ALASKA WORKERS' COMPENSATION BOARD

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

KIMBERLY DONNELLY, Employee, Claimant, v. GRIZZLY DONUTS LLC, Employer, and STATE FARM FIRE AND CASUALTY COMPANY, Insurer, Defendants.	FINAL DECISION AND ORDER AWCB Case No. 202215241 AWCB Decision No. 25-0011 Filed with AWCB Anchorage, Alaska on February 19, 2025.

Grizzly Donuts, LLC's (Employer's) Petition to Dismiss was heard on January 28, 2025, in Anchorage, Alaska, a date selected on December 5, 2024. Employer's November 19, 2024, Affidavit of Readiness for Hearing gave rise to this hearing. Attorney Martha Tansik appeared and represented Employer and its insurer. Kimberly Donnelly (Employee) did not appear. Prior to the start of the hearing the designated chair attempted without success to contact Employee at her telephone number on file. The record closed at the hearing's conclusion on January 28, 2025.

ISSUES

The Division provided Employee notice of the January 28, 2025, hearing in compliance with statutory and regulatory requirements. Employee, however, failed to attend the hearing. Employer requested the hearing proceed notwithstanding Employee's absence, contending she was served notice of the hearing by certified mail sent to Employee's mailing address on record and that failing to proceed with the hearing would prejudice Employer's rights. An oral order to proceed with the hearing in Employee's absence was issued.

1) Was the oral order to proceed with the hearing in Employee's absence, correct?

Employer asserts Employee's workers' compensation claim should be dismissed, because she failed to file an Affidavit of Readiness for Hearing, or request an extension of time, within two years after Employer filed its post-claim controversion. It also contends there is no evidence in the record indicating Employee took any action constituting substantial compliance within the two-year limitation period prescribed in AS 23.30.110(c), and that not dismissing the claim would prejudice its rights under AS 23.30.001.

Employee did not oppose or otherwise object to Employer's petition to dismiss, did not reach out to the Workers' Compensation Division (Division) to request an extension of time, and did not appear at the hearing. This decision assumes Employee opposes the petition.

2) Should Employer's petition to dismiss Employee's compensation claim be granted?

FINDINGS OF FACT

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

1) On August 29, 2022, Employee called the Division's Anchorage office and left a voice message stating she "wanted to start a claim." Division staff attempted to return the call and left a voice message requesting she "give us a call back to guide her through the process." (Incident and Claims Expense Reporting System (ICERS) Event entry, August 29, 2022).

2) On September 28, 2022, Employee made the first of several unscheduled, in-person visits to the Division's Anchorage office. Division staff with whom she spoke, "Explained to EE her rights and responsibilities, provided her a WC [Workers' Compensation] and you packet/brochure, ROI [Report of Injury] and claim form, and attorneys list." (ICERS Event entry, September 28, 2022).

3) On September 28, 2022, Employee filed an injury report and a compensation claim alleging an injury from a September 22, 2022, work-related slip-and-fall accident. She included her mailing address, email address, and phone number on both documents. (ROI and Claim for Workers' Compensation Benefits, September 28, 2022).

4) On October 10, 2022, the Division sent a form letter to Employee at the address she provided, advising it had opened a claim file on her injury. The letter referenced the publication "Workers' Compensation and You" and urged Employee to either download a copy online or obtain a copy

from the nearest Division office. She was also advised to contact the claim administrator or the nearest Division office if she had questions. (Division Letter, October 10, 2022).

5) Article VII Subsection C of the publication "Workers' Compensation and You" states:

> **REQUESTING A HEARING. [AS 23.30.110(c)].** If you file a WCC and the insurer controverts the claim, you must request a hearing before the Board within two years of the date of the controversion or your right to the benefits will be denied. If you ask for a hearing and then later ask for a continuance of the hearing, the two-year time limit starts to run again from where it stopped when the hearing was originally requested. (Workers' Compensation and You; Article VII, Subsection C).

