled in September,” and another stating he was continually receiving unpaid medical bills in the mail, which were being routed to collections. (Petitions, July 20, 2023).

62) On July 24, 2023, Employee filed four petition forms asking why he had not received explanations for Employer firing him and not having workers’ compensation insurance, requesting a prior workers’ compensation case number, requesting “Reconsideration of how things were handled with my boss firing me injured and his retaliation towards my injury,” asking why his request for an SIME was “ignored,” “Seeking compensation for negligence & discrimination,” and stating he was told that many of his issues were not workers’ compensation related, but he believes that his issues are workers’ compensation related. (Petitions, July 24, 2023).

63) On July 25, 2023, Employee filed three petition forms, one stating his medical bills were going to collections and ruining his credit, another seeking “Prejudice Compensation” and stating, “Delay in medical treatment and biased opinion of IME,” and a third one requesting compensation for Employer firing him and Employer’s “negligence and discrimination.” (Petitions, July 25, 2023; undated).

64) On July 27, 2023, Employee filed a petition form because of “Hate Crimes and Retaliation Stalking Behavior via Communications,” and stating, “Reckless endangerment actions” were “designed to intimidate, insult and bully me because of my disability.” (Petition, undated).

65) On July 31, 2023, Employee filed a petition form asking, “Why won’t anybody provide me with a case number to my first workers compensation claim?” along with an attachment asking a series of questions, including those about the “unethical” and “discriminative” behavior of Employer’s attorney. (Petition, undated).

66) On August 2, 2023, Employee filed two petition forms. One because of “Targeted attack on a person with a disability & pre-existing conditions,” which stated, “Interfering with medical treatment & procedures intended to promote health & wellness of an injured employee with pre-existing conditions,” along with an attachment stating, “Conspiracy to cause emotional & financial distress to an injured individual with pre-existing conditions,” “Conspiracy to commit hate crimes against an injured employee with pre-existing conditions,” “Conspiracy to violate

civil rights of injured person with pre-existing conditions,” “Conspiracy to intimidate an injured individual with pre-existing conditions,” and “Conspiracy to discriminate against an injured individual with pre-existing conditions.” The other petition form stated, “What is (DOL Sponsored) worker’s compensation via email,” “What jurisdiction is sponsored via workers compensation,” and “Who is the sponsor DOL[?]” (Petitions, August 1, 2023).

67) On August 10, 2023, Employee filed seven petition forms asking why Employer and Employer’s attorney are allowed to fire and discriminate against an employee who has filed a workers’ compensation claim, why Employer is not “mandated by whistle blower protection,” “Why are emails & attachments sent to me that state they have originated outside the State of Alaska and have a warning label on them coming from [Employer’s law firm] and workers comp,” and “Why doesn’t workers comp prevent discrimination,” and stating Employer firing him was unfair, Employer’s attorney blocking medical treatment was unfair, hacking his communications was unfair, “Employer made no reasonable effort of improve my condition,” “Employer discriminated against a disabled employee with a pre-existing condition,” and “My employer misrepresented his business obligations & responsibility to have and carry valid workers comp ins. during my employment which delayed treatment forcing me to work injured until I could not anymore then he fired me.” (Petitions, August 9, 2023; August 10, 2023).

68) On August 11, 2023, Employee filed a petition form stating, “Please advise & or forward to the correct jurisdiction.” An attachment stated:

I just wanted to say thanks for the most aspiring process of an ill designed premeditated organization of professionals evolving and embracing specific componential parameter estimated from the different task data and prediction not to compensate for loss in degrees of freedoms to undermine and enfeeble an injured individual of their rights, leaving an impecunious environment.

(Petition, August 11, 2023).

69) On August 14, 2023, Employer petitioned for a “Stay of any future petitions filed by [Employee]” until a decision and order issued from the June 22, 2023 hearing. (Petition, August 14, 2023).

70) On August 16, 2023, Employee filed a petition form to oppose Employer’s August 14, 2023 petition for a stay and wrote “What [Employer’s attorney] suggest [sic] is possibly contempt of court procedures. He should be held accountable.” A three-page attachment sets

forth Employee's arguments against a stay and his perspectives of the case. Specifically, Employee contended a stay would violate his constitutional right to self-representation and would deprive him of freedom of speech. (Petition, August 15, 2023).

71) On August 18, 2023, Employee filed 11 petition forms, including several duplicates he had previously filed on August 10, 2023. His reasons included "Federal Violations," "Fraud & Wrongful termination," and because "Employer did not care and did nothing to assist in my return to employment," and an unnamed party had interfered with his attempts to obtain medical evidence and impeded his ability to obtain "medical discovery" and treatment. He also filed a petition to "Request correct jurisdiction." Other petition forms Employee filed asked why he was denied and controverted "on everything possible," why he had medical bills in collections, why workers' compensation does not prevent discrimination, why Employer and Employer's attorney were allowed to discriminate against him, and why worker's compensation would not provide him with the "correct jurisdiction." Another petition form included statements that Employer firing an injured worker was unfair, the controversions of Employer's attorney were unfair, and "hacking" his communications was unfair. Employee also filed a duplicate of a petition he had filed on August 10, 2023, which asked "Why are emails & attachments sent to me that state they have originated outside the State of Alaska and have a warning label on them coming from [Employer's law firm] and workers comp" (Petitions; August 9, 2023; August 10 2023; August 16, 2023).

72) On August 23, 2023, Employee filed a petition form stating, "Just so nobody thinks I'm lying about the accusations of where the e-mails from [Employer's attorney] are originating." (Petition, August 22, 2023).

73) On August 28, 2023, Employee filed three petition forms. One stated, "Employer should be responsible to compensate for my future loss of retirement and benefits package" because he could not afford to pay his union dues. He filed another because of "Stalking & Fraud," "Workers Comp Privacy Invasion," and "Medical Privacy Invasion," and explained his neighbor's email was "in conjunction" with his Apple ID and his neighbor's computer network was a trusted source, which he did not allow. The third one stated Employer should be financially responsible if there was any damage to his property or personal items because he only left Alaska because of his workers' compensation injury. (Petitions, August 27, 2023).

74) On August 29, 2023, Employee filed two petition forms, one to “Appeal all denials and all controversions based on discrimination of pre-existing injury assumptions,” and another stating he was not allowed healthcare even if he paid for it himself. (Petitions, August 28, 2023, August 29, 2023).