6) Employer filed a post-claim controversion notice on October 21, 2022, denying all benefits and asserting affirmative defenses. (Controversion Notice; October 21, 2022). The controversion notice was on a Board-prescribed form (Form 07-6105 (Rev. 11/2014), was sent to Employee by certified mail at her record address, and included the following relevant statements:

> **TO EMPLOYEE . . . READ CAREFULLY**
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> This notice means the insurer/employer has denied payment of the benefits listed on the front of this form for the reasons given. If you disagree with the denial, you must file a timely written claim (see time limits below). The Alaska Workers' Compensation Board (AWCB) provides the "Workers' Compensation Claim form for this purpose. You must also request a timely hearing before the AWCB (see time limits below). The AWCB provides the "Affidavit of Readiness for Hearing" form for this purpose. Get forms from the nearest AWCB office listed below
> . . . .
>
> **TIME LIMITS**
>
> . . . .
>
> 2. When must you request a hearing (Affidavit of Readiness for Hearing Form)?
>
> If the insurer/employer filed this controversion notice after you filed a claim, you must request a hearing before the AWCB within two years after the date of this controversion notice. You will lose your right to the benefits denied on the front of this form if you do not request a hearing within two years.
>
> **IF YOU ARE UNSURE WHETHER IT IS TOO LATE TO . . . REQUEST A HEARING, CONTACT THE NEAREST AWCB OFFICE.**

The Board's office addresses and phone numbers were listed. (Controversion Notice, October 21, 2022).

7) On October 26, 2022, Employee made a second unscheduled, in-person visit to the Division's Anchorage office to discuss Employer's controversion notice and steps she needed to pursue. The compensation officer with whom Employee spoke "Informed EE of her rights and responsibilities and confirmed that she still [had] the WC packet and attorney's list I'd provided." (ICERS Event entry, October 26, 2022).

8) On October 27, 2022, division staff scheduled a prehearing conference for December 7, 2022, and sent a prehearing notice to Employee at her address on record. (October 27, 2022 Prehearing Notice).

9) On November 14, 2022, Employer petitioned to compel Employee to provide signed medical releases. (Petition to Compel, November 14, 2022).

10) Contemporaneous with filing its petition, Employer again controverted Employee's compensation claim, this time for failure to provide medical releases. Consistent with its first controversion, Employer's November 14, 2022 controversion notice was on a Board-prescribed form, was sent to Employee by certified mail, and contained the same "Time Limitations" admonitions and instructions. (Controversion Notice, November 14, 2022).

11) On November 18, 2022, following receipt of Employee's signed medical releases, Employer withdrew its November 14, 2022 controversion and petition. (Notice of Withdrawal of Controversion and Petition to Compel, November 18, 2022).

12) During the December 7, 2022 prehearing conference which Employee attended, the Board designee verified Employee's contact information and explained the need to sign and return the dental release previously requested. The conference summary indicates the designee explained the "Statute of Limitations" filing requirements of AS 23.30.110(c) to Employee and the risk that her claim would be denied unless she either requested a hearing or an extension of time within two-years of Employer's post-claim controversion notice. (Prehearing Conference Summary December 7, 2022). The conference summary was mailed to Employee at her address on record and contained the following relevant entries:

a. Under the section titled **"Employer Filings"**:

   10/21/2022 Controversion-Post-claim – To avoid possible dismissal of Employee's claim, per AS 23.30.110(c), the deadline to file an Affidavit of Readiness (ARH) for hearing or a Petition to extend the deadline is on/or before 10/21/2024.

b. Under the section titled "**Statute of Limitations**":

> Employee's claim will be denied unless Employee request a hearing on (his or her or its) claim, by filing an Affidavit of Readiness for Hearing (ARH) Form 07-6107, within two years of the date the board received the first post-claim controversion. If Employee needs more time for additional discovery prior to filing an ARH, the Employee must file a petition to extend this deadline on or before the date the two years expire. The board received a post-claim controversion on 10/21/2022; therefore, to prevent claim denial, the Employee must either file an ARH or a petition to extend this deadline no later than 10/21/2023. [Sic].

c. Under the section titled "**Notice to Claimant**":

> AS 23.30.110(c) provides: "If the employer controverts a claim on a board-prescribed controversion notice and the employee does not request a hearing within two years following the filing of the controversion notice, the claim is denied." In other words, when Employee files a workers' compensation claim and the Employer controverts the claim, to avoid possible dismissal of Employee's claim, Employee must file with the board and serve on all opposing parties an affidavit of readiness for hearing within two years of the controversion. The board has an affidavit of readiness for hearing form Employee can complete and file. If Employee has not completed all discovery and cannot file the affidavit of readiness for hearing within two years of Employer's controversion, but still wants a hearing, Employe should provide written notice to the board and serve the notice upon all opposing parties. (Prehearing Conference Summary, December 7, 2022).

13) On December 8, 2022, the Division scheduled a prehearing conference for January 18, 2023, and sent a notice to Employee's address on record. (Prehearing Notice; December 8, 2022).

14) On December 14, 2022, Employer filed and served a petition to compel Employee to sign the dental release previously requested. (Petition to Compel, December 14, 2022).

15) Contemporaneous with filing its petition, Employer again controverted Employee's claim, this time for failure to sign the dental release. The controversion notice was on a Board-prescribed form, was served on Employee by certified mail, and included the same "Time Limitations" admonitions and instructions contained in Employer's two previous controversion notices. (Controversion Notice, December 14, 2022).

16) On December 19, 2022, Employee made a third unscheduled, in-person visit to the Division's Anchorage office. The event entry indicated Employee "wished to w/draw [withdraw] her claim" and "is going to pursue legal action in another venue but wants to drop the WC case." In response to Employee's request, a Division Workers' Compensation Technician provided a blank piece of paper on which Employee handwrote the following statement:

> I Kimberly A Donnelly, withdraw my worker's compensation claim #202215241 in the Alaska Workers' Compensation Board.

The handwritten statement, which Employee gave the technician, was signed by Employee and dated December 19, 2022. (Employee's handwritten, signed statement; ICERS Event entry, December 19, 2022).

17) On December 22, 2022, Division staff notified the parties that the prehearing conference previously scheduled for "01/18/2023 is cancelled as requested by Kimberly Donnelly." The cancellation notice and a copy of Employee's December 19, 2022 handwritten statement were mailed to the parties. (Prehearing Cancellation Notice, December 22, 2022; observations).

18) On January 4, 2023, Employer requested a hearing on its December 14, 2022 petition to compel and requested a conference, asserting "once a claim is filed it cannot be withdrawn unless by written stipulation approved by the board." (ARH; Request for Conference, December 22, 2022).

19) On January 6, 2023, Division staff scheduled a prehearing conference for January 19, 2023, and sent a prehearing notice to Employee at her address on record. (Prehearing Notice, January 6, 2023).

20) On January 11, 2023, Employee made a fourth unscheduled in-person visit to the Division's Anchorage office, wanting to know "why she still had to attend a PHC when she withdrew her claim." The technician with whom she spoke, explained, "once a claim has been controverted/answered there must be a stipulation between parties to dismiss the case." (ICERS Event entry, January 11, 2023).

21) Following Employee's January 11, 2023 in-person visit, the technician emailed Employer to reschedule the January 19, 2023 prehearing conference for a date after February 14, 2023, as requested by Employee. (Email, January 11, 2023). With Employer's concurrence the prehearing conference was rescheduled to February 15, 2023, and a prehearing notice sent to Employee at her address on record. (Prehearing Notice; ICERS Event entry, January 11, 2023).

22) On February 14, 2023, Employee made a fifth unscheduled in-person visit to the Division's Anchorage office, wanting to know how to withdraw her claim. The event entry from that visit indicates Employee was provided stipulation language and advised "to write it up, sign it, and have the ER [Employer] ATT [Attorney] sign if in agreement with it." Employee also inquired whether the prehearing conference scheduled for the next day (February 15) would be rescheduled if she did not show up for the hearing. She was advised the hearing would not be rescheduled unless requested by one of the parties. (ICERS Event entry, February 14, 2023).

23) Employee failed to attend the properly noticed February 15, 2023 prehearing conference. A prehearing conference summary was mailed to her and contained the following relevant entries:

a. Under the section titled "**Discussions"**:

> The ER noted that there is no mechanism to withdraw a claim; if the EE wishes to withdraw, the ER will send a Stipulation to withdraw the claim, and both parties must sign. The designee would like to add that this was previously notified to the EE during her walk-in to the board on 2/14/23 and during her walk-in on 1/11/23.

b. Under the section titled "**Employer Filings"**:

> 10/21/2022 Controversion-Post-claim – To avoid possible dismissal of Employee's claim, per AS 23.30.110(c), the deadline to file an Affidavit of Readiness (ARH) for hearing or a Petition to extend the deadline is on/or before **10/21/2024**. (Emphasis in original).