75) On September 6, 2023, Employee filed four petition forms. One stated he had been fired from his job in Wisconsin, which he attributed to “an open & ongoing workers comp claim which has restrictions in place.” Another requested “employers STATEMENT TESTIMONY why I was fired w/o compensation of injury,” a third requested a copy of his case file and the fourth requested “Answers.” (Petitions, September 6, 2023).

76) On September 7, 2023, Employee filed four petition forms. One stated “Employer should be responsible for the destruction & disruption of my living expenses since DOI (date of injury) because of incompetence of human rights and the equality of all human lives regardless of injury.” He filed another because of “Human Rights Violations,” “financial oppression,” and “ramifications to the enjoyment of life in general.” A third sought “The Right To Work,” and the fourth because of “discrimination and deceptive motives of [Employer’s lawyer] and the Alaska Workers Compensation program.” (Petitions, September 7, 2023).

77) On September 11, 2023, Employee filed four petition forms, one accusing Employer’s attorney of unspecified ethics violations, another because of “Negligence & Misconduct and exploitation,” a third because of “Anxiety & Stress Complications,” and the fourth because of “Abuse of power” based on him being “isolated from treatment, equality, respect, employment, personal pleasure.” An attachment also states Employer and Employer’s attorney “should be held accountable” for his environment and hardship. (Petitions, September 9, 2023).

78) On September 20, 2023, Employee filed a petition form because of “Wrongful termination of an injured employ [sic].” (Petition, September 19, 2023).

79) On September 21, 2023, Employee filed a petition form seeking a definition of Employer’s attorney’s “charm.” (Petition, September 21, 2023).

80) On September 25, 2023, Employee filed a petition form because of “Obstruction with Intent to Deny,” which stated Employer should be held responsible for “damages to his properties, house and personal items because of negligence.” (Petition, September 24, 2023).

81) On September 27, 2023, Employee filed a petition form seeking “reimbursement” for the loss of use of his residence, the loss of use of his river property and the loss of use of his taxicab. (Petition, September 27, 2023).

82) On September 28, 2023, Employee filed two petition forms. One stated, “Creating a scenario through a sequence of events to perpetuate an undesirable environment not suitable to sustain existence.” The other stated, “Unethical procedure by [Employer’s attorney] using tactics designed to hinder my ability to acquire representation affecting my ability for potential claims in regards to statute of limitations.” (Petitions, September 27, 2023; September 28, 2023).

83) On September 29, 2023, Employee filed four petition forms. One was a duplicate of petition he had previously filed on May 5, 2023 regarding reemployment and job dislocation benefits, another stated he would not be returning to work For Employer “ever,” a third sought to “compel discovery on all prior petitions,” and the fourth contends that the arguments of Employer’s attorney “should be considered contempt.” (Petitions, May 5, 2023; September 29, 2023).

84) On October 2, 2023, Employee filed a petition form for “Non compliance [sic] with formal requirements of law.” (Petition, October 1, 2023).

85) On October 3, 2023, Employee filed three petition forms. One sought an “exact specified date it was determined I reached full medical stability as agreed by all treating medical professionals and my primary care Dr.,” another was filed because of “Negligence” and states “Medical stability is not treatment for an injury,” and a third stated, “What workers comp law states that an injured employee is not eligible for 80% disability income while inured and allows an employer to fire its employee immediately and is not considered discrimination.” (Petitions, October 3, 2023).

86) On October 4, 2023, Employee filed two petition forms. One sought to “Reveal Statute” that states “medical treatment becomes the Federal tax payers [sic] problem” and that “its legal to withhold an injured individual treatment because of state specific jurisdictional regulations.” Another states, “Why is an injured individual not allowed medical or financial benefits outside of Alaska when on workers comp injury claim.” (Petitions, October 4, 2023).

87) On October 6, 2023, Employee filed a petition form stating, “Employer should be held responsible for intentional harm” it had caused him. (Petition, October 6, 2023).

88) On October 11, 2023, Employee filed four petition forms. One stated it was not fair that Employer's attorney did not respond to his questions, and another because of "Discrimination of an injured worker w/ a disability." A third stated, "Why can I not receive any straight answer? All I get is everything is not in workers comps jurisdiction? Why did I not have my choice of a medical provider? Why was my request for an SIME ignored?" A fourth stated, "Turn over my entire workers compensation claim to the correct jurisdiction." (Petitions, October 7, 2023; October 11, 2023).

89) On October 12, 2023, Employer requested a hearing on its August 14, 2023 petition seeking a stay of Employee's petitions. (ARH, October 12, 2023).

90) On October 13, 2023, Employee filed a petition form that states, "Please consider canceling" Employer's hearing request. (Petition, October 13, 2023).

91) On October 16, 2023, Employee filed two petition forms. One stated "EEOC filing granted right to sue letter over discrimination," and another stated Employer "lost all workers compensation exclusivity protections" because it was uninsured. (Petitions, October 13, 2023; October 15, 2023).

92) On October 17, 2023, Employee filed a petition form stating, "So is everybody going to ignore all my requests until the statute of limitations is up? Discrimination based on providing no help is negligence and abuse of law or power or jurisdictional abuse." (Petition, October 17, 2023).

93) On October 23, 2023, Employee filed a petition form to be "immediately compensated." (Petition, October 21, 2023).

94) On October 25, 2023, Employee filed a petition form asking why it is legal for an employer to fire and deny benefits to an injured worker and why did workers' compensation not do anything about it. (Petition, October 25, 2023).

95) On October 30, 2023, Employee filed two petition forms. One stated, "Breach of duty to care & indirect or direct negligence which has caused harm intentionally to an injured person with pre-existing conditions," and the other, "WC Breach of care & negligence discrimination." (Petitions, October 27, 2023).

96) On October 31, 2023, Employee filed two petition forms. One stated, "Restrictions in place never lifted that I am aware of," and the other to "challenge my former employer to his definition of incompetence of technique." (Petitions, October 30, 2023; October 31, 2023).

97) On November 6, 2023, Employee filed two petition forms. One stated he feels like “everything is always ignored” because there was a hearing on the merits of his case, the SIME “was denied or ignored in a timely manner,” the “2nd opinion of Dr. Bauer’s medical exam was denied in a timely manner,” and Employer’s request for a stay is “unconstitutionally unfair” because “I have a right to defend myself and I am doing so by filing petitions (legal document) legal statements.” Another was filed because of “Jurisdictional barriers,” and stated, “All my petitions are relevant to my case regardless of jurisdiction.” (Petitions, November 5, 2023; November 6, 2023).