c. Under the section titled "**Notice to Claimant"**:

> AS 23.30.110(c) provides: " If the employer controverts a claim on a board-prescribed controversion notice and the employee does not request a hearing within two years following the filing of the controversion notice, the claim is denied." In other words, when Employee files a workers' compensation claim and the Employer controverts the claim, to avoid possible dismissal of Employee's claim, Employee must file with the board and serve on all opposing parties an affidavit of readiness for hearing within two years of the controversion. The board has an affidavit of readiness for hearing form Employee can complete and file. If Employee has not completed all discovery and cannot file the affidavit of readiness for hearing within two years of Employer's controversion, but still wants a hearing, Employe should provide written notice to the board and serve the notice upon all opposing parties. (Prehearing Conference Summary, February 15, 2023).

24) On June 8, 2023, Division staff scheduled a prehearing conference for July 20, 2023, and sent a notice to Employee at her address on record. (Prehearing Notice, June 8, 2023).

25) Employee failed to attend the properly noticed July 20, 2023 prehearing conference. The designee called Employee's phone number on record to no avail. The designee granted Employer's motion to compel and ordered Employee to provide a signed dental release by August 7, 2023. Consistent with the two previous conference summaries, the July 20, 2023 summary was mailed to Employee at her address on record and contained "Controversion-Post-claim" and "Notice to Claimant" language regarding the requirements of AS 23.30.110(c) and the risk of claim dismissal or denial. The summary also included the following additional entries under the section titled "**Discussions**":

> . . . The designee called the EE to the number on record (907). . . . The designee would like to add that a party is responsible for notifying the board and parties of any changes in address or other contract information.
>
> The ER noted that on 2/23/23, she emailed and mailed the EE a Stipulation regarding withdrawing the claim. **Note:** Previously the EE requested to withdraw her claim; if the EE wants to withdraw her claim, she may sign and file the stipulation [previously provided by Employer] with the parties. If the EE plans on proceeding with the claim the designee encourages her to participate in the prehearings and comply with the discovery process to avoid dismissal of the claim for not complying. (Prehearing Conference Summary, July 20, 2023).

26) On August 30, 2023, Employer filed and served a petition to dismiss, contending Employee was willfully and deliberately blocking its rights by failing to comply with the discovery order to provide a signed dental release. (Petition; Memorandum in Support of Petition to Dismiss, August 30, 2023).

27) On August 31, 2023, Division staff scheduled a prehearing conference for October 4, 2023, and sent a prehearing notice to Employee at her address on record. (Prehearing Notice, August 31, 2023).

28) On October 2, 2023, Employee made a sixth unscheduled in-person visit to the Division's Anchorage office to "discuss the developments in her case." The event entry stated Employee "is frustrated because she cannot get her claim withdrawn/dismissed without going through paperwork when she agrees with the initial controversion." Employee verbally requested that the upcoming October 4, 2023 prehearing conference be rescheduled. (ICERS Event entry, October 2, 2023).

29) Following Employee's in-person visit, the Division emailed the parties regarding rescheduling the October 4, 2023 prehearing conference and offered alternative dates. Employer did not agree to reschedule. (Email; ICERS Event entry, October 2, 2023).

30) On October 3, 2023, the Division emailed Employee at her email address on record to advise that because Employer objected to rescheduling the prehearing conference it would proceed as scheduled on October 4, 2023. (Email; ICERS Event entry, October 3, 2023).

31) On October 4, 2023, the Division called Employee as a follow-up to the October 3, 2023 email and advised her the prehearing conference would proceed as scheduled later that day. (ICERS Event entry, October 4, 2023).

32) During the October 4, 2023 prehearing conference which Employee attended, she expressed frustration with the process and explained she was waiting for information from the Internal Revenue Service regarding her 2022 employment records. With the parties' concurrence, the

designee scheduled a follow-up prehearing conference for December 19, 2023, "to discuss the discovery status and how parties would like to proceed." Consistent with the previous conference summaries, the October 4, 2023 summary was mailed to Employee and contained "Controversion-Post-claim" and "Notice to Claimant" language regarding the requirements of AS 23.30.110(c) and the risk of claim dismissal or denial. (Prehearing Conference Summary, October 4, 2023).

33) On October 4, 2023, the Division scheduled a prehearing conference for December 19, 2023, and sent a notice to Employee's address on record. (Prehearing Notice, October 4, 2023).

34) Employee failed to appear at the properly noticed December 19, 2023 prehearing conference. Consistent with the four previous conference summaries, the December 19, 2023 summary was mailed to Employee and contained "Controversion-Post-claim" and "Notice to Claimant" language regarding the requirements of AS 23.30.110(c) and the risk of claim dismissal or denial. The summary also contained the following additional entry:

> The EE [sic] would like to add that Employee's claim will be denied unless Employee requests a hearing on (his or her or its) claim, by filing an Affidavit of Readiness for Hearing (ARH) Form 07-6107, within two years of the date the board received the first post-claim controversion. If Employee needs more time for additional discovery prior to filing an ARH, the Employee must file a petition to extend this deadline on or before the date the two years expire. The board received a post-claim controversion on 10/21/2022; therefore, to prevent claim denial, the Employee must either file an ARH or a petition to extend this deadline no later than 10/21/2024. (Prehearing Conference Summary, December 19, 2023).

35) On December 19, 2023, Employee called the Division's Anchorage office "because she missed her PHC today and wanted it rescheduled." The event entry from the call states the technician with whom Employee spoke "explained her PHC summary, [and] that she needed to petition to extend the deadline, or the ER was going to petition to dismiss the claim." The event entry also states, "EE DOES want the claim dismissed, but wants it done a certain way to "protect her rights" and "she refuses to work with Employer's attorney." (ICERS Event entry, December 19, 2023).

36) On April 5, 2024, Employee made a seventh unscheduled in-person visit to the Division's Anchorage office to discuss the fact she had received a letter from Employer's attorney regarding settlement. The event entry states in part:

> EE doesn't want any payout; she seems to be confused w/ the words denied and dismissed. EE refuses to work w/ ER ATT to quickly dismiss her case to get a stipulation, so w/ ALJ's assistance, it was explained that all she needs to do is to not

> file an ARH or respond to any correspondence & let her 2-yr deadline pass this 10/24/24. . . . (ICERS Event entry, April 5, 2024).

37) On October 22, 2024, Employer requested that Employee's claim be dismissed under AS 23.30.110(c), contending she failed to request a hearing or petition for an extension within two years after Employer filed its October 21, 2022 post-claim controversion notice. (Petition; Memorandum in Support of Petition to Dismiss, October 22, 2024). The petition and memorandum were mailed and emailed to Employee because "the address has been noted as bad and no forwarding provided." (Petition, October 22, 2024).

38) On October 23, 2024, the Division scheduled a prehearing conference for November 19, 2024, and sent a notice to Employee's address on record; the same address to which all previous communications had been mailed. (Prehearing Notice, October 23, 2024).

39) Employee failed to attend the properly noticed November 19, 2024 prehearing conference. The designee called Employee's phone number on record twice, was directed to voicemail and left a voice message. Consistent with the five previous conference summaries, the November 19, 2023 summary was mailed to Employee and contained "Controversion-Post-claim" and "Notice to Claimant" language regarding the requirements of AS 23.30.110(c) and the risk of claim dismissal or denial. (Prehearing Conference Summary, November 19, 2024).

40) On November 19, 2024, Employer filed and served an ARH requesting a hearing on its October 22, 2024 petition to dismiss. (ARH, November 19, 2024).

41) On November 20, 2024, the Division scheduled a prehearing conference for December 4, 2024, and sent a notice to Employee's address on record. (Prehearing Notice, November 20, 2024).

42) When Employee failed to attend the properly noticed December 4, 2024 prehearing conference the designee called Employee at her phone number on record. The prehearing conference summary states, "The EE answered the phone, and when the designee informed the EE that the call was to attend the prehearing of her workers' compensation case, the EE said that she had withdrawn her case a long time ago and then hung up." The designee scheduled a hearing on Employer's petition to dismiss for January 28, 2025, with briefs and witness lists due January 21, 2025. Consistent with the six previous conference summaries, the December 4, 2023 summary was mailed to Employee at her address on record and contained "Controversion-Post-claim" and "Notice to Claimant" language regarding the requirements of AS 23.30.110(c) and the risk of claim dismissal or denial. (Prehearing Conference Summary, December 4, 2024).