98) On December 8, 2023, *Schoppenhorst I* denied disability, medical, PPI and vocational rehabilitation benefits for injuries Employee sustained while working for Employer, including lifting a heavy dental chair, lifting heavy equipment and shoveling snow. (*Id.*). On that same day, Employee emailed the Department of Labor and Workforce Development Commissioner and stated he had been denied compensation in an “unfair manner”; he felt “victimized and targeted” by the Division because “everything I have said or brought up” is “ignored over jurisdictional barriers”; Employer asked him to not report an injury; Employer did not have workers’ compensation insurance; Employer hired an attorney for “retaliation purposes”; he cannot secure legal representation because lawyers are aware of the “discrimination against his claim”; his requests for case information have been denied; Dr. Bauer’s EME was “biased” and “lacked merit”; he was “intentionally blocked from discovery” and medical treatment; the ‘charming personality’ of Employer’s attorney “made the SIME Dr. change his mind”; “Jurisdictional boundaries” were violated; the Division was negligent, biased, unfair and unreasonable because it did not provide him with “proper compensation”; he felt “victimized and targeted” by Employer, which used its attorney to “discriminate” against him; the Alaska Human Rights Commission has ignored his claims; the Alaska workers’ compensation program is discriminatory; he felt “targeted” based on his “pre-existing disability status” and his age; his “disability rights” have been violated; this type of discrimination should be treated as a “hate crime”; Employer’s controversion “incites a hostile environment,” causes injured persons to experience “injustice and burnout symptoms” and “undermines an individual of their ability for self determination [sic]”; and his “right to counsel” is being violated because the Division is “promoting and allowing the discrimination of [his] injury case.” (Employee email, December 8, 2023).

99) On December 11, 2023, the Division’s Chief of Adjudications wrote to Employee in response to his December 8, 2023 email to the Department of Labor and Workforce Development Commissioner. She explained procedures to request reconsideration of *Schoppenhorst I* and to appeal that decision, as well as statutory provisions requiring fair hearings and prohibiting discrimination. The Chief of Adjudications also referred Employee to the Office of Civil Rights (OCR) for his complaints of disability and age discrimination. She further addressed his assertion that he had requested ‘information’ from his prior claims by pointing out that he had twice been provided copies of two of his case files. (Wright letter, December 11, 2023). That same day, Employee filed four petition forms. One stated, “How can there be a determination already prior to the decision and order of the workers compensation board scheduled in January?” Another stated, “Appeal Alaska Workers Compensation Appeals Commissions [sic] decision to deny my claim based on discrimination and retaliation against my civil rights and jurisdictional boundaries.” A third sought reconsideration of *Schoppenhorst I* because of “retaliation against my pre-existing injury, civil liberty violations, incorrect jurisdictional barriers, unfair practices.” The fourth was filed because of “Workers Comp Fraud From employer.” (Petitions, December 11, 2023) (underline in original).

100) On December 14, 2023, Employee filed two petition forms. One stated, “Tell [former workers’ compensation officer] thanks for denying my claim and discriminating against me before she retired. Tell her thanks for not reporting my former employer firing me & for her not protecting my rights & conspiring against my rights.” The second stated, “Order Division of Alaska Workers Compensation & Commissioner to stop discriminating against my disability, my pre-existing disability/injury and stop monitoring my life through digital and AI (artificial intelligence [sic]), stop harassing me through Alaska State sponsored programs.” (Petitions, December 13, 2023 (underline in original).

101) On January 3, 2024, a workers’ compensation technician instructed Employee on how to appeal *Schoppenhorst I*. (Schmidt email, January 3, 2024).

102) On January 4, 2024, a workers’ compensation officer instructed Employee on how to appeal *Schoppenhorst I*. (Bender email, January 4, 2024).

103) On January 5, 2024, the Director instructed Employee on how to appeal *Schoppenhorst I*. He indicated that he had “taken the liberty” of forwarding Employee’s petition seeking an

appeal, which he had filed with the Board, to the Commission. The Director also guided Employee to correspond with the Chair of the Commission. (Collins letter, January 5, 2024).

104) On July 9, 2024, Employee filed a claim, requesting every benefit on the claim form except death benefits, and explained his reason for filing it: “Employer retaliation through the protection and immunity clause of worker’s compensation, Wrongful termination. Punitive damages. Compensatory damages. Economic damages. ADA violations. Employer negligence, unsafe workplace negligence, discrimination against pre-existing conditions, loss of income, malicious & intentional harm, loss of enjoyment of life, inconveinces [sic], physical impairment, pain & suffering, repairs to my properties & belongings, medical bills>past present, & future.” An attachment also requested “\$200 Trillion dollars and 99/100 payable in CASH one lump sum hand delivered to me (no digital currency transfer[]).” (Claim for Workers’ Compensation, July 2, 2024).

105) On August 2, 2024, Employee filed a petition form that states Dr. Bauer’s report was biased and “lacks merit” because he did review physical therapy records or updated imaging. (Petition, August 2, 2024).

106) On August 5, 2024, Employee filed four petition forms. One stated, “Employer represents his business as being incorporated now but at the time of my injury 04/06/2021 it was not. Why is this[?]” He filed duplicates of another petition stating, “I believe there to be reasons of fraudulent activities against my claim due process of law,” and a duplicate of his August 2, 2024 petition, contending Dr. Bauer’s report was biased and “lacked merit.” (Petitions, August 2, 2024).

107) On August 14, 2024, *Schoppenhorst II* affirmed the denial of Employee’s claim in *Schoppenhorst I*, finding that it was supported by substantial evidence. (*Id.*).

108) On August 16, 2024, Employee filed two petition forms. One because of “Actions by State sponsored entities substantially limiting equal opportunity and violating Title II of the Americans with Disabilities Act of 1990, Discrimination, limiting my rights of enjoyment, privilege and opportunity to receive aid, benefit or service based on jurisdictional boundaries and retaliation to my injury claim asking for my former employers and its defendants.” The other stated, “October 6, 2021 Corrine Leistikow M.D. suggested I have been suffering from mental health issues. I would like to add this to my claim as I believe I was & possibly still maybe

suffering from the unjustifiable actions of others & discrimination.” (Petitions, August 12, 2024; August 16, 2024).

109) On August 19, 2024, Employee filed five petition forms. One stated “Modification to claim is made for Case #202105734 to be changed so it does not reflect decisions already made and merits based on a different claim.” Another states, “Modify the case number 202105734 because of denial controvert and appeals decisions and this case is new with new merits and should not be dismissed because of the same claim #.” Others included two duplicates of his August 16, 2024 petition regarding adding mental health issues to his claim, as well as a duplicate of his August 16, 2024 petition concerning “Actions by State sponsored entities.” (Petitions, August 12, 2024; August 16, 2024; August 19, 2024).