43) On December 5, 2024, the Division issued a notice scheduling a hearing for January 28, 2025, on Employer's October 22, 2024 petition to dismiss. (Hearing Notice, December 5, 2024). The notice was sent by certified mail, return receipt to Employee's address on record. (ICERS).

44) The December 5, 2024 hearing notice was returned to the Division on December 30, 2024, by the US Postal Service stamped "unclaimed and unable to forward." Division staff called Employee's phone number on record to verify her mailing address and when no one answered, left a voice message asking that she call back to verify her mailing address and notifying her of the January 28, 2025 hearing. (ICERS Event entries, December 4 and 30, 2024).

45) On January 16, 2024, the Division emailed Employee at her email address on record to notify her of the January 28, 2025 hearing and attached copies of the hearing notice and Employer's Petition to Dismiss. (ICERS Event entry, January 16, 2025).

46) On January 17, 2025, Employer filed and served a hearing brief contending Employee's claim should be dismissed for failure to request a hearing or to petition for an extension of time within two years of Employer's October 21, 2022 post-claim controversion notice. It asserted there is no evidence indicating Employee took any action constituting substantial compliance with the two-year limitation prescribed by AS 23.30.110(c), and that failure to dismiss Employee's claim would prejudice Employer. (Employer's Hearing Brief, January 17, 2025).

47) On January 27, 2025, the Division staff called Employee's phone number on record to determine whether Employee intended to participate in the January 28, 2025 hearing in-person or virtually. The call was directed to voicemail and staff left a voice message. Staff subsequently emailed a copy of the Zoom link instructions for the hearing to Employee's email address on record. (ICERS Event entry, January 27, 2025).

48) Prior to the January 28, 2025 hearing, Employee did not file an ARH for hearing or a petition for an extension of time and did not contact the Division to request additional time to prepare for or to reschedule the hearing. (ICERS).

49) Employee did not attend the January 28, 2025 hearing either in-person or virtually. Prior to starting the hearing, the hearing officer called Employee at her telephone number on record and when the call went to voicemail left a message advising Employee of the hearing and inviting her to join telephonically if she desired. (Record).

50) Adding three days for service by mail as required by 8 AAC 45.063, the two-year timeframe within which Employee had to either request a hearing or petition for an extension of time after

Employer filed its October 21, 2022 post-claim controversion notice, expired October 24, 2024 – which was not a holiday or weekend. (AS 23.30.110(c); experience, judgment and observations).

51) Two years from Employer's second post-claim controversion filed November 14, 2022, with three days added, (plus an extra day for Sunday) was November 18, 2024. Two years from the Employer's third post-claim controversion filed December 14, 2022, with three days added, was December 17, 2024. (AS 23.30.110(c); experience, judgment and observations).

52) Employee did not file a request for hearing, petition for an extension of time, or make any other accommodation request, at any time prior to (or after) the two-year filing deadline associated with any of the three post-claim controversion notices. (ICERS).

53) Employer's three controversion notices were all on a Board-prescribed form, were all served on Employee by mail at her address on record, and all contained the same two year "Time Limits" language regarding the requirement that Employee request a hearing within two years after the date of Employer's controversion notice. (Controversion Notices).

54) The Board's seven prehearing conference summaries were all mailed to Employee at her address on record and all contained "Controversion-Post-claim" and "Notice to Claimant" language regarding Employee's obligation under AS 23.30.110(c) to either file an ARH or a petition to extend the two-year post-claim controversion notice period or risk her claim being dismissed or denied. (Prehearing Conference Summaries).

55) Employee did not file a written change of address or otherwise notify the Division to send mail to an address different from the address she first provided. (ICERS).

56) Employee made nine unscheduled in-person visits to the Division's Anchorage office – one before filing her claim and eight after filing. During several of those visits Employee expressed the intent that her September 28, 2022 claim be dismissed or withdrawn. (ICERS Event entries, December 19, 2023, January 11, 2023, February 14, 2023, October 2, 2023 and April 5, 2024). Employee also expressed a similar intent during two phone calls with Division staff. (ICERS Event entry, December 19, 2023; Prehearing Conference Summary, December 4, 2024).

57) There is no evidence that Employee lacks mental capacity or is incompetent. The agency file contains no grounds for Employee to claim equitable estoppel against Employer or the Division. Neither party requested a second independent medical evaluation (SIME). (ICERS).