110) On August 20, 2024, Employee filed two petition forms. One stated, “Benefits to be paid immediately w/ interest & penalties. Separate injury mental health evaluation on October 6, 2021 of Corrine Leistikow M.D.” The other stated, “Protective order concerning my rights not being violated or harassed or tormented mentally or emotionally by any of the defense including direct or indirect contact regarding my mental health conditions.” (Petitions, August 20, 2024). Employee also requested reconsideration of *Schoppenhorst II*. (Schoppenhorst fax, August 20, 2024). The parties participated in a prehearing conference that same day, during which Employee’s numerous petitions and his lack of any new medical evidence were discussed at length. The designee encouraged Employee to file new medical evidence on a medical summary should he want to pursue his claim and repeatedly advised him that he would need to file an ARH if he would like his petitions heard. She also stated that many of Employee’s petitions sought benefits unavailable under the Act. Employer contended, unless Employee files new medical evidence, it should no longer incur the expense of answering Employee’s petitions and claims. Employee contended *Schoppenhorst I* and denial of his claim were “wrong,” his rights were being denied, he was being treated unfairly, he was denied medical treatment based on the opinions of biased doctors, and the State of Alaska will not “allow” him to be represented by an attorney. Employer orally amended its August 14, 2023 petition to seek a pre-litigation screening order, which was set for hearing on October 3, 2024. (Prehearing Conference Summary, August 20, 2024).

111) On August 21, 2024, Employee filed two petition forms, one requesting “review and reconsideration” of *Schoppenhorst I*, and the other to “appeal” Employer’s August 14, 2023 petition. (Petitions, August 21, 2024).

112) On August 22, 2024, Employee filed a petition form stating, “In response to [Employer’s attorney] wanting to charge me fees – please listen to TED NEGENT Spirit of the Wild Album Song #9.” (Petition, August 22, 2024).

113) On August 29, 2024, Employee filed a petition form stating, “Frivolous controvert and denial of my petitions. Frivolous denial of my case/2nd request for job dislocation benefits. Frivolous denial of my request for job dislocation benefits instead of reemployment benefits (request on 04/02/23). Job dislocation benefits to be paid immediately, plus interest and penalties.” (Petition, August 28, 2024).

114) On September 4, 2024, Employee filed a petition form stating, “I am not ready to proceed with the employers [sic] request for hearing because my case is in the appeals process and awaiting discovery outcome.” (Petition, September 4, 2024).

115) On September 5, 2024, Employee filed a petition form stating, “I wish to delay the hearing. Included is medical summary providing evidence of my alegations [sic] to discriminate and [profanity omitted] of medical discovery/treatment due to frivolous controvert and denial.” (Petition, September 5, 2024).

116) On September 6, 2024, Employee filed emails exchanged between himself and an attorney with the Alaska Disability Law Center, during which Employee was seeking to enlist the assistance of the Disability Law Center with his workers’ compensation case. Employee’s final message in the exchanges stated, “Workers’ Compensation is the Jurisdiction of the Universe. . . . BEHOLD! The sole remedy for an injured worker but lacks all jurisdiction.” (Emails, September 6, 2024).

117) On September 10, 2024, Employee filed a petition form stating, “Intentional misleading medical records are leading defenses reason for frivolous controversion & denial provocking [sic] negligence & retaliation by employers [sic] defendants and counsel to cause harm based on pre-existing conditions being discriminated against.” (Petition, September 10, 2024).

118) On September 12, 2024, the parties were served with written notice of the October 3, 2024 hearing. (Hearing Notice, September 12, 2024).

119) On September 13, 2024, the Commission denied Employee's request for reconsideration of *Schoppenhorst II*. (Order on Motion for Reconsideration, September 13, 2023).

120) On September 16, 2024, Employee filed two petition forms. One stated, "I am not ready for hearing because I have medical appointments scheduled in the near future pertaining to DISCOVERY in which [Employer's attorney] has been making it difficult for me to attend over the entire case due to controvert & denial & saying there is no valid reason." The other stated, "Service to neurological surgery was scheduled in 2022. However[,] due to unfair controvert & denial I was unable to attend. Now I qualify for MEDICAID and would like this done to reflect the B.S. of Dr. Bauers [sic] IME." Employee also wrote, "NEED MORE TIME FOR HEARING." (Petitions, September 16, 2024).

121) On September 17, 2024, Employee filed three petition forms. One stated, "[Employer's attorney's] Prepayment Charm of Dr. Rollins [sic] deposition is FRAUD. Workers Comp Board dismissed my claim unfairly based upon Dr. Bauers [sic] biased opinion and not viewing physical therapy records or updated MRI & x-rays." Another stated, "Medical Discovery is Scheduled. Hearing scheduled 10/03/2024 amend the hearing date for an extension." (Petition September 17, 2024). The third stated, "Whatever happened with the status of the investigation going on with my claim over fraud?" (Petitions, September 17, 2024).

122) On September 18, 2024, Employee filed a petition form stating, "Medical discovery consult & treatment ordered service to neurology and mental health services ordered, Dr. Rollins [sic] SIME deposition prepayment suggests FRAUD & medical malpractice." (Petition, September 17, 2024) (underline in original).

123) On September 19, 2024, Employee filed a petition form stating, "Request time is given w/ proper notice. Improper actions leading to exclusion of evidence because of controvert & denial, frivolous control over merits of my claim[,] Expediting Litigation repeatedly violating the mental state of myself the actual or potential injury worsening or caused by lawyers [sic] misconduct." An attachment seeks to "extend the time limit" because Employee "could not reasonably be expected to file timely." (Petition, September 19, 2024). On that same day, in an answer to Employee's numerous petitions, Employer opposed a hearing continuance because there was no valid reason for one, and because it would be prejudiced as it is still obligated to defend against Employee's repetitive and redundant claims that have no merit since no new evidence exists. (Answer, September 19, 2024).

124) On September 23, 2024, Employee filed three petition forms. One stated, “Work displacement benefits, I am not ever going to work for [Employer] ever again. I have not returned to building construction repairs jobs because of medical restrictions.” Another stated, “Pending another SIME (State Sponsored Health Insurance) will pay for this action so [Employer’s attorney] is giving false or misleading information to deteor [sic] or prevent medical discovery I am entitled to.” The third stated, “90 days extension requested to proceed with medical discovery treatment pertaining to my case. Amend the hearing on Octo. 4th [sic] because the outstanding MERITS of my case are based soley [sic] on biased opinions of Dr. Bauer’s IME and a pre-paid [“]CHARM” determination of Dr. Rollands [sic] deposition, late payment of SIME.” (Petitions, September 23, 2024).

125) On September 24, 2024, Employee filed a petition form stating, “Workers Comp Sole Remedy is a lie. Employer discrimination & retaliation to my making a work comp injury claim. Proof [Employer’s attorney] and employers [sic] frivolous controvert & denial claims are lies. EEOC did an investigation.” A Civil Docket from the U.S. District Court for the Western District of Wisconsin was attached, which shows Employee filed a complaint based on employment discrimination against Employer. The docket shows Employee’s complaint was initially dismissed without prejudice and judgment was entered in favor of Employer, then Employee petitioned for reconsideration, which was granted. Next, the judgment in favor of Employer was vacated and the court clerk was directed to transfer the case to the U.S. District Court for the District of Alaska. (Petition, September 23, 2024). On that same date, he also filed a hearing brief and supporting documents totaling 144 pages, including a petition form stating, “AWCB Brief Relocation benefits to be paid immediately, reinstate medical for pending discovery, instate benefits payable plus fees and interest occurred [sic] immediately.” (Employee’s Hearing Brief, September 24, 2024; Petition, September 23, 2024).

126) On September 25, 2024, Employee supplemented his hearing brief with five additional document filings. (ICERS event entries, September 25, 2024). He also filed two petition forms. One stated, “By engaging in the course of employment the activities associated through the course of employment irritated and over-exerted my pre-existing degenerative conditions as proclaimed by IME Dr. Bauer’s report thus resulting in a workplace injury.” The other stated, “Workplace injury 04/06/2024 Aggravation of degenerative disease and over exertion injury to

degenerative disease following workplace employment activity or duties related to employment.” (Petitions, September 25, 2024).

127) On September 30, 2024, Employee filed two petition forms. One stated that he was not ready to go to hearing because “my case is in the appeals process and awaiting discovery/outcome,” and “Medical ordered – referral pending[.] Neurology = Discovery – previously was Alaska Spine Care whom recommended I be closer to family and friends and then all medical was frivolously controverted & denied treatment.” The second stated that he was not ready to go to hearing because “my case is in the appeals process and awaiting discovery/outcome,” and “unlawful intervention of medical merits to SIME because of pre-payment FRAUD ‘CHARM’ of results to Dr. Rollins [sic] deposition.” (Petitions, September 30, 2024).

128) On October 2, 2024, Employee filed three petition forms reciting points of law from American Jurisprudence 2d, and American Law Report, two of which also stated that he was not ready to go to hearing because “my case is in the appeals process and awaiting discovery/outcome.” (Petitions, September 31, 2024; October 2, 2024).

129) On October 3, 2024, Employer’s instant petition was heard on the written record. Employee also filed a petition form stating, “Terminated Employee’s [sic] have recourse. . . . Future earnings, wrongful discharge, injury to reputation, expensed resulting from discharge.” (Petition, October 3, 2024).

130) On October 4, 2024, Employee filed four petition forms. One stated he had been discharged in retaliation for filing a workers’ compensation claim. Another, stating Employer’s defense was frivolous, unfair, and unconstitutional, was filed twice. The third requested a 90-day delay to “present medical discovery,” and stated, “I NEVER SIGNED THE AFFIDAVET [sic] of READINESS FOR HEARING and I have previously requested an extension.” (Petitions, October 4, 2024).

131) On October 10, 2024, Employee filed a petition form stating, “Employer neglected my ability and right to make an injury report or claim when lifting dental chair because employer had no WC coverage @ the time & deliberately injured me by overexertion of shoveling snow as stated in the IME and agreement in SIME.” (Petition, October 10, 2024).

132) On October 14, 2024, Employee filed two petition forms. One stated, “unrelated related indemnity of employer claiming business of Property Pros to be LLC, INC, when license did not

exist prior or @ time of injury.” The other contended *Parsons v. Craig City School Dist.*, AWCB Dec. No. 23-0069 (November 21, 2023) was “irrelevant [sic]” to his case. (Petitions, October 14, 2024).

133) On October 15, 2024, Employer’s attorney filed an entry of appearance before the Alaska Supreme Court (Court) under a case caption identical to this case. (Entry of Appearance, October 15, 2024).

134) On November 18, 2024, the Commission served a Notice of Transmittal of Record in this case to the Court. (Notice of Transmittal of Record of Workers’ Compensation Appeal, November 18, 2024).

135) Employee continues to file petition forms. (Observations).

136) Division staff served Employer with every document Employee filed, including over 150 petitions, until August 30, 2024, when Employee began serving Employer’s attorney via email. Prior to August 30, 2024, Employee did not serve Employer with his petitions and his petitions do not include proof of service. Instead, Employee would write, “Please forward copies to ALL whom need one.” (Observations).

137) Employer’s address is either missing or incomplete on all of Employee’s petitions. (*Id.*).

138) Employee’s agency case file is as voluminous as other cases that have litigated for decades. (*Id.*, experience).

139) Employee has filed no new medical evidence since the record closed in *Schoppenhorst I.* (Observations).

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

(2) workers’ compensation cases shall be decided on their merits except where otherwise provided by statute;
. . . .

(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.

AS 23.30.005. Alaska Workers' Compensation Board.

....

(h) Process and procedure under this chapter shall be as summary and simple as possible. . . .

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 & Bahler*, 747 P.2d 528, 533-34 (Alaska 1987).

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 and weight accorded evidence are "binding for any review of the Board's factual finding." *Smith v. CSK Auto, Inc.*, 204 P.3d 1001; 1008 (Alaska 2009).

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. . . .

In *Robertson v. American Mechanical, Inc.*, 54 P.3d 777, 779 (Alaska 2002), the 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 issue to be decided to be identical to that already litigated, and a final judgment on the merits. *Id.*

STEVE SCHOPPENHORST v. PROPERTY PROS, INC.

To determine whether a decision is a “final judgment” that triggers the time limit for an appeal, “the reviewing court should look at the substance and effect, rather than form, of the rendering court’s judgment.” *Richard v. Boggs*, 162 P.3d 629, 633 (Alaska 2007). “A ‘final judgment’ is one that disposes of the entire case and ends the litigation on the merits.” *Id.*

In *DeNardo v. Maassen*, 200 P.3d 305 (Alaska 2009), the Court upheld the superior court’s prelitigation screening order, after reviewing it for abuse of discretion, stating that such an order would be affirmed only if it is narrowly tailored and based on adequate justification in the record. “By their very nature, requests for pre-litigation screening orders require a court to consider the sum of a litigant’s actions.” *Id.* at 316. As a preliminary matter, the Court examined whether DeNardo had received adequate procedural due process with respect to the prelitigation screening order since he unsuccessfully moved for additional discovery in response to the defendants’ request for one. The Court concluded he had received adequate procedural due process since he failed to file a substantive response when his motion was denied. It reasoned, “[h]e had – but did not utilize – the opportunity to respond, and he waived any right to a hearing on the motion by not requesting one.” *Id.*

The screening order upheld in *DeNardo* stated that permission to file new complaints against the named defendants would only be granted if the complaint does not restate a cause of action that has already been asserted or could have been asserted in a prior case against the same parties; and the complaint is definitive, detailed, and legally sufficient to survive a motion to dismiss. A third requirement in the original order, that the complainant submit proof that any court ordered sanctions and awards of attorney fees owed to the named defendants had been paid, was stricken as insufficiently narrowly tailored.

DeNardo used two decisions of the Ninth Circuit Court of Appeals to form its analysis for reviewing screening orders: *Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047, (Cal. 2007), and *De Long v. Hennessey*, 912 F.2d 1144, 1147 (Cal. 1990). At the trial court level in *Molski*, the District Court began its analysis by writing, “[u]ltimately, the question the court must answer is whether a litigant who has a history of vexatious litigation is likely to continue to abuse the judicial process and harass other parties” (citation omitted). *Id.* at 863-64. It then set out a five-

factor analysis considering:

(1) the litigant's history of litigation and in particular whether it entailed vexatious, harassing or duplicative lawsuits; (2) the litigant's motive in pursuing the litigation, e.g., does the litigant have an objective good faith expectation of prevailing?; (3) whether the litigant is represented by counsel; (4) whether the litigant has caused needless expense to other parties or has posed an unnecessary burden on the courts and their personnel; and (5) whether other sanctions would be adequate to protect the courts and other parties. *Id.* at 864.

The District Court studied the sheer volume of lawsuits filed by the plaintiff. "Although litigiousness alone is insufficient to justify a restriction on filing activities (citation omitted), it is a factor the Court considers indicative of an intent to harass" (citing *De Long*). Another consideration was the textual and factual similarity of the complaints filed by the plaintiff. "This too, while not dispositive, is a factor the Court considers indicative of an intent to harass, as it suggests that Plaintiff is filing boilerplate complaints" (citation omitted). Most importantly, the District Court considered its conclusion that the allegations contained in the plaintiff's complaints were contrived and not credible. "Although it is not obvious when looking at an individual complaint, examining the Plaintiff's complaints in the aggregate reveals a clear intent to harass businesses." *Id.* Relying on other authority, it also found a non-frivolous filing may be sanctionable if filed for an improper purpose, such as extortion:

However, "[f]or purposes of imposing sanctions under the inherent power of the court, a finding of bad faith 'does not require that the legal and factual basis for the action prove totally frivolous; where the litigant is substantially motivated by vindictiveness, obduracy, or mala fides, the assertion of a colorable claim will not bar the assessment of sanctions'" (citations omitted). *Id.* at 865.

The Ninth Circuit Court of Appeals, citing *De Long*, found that "abuse of discretion" was the proper standard for reviewing the District Court's decision in *Molski*. In affirming that decision, it also quoted *De Long*, the "[f]lagrant abuse of the judicial process cannot be tolerated because it enables one person to preempt the use of judicial time that properly could be used to consider the meritorious claims of other litigants." *Id.* at 1057.

De Long recognized that pre-filing orders should rarely be required, particularly against an unrepresented claimant, as they are an extreme remedy only to be used in exigent circumstances,

and noted that a decision issuing such an order should be supported by adequate notice, a record showing the numerous or abusive filings, substantive findings of frivolousness, and be narrowly tailored to closely fit the specific “vice” encountered. *Id.* at 1147-49.

At least one workers’ compensation panel has concluded the board has authority to issue a prelitigation screening order as in *DeNardo* when a claimant filed a claim that had already been held to be barred by res judicata. *Parsons v. Craig City School Dist.*, AWCB Dec. No. 23-0069 (November 21, 2023).

In *Milne v. Anderson*, 576 P.2d 109, 112 (Alaska 1978), the Court defined the doctrine of waiver as the “intentional relinquishment of a known right.” However, the court also added:

[W]aiver is a flexible word, with no definite, and rigid meaning in the law. . . . While the term has various meanings dependent upon the context, it is, nevertheless, capable of taking on a very definite meaning from the context in which it appears, and each case must be decided on the facts peculiar to it. *Id.*

Milne further held waiver may be express or implied:

An implied waiver arises where the course of conduct pursued evidences an intention to waive a right, or is inconsistent with any other intention than a waiver, or where neglect to insist upon the right results in prejudice to another party. . . . To prove an implied waiver of a legal right, there must be direct, unequivocal conduct indicating a purpose to abandon or waive the legal right, or acts amounting to an estoppel by the party whose conduct is to be construed as a waiver. *Id.*

AS 23.30.155. Payment of compensation.

....

(h) The board may upon its own initiative at any time in a case in which . . . where right to compensation is controverted, or where payments of compensation have been . . . suspended . . . take the further action which it considers will properly protect the rights of all parties.

....

8 AAC 45.050. Pleadings.

....

(b) For claims and petitions under this subsection,

....

(8) . . . a petition must be signed by the petitioner or the petitioner's representative and include the names and addresses of all parties, the date of injury, a description of the general nature of the dispute between the parties, and proof of service of the petition upon all parties; the board or its designee will not act on a petition that does not meet the requirements of this paragraph and will return an incomplete petition to the petitioner

8 AAC 45.074. Continuances and cancellations.

....

(b) Continuances or cancellations are not favored by the board and will not be routinely granted. A hearing may be continued or cancelled only for good cause and in accordance with this section. For purposes of this subsection,

(1) good cause exists only when

(A) a material witness is unavailable on the scheduled date and deposing the witness is not feasible;

(B) a party or representative of a party is unavailable because of an unintended and unavoidable court appearance;

(C) a party, a representative of a party, or a material witness becomes ill or dies;

(D) a party, a representative of a party, or a material witness becomes unexpectedly absent from the hearing venue and cannot participate telephonically;

(E) the hearing was set under 8 AAC 45.160(d);

(F) a second independent medical evaluation is required under AS 23.30.095(k);

(G) the hearing was requested for a review of an administrator's decision under AS 23.30.041(d), the party requesting the hearing has not had adequate time to prepare for the hearing, and all parties waive the right to a hearing within 30 days;

(H) the board is not able to complete the hearing on the scheduled hearing date

(I) the parties have agreed to and scheduled mediation;

(J) the parties agree that the issue set for hearing has been resolved without settlement

(K) the board determines that despite a party's due diligence in completing discovery before requesting a hearing and despite a party's good faith belief that the party was fully prepared for the hearing, evidence was obtained by the opposing party after the request for hearing was filed which is or will be offered at the hearing, and due process required the party requesting the hearing be given an opportunity to obtain rebuttal evidence;

(L) the board determines at a scheduled hearing that, due to surprise, excusable neglect, or the board's inquiry at the hearing, additional evidence or arguments are necessary to complete the hearing;

(M) an agreed settlement has been reached by the parties

(N) the board determines that despite a party's due diligence, irreparable harm may result from a failure to grant the requested continuance or cancel the hearing;

8 AAC 45.195. Waiver of procedures. A procedural requirement in this chapter may be waived or modified by order of the board if 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.

“Frivolous” means lacking a legal basis or legal merit; not serious; not reasonably purposeful. Black’s Law Dictionary 739 (9th ed. 2009). “Vexatious” means without reasonable or probable cause or excuse; harassing; annoying. *Id.* at 1701. “Vexatious suit” means a lawsuit instituted maliciously and without good grounds to create trouble and expense for the party being sued. Also termed *vexatious litigation*. *Id.*

ANALYSIS

1) Should the hearing be continued?

Employee filed no less than 12 petitions seeking a hearing continuance on numerous bases. Hearing continuances are not favored, will not be routinely granted, and may only be granted for “good cause.” 8 AAC 45.074(b). Circumstances constituting good cause are set forth in the

regulation, and the reasons Employee provides are not among them. He objects to proceeding with the hearing because his case is on appeal, but what is now being appealed to the Court is the Commission's decision in *Schoppenhorst II*, which affirmed the denial of workers' compensation benefits in *Schoppenhorst I*. The issue presented for decision here has no bearing on the issues decided by those decisions. Employee also contends he has medical appointments scheduled "in the near future," but he provided no evidence of these appointments, let alone evidence that shows these appointments would interfere with his participation in this hearing. He further contends he "could not reasonably be expected to file [his hearing brief] timely," but he timely filed a hearing brief and supporting documents totaling 144 pages, then he timely supplemented it with five additional documentary filings. Employee additionally contends he needs additional time to obtain "medical discovery," but his entitlement to medical benefits is not the issue presented. Because Employee has not shown good cause for a hearing continuance, his requests for one will be denied.

2) Should Employer's petition seeking a litigation screening order be granted?

Employer requests a vexatious litigant screening order as in *Parsons*. While the Act does not specifically set out a remedy for meritless, vexatious, or frivolous claims or petitions, it must be interpreted to provide quick, efficient, fair, and predictable delivery of benefits to injured workers at a reasonable cost to employers. AS 23.30.001. Process and procedure must also be as summary and simple as possible. AS 23.30.005(h). The Board is granted discretion as to procedure and has the authority to waive normal procedures to avoid manifest injustice. AS 23.30.135(a); 8 AAC 45.195. It may also undertake further action necessary to properly protect parties' rights. AS 23.30.155(h). Therefore, the Board has authority to issue a litigation screening order to prevent repetitive, frivolous, or vexatious pleadings. *DeNardo*; AS 23.30.001(1); AS 23.30.005(h); AS 23.30.135(a); AS 23.30.155(h); 8 AAC 45.195.

A vexatious litigant is one who litigates maliciously and without good grounds to create trouble and expense for the party being sued. *Black's*. Frivolous pleadings are those lacking a legal basis or legal merit, or are not serious, or are not reasonably purposeful. *Id.* A vexatious litigant screening order is an extreme remedy to be used only in exigent circumstances. *De Long*. The history of vexatious, frivolous, or repetitive claims or petitions; the motive in filing the claims or

petitions; representation by counsel; the expense caused to other parties, or unnecessary burden imposed on the Board and its staff; and whether other sanctions are adequate to protect the parties and the Board, must be assessed. *Molski*.

At the very least, a litigation screening order requires a showing that Employee's actions have been numerous or abusive. *De Long*. Employee has filed at least 176 petitions since litigation began and as many as 11 and 12 in a single day. Employee's agency case file is as voluminous as cases that have litigated for decades. *Rogers & Babler*. Additionally, Employee has filed an EEOC complaint against Employer in federal court related to this litigation, and a complaint to the Alaska Human Rights Commission also related to this litigation. Although litigiousness alone is insufficient to justify a restriction on filing activities, it is a factor considered indicative of an intent to harass. *Molski*.

Another consideration is the subject matter similarity of Employee's petitions. His well-trodden petition subjects include repeated assertions that he was discriminated against on the basis of a "preexisting disability," he was denied his right to "medical discovery," Employer was uninsured, Employer was negligent, Employer wrongfully terminated his employment, Employer told him to not report the injury, Employer's attorney is unethical, the EME is biased, the SIME physician's opinion was bought with money and "charm," Board staff did not help him, and he is the victim of workers' compensation "fraud." Although not dispositive, Employee's repetitive pleadings are indicative of an intent to harass. *Molski*.

In addition to the subject matter similarity of Employee's petitions, Employee was also repeatedly advised that the Board did not have jurisdiction over subjects raised by them. Yet not only did he continue to file the similar petitions, but he also began to mock the Board's jurisdiction. Similarly, Employee continued to file petitions with the Board while his case was on appeal to the Commission, even after the director pointed him to the Commission; and he continues to file petitions with the Board while his case is on appeal to the Court. Employee's actions in these regards evidence a clear intent to harass. *Molski*.

Consideration too is given to Employee's petitions' lack of purpose. In fact, many of

STEVE SCHOPPENHORST v. PROPERTY PROS, INC.

Employee's petitions are not recognizable as petitions at all since they set forth naked allegations and sundry grievances rather than descriptions of identifiable disputes between the parties. *Contra* 8 AAC 45.050(b)(8). The record shows, early in litigation, Employee would express his frustrations by writing letters to the Board. Then he was provided with petition forms and has ever since treated them as grievance forms rather than sincere requests for board action. *Contra* 8 AAC 45.050(b)(2). Moreover, it is not necessary that Employee's petitions be "totally frivolous" for a screening order to be imposed. Where he is motivated by "vindictiveness, obduracy, or mala fides," a few colorable petitions will not bar the assessment of a screening order. *Molski*.

Employee's failure to prosecute his petitions is a weighty consideration. AS 23.20.122. He has been counselled repeatedly on the purpose and use of an ARH. Although unsuccessful on his first attempt due to lack of notarization, Employee successfully filed an ARH on his SIME petition, which demonstrates he knows how to complete one. His April 8, 2023 email and one of his October 4, 2024 petitions, objecting to hearings being scheduled because he did not file an ARH, also show that he understands what is required to have his petitions heard. Yet when the parties were discussing Employee's petitions at the March 15, 2023 prehearing conference, Employer's attorney asked Employee what type of discrimination he was alleging and what benefits he was seeking through the alleged discrimination. Employee stated he did not have time to answer questions and disconnected from the conference. Likewise, when the parties were discussing scheduling a hearing on a few of Employee's petitions at the May 1, 2023 prehearing conference, Employee began shouting obscenities at the designee and Employer's attorney and the designee terminated the conference. A similar scenario played out at the August 20, 2024 prehearing conference, where the designee repeatedly advised Employee that he would need to file an ARH if he would like his petitions heard. However, instead of doing so, he used the opportunity to offer variations of familiar grievances, like *Schoppenhorst I* was "wrong," denial of his benefits was "wrong," his rights were being denied, he was being treated unfairly, he was denied medical treatment based on the opinions of biased doctors, and the State of Alaska will not "allow" him to be represented by an attorney. It was during this conference that Employer orally amended its August 14, 2023, petition to seek a litigation screening order. Employee's inaction on his multitude of petitions show they were not sincerely filed and that he never

intended to have them heard. *See DeNardo* (Plaintiff had, but did not utilize, opportunity to litigate his motion)).

These events also demonstrate something more than mere inaction. They show Employee was actively avoiding even discussing his petitions. Waiver is the intentional relinquishment of a known right. *Milne*. In the context in which it occurred, Employee's conduct takes on a very definite meaning. *Id.* His direct, unequivocal conduct at the March 15, 2023, May 1, 2023, and August 20, 2024, prehearing conferences show he was purposely forestalling having his petitions decided. *Id.* Like in *DeNardo*, Employee had, but did not utilize, opportunities to litigate his petitions. At the least, he waived his right to litigate petitions that could have been litigated in *Schoppenhorst I. Milne*.

While Employee is not represented by an attorney, he has been repeatedly advised on the need for him to obtain medical evidence, how to obtain medical evidence, how to have his pleadings heard, how to appeal decisions with which he disagrees, and of petitions outside the Board's jurisdiction. His motive in filing petitions is clear - he intends to file petitions forms until he is awarded benefits, or perhaps even the "\$200 Trillion dollars and 99/100 payable in CASH one lump sum hand delivered to [him]" that he demanded in his July 9, 2024 claim. He believes the past decisions by the Board and the Commission were "wrong," and that justice and due process will not be provided until he obtains a decision in his favor. Employee feels that he has been discriminated against and refuses to accept and follow advice from Board staff and Division managers to preserve and pursue his case. Even though there is very clearly a mental health component to Employee's behavior, his repetitive filings are deliberate and spiteful as he intends to vindicate a denial of benefits that he feels was unfair even as he rejects and ignores the legal requirements of the Act.

Workers' compensation technicians, workers' compensation officers, Board designees and even the Division's chief of adjudications and director have replied to Employee's inquiries and advised him how to advance his case and how to proceed in areas outside the Board's jurisdiction. Meanwhile, Employee's petitions should have been returned to him as he attempted to file them since they did not set forth Employer's address, did not identify a dispute between

the parties, were not served on Employer or did not include proof of service. 8 AAC 45.050(b)(8). Instead, as a courtesy to Employee, the Board's staff served Employer's attorney with copies of every document he filed, including over 150 petitions, until August 30, 2024, when Employee began serving Employer's attorney himself via email. The regulation directs that no action will be taken on these petitions. *Id.*

Employee's numerous and repetitive pleadings have imposed significant and unwarranted costs on Employer as it continues to answer and defend against them. The unreasonable burden on the Board is also clear and much of it was just discussed. Additionally, Board staff is required to receive, analyze, process and file each pleading Employee files. This "[f]lagrant abuse of the judicial process cannot be tolerated because it enables one person to preempt the use of judicial time that properly could be used to consider the meritorious claims of other litigants." *Molski*. As described throughout this analysis, Employee's pleadings lack legal bases, are not serious, and are not reasonably purposeful. They are therefore frivolous under every meaning of the definition; and since Employee's purpose for filing them is to create trouble and expense for Employer and to annoy and harass the Board, he is a vexatious litigant. *Black's*.

Ultimately, the question that must be answered is whether Employee is likely to continue to abuse the adjudications process and harass Employer. *Molski*. In this case, the sum of his actions show that he most certainly will. *Id.*; *DeNardo*. There are no sanctions under the Act to protect Employer and the Board from Employee's frivolous, vexatious, and repetitive pleadings. To adhere to the mandate to ensure quick, efficient, fair, and predictable delivery of benefits at a reasonable cost to Employer, and not being bound by technical or formal rules of procedure, further action must be taken to protect Employer's rights. AS 23.30.001; AS 23.30.135; AS 23.30.155. Employer's request for a vexatious litigant screening order is justified and will be granted. *Id.*

Regarding Employee's past pleadings, the instant circumstances are different than in *Parsons*, where Employee's pleadings were barred by res judicata. Employee has appealed *Schoppenhorst II* to the Court and his case is pending there now. Given this, *Schoppenhorst I & II* are not yet final decisions, *Boggs*, so res judicata cannot apply. *Robertson*. Instead, Employee will be

STEVE SCHOPPENHORST v. PROPERTY PROS, INC.

A party may seek review of an interlocutory or 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 Steve Schoppenhorst, employee / claimant v. Property Pros, Inc., employer; Pennsylvania Manufacturers Association, insurer / defendants; Case No. 202105734; dated and filed in the Alaska Workers' Compensation Board's office in Fairbanks, Alaska, and served on the parties by certified U.S. Mail, postage prepaid, on December 19, 2024.

/s/
Whitney Murphy, Office Assistant II