PRINCIPLES OF LAW

> **AS 23.30.001. Intent of the legislature and construction of chapter.** It is the intent of the legislature that
> . . . .
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> (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.

Board decisions may be based 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, 533-34 (Alaska 1987).

> **AS 23.30.110. Procedure on Claims.** (a) . . . the board may hear and determine all questions in respect to the claim.
> . . . .
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> (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 hearing. . . . If the employee 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.
> . . . .
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> (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 request 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.

The objective of AS 23.30.110 is not only to provide procedures for pursuing a benefits claim but also to ensure claims are brought "to the board for a decision quickly so that the goals of speed and efficiency in board proceedings are met." *Providence Health System v Hessel*, AWCAC Dec. No. 131 at 12 (March 23, 2010), citing *Lawson v. State of Alaska*, AWCAC Dec. No. 110, 24 (May 29, 2009)(further citation omitted). "[L]egislative history supports the conclusion that the primary purpose of requiring an affidavit was to create guidelines for the orderly conduct of public business." *Kim v. Alyeska Seafoods, Inc*., 197 P.3d 193, 197 (Alaska 2008).

AS 23.30.110(c) requires a claimant to prosecute their claim in a timely manner once they file a claim and it is controverted by the employer. *Jonathan v. Doyon Drilling, Inc.,* 890 P.2d 1121, 1124 (Alaska 1995). "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." *Denny's of Alaska v. Colrud*, AWCAC Dec. No. 148 (March 10, 2011). The two-year deadline in AS 23.30.110(c) runs by operation of the statute. Notice of the two-year statutory deadline within which a claimant must request a hearing, as provided on the Board-supplied controversion form, is sufficient notice of the deadline to a reasonable person. *Jonathan* at 22; *Hessel* at 17-18. To stop the running of the two-year limitation period under AS 23.30.110(c) the claimant must do something; filing a request for hearing or a request for an extension of time is sufficient. *Kim; Narcisse v. Trident Seafoods Corp*., AWCB Dec. No. 16-0070 (August 18, 2016).

The language of AS 23.30.110(c) is directory and not mandatory. *Kim*. However, a claimant may not simply ignore the requirement but must be actively moving their claim forward. *Id.* Substantial compliance does not require filing a formal affidavit but does require a claimant file either a request for hearing, or a request for additional time to prepare for a hearing, within two years of a controversion. *Tipton v. ARCO Alaska, Inc.*, 922 P.2d 910 (Alaska 1996). Although substantial compliance may excuse technical noncompliance with the statute, substantial compliance does not mean noncompliance, or late compliance. *Kim.*

Certain legal grounds may excuse noncompliance with AS 23.30.110(c), such as lack of mental capacity, incompetence or equitable estoppel. *Tonoian v. Pinkerton Security*, AWCAC Dec. No. 029 (January 30, 2007). Additionally, "an employer may not do anything expressly to lead an employee into thinking that the time for requesting a hearing has been tolled or extended." *Davis v. Wrangell Forest Products*, AWCAC Dec. No. 256 at 20 (January 2, 2019). However, a claimant who fails to request a hearing within two years of a post-claim controversion, "bears the burden of producing evidence and persuading the board that the facts establish a legal excuse for the delay." *Tonoian* at 9 (further citation omitted). Similarly, a claimant "asserting that the employer waived, or is estopped from, enforcement of the statute of limitations bears the burden of producing evidence of the facts necessary to establish waiver or estoppel and persuading the board that the facts asserted by the claimant are more likely true than not." *Id.*

Notwithstanding the two-year statutory deadline prescribed in AS 23.30.110(c), in *Tipton* the Court stated a statute of limitations defense is "generally disfavored," and neither "the law [n]or the facts should be strained in aid of it." *Id.* at 912-13. Similarly, in *Roberge v. ASRC Construction Holding Co*., AWCAC Dec. No. 19001, at 15 (September 24, 2019), the Commission held ". . . the idea of a hearing not being held on the merits of a claim is strongly disfavored by the Court and the Board has an obligation to determine if there is a way around the running of the .110(c) defense."

In terms of the obligation owed to an unrepresented claimant, the Court in *Bohlmann v. Alaska Construction & Engineering*, 205 P.2d 316 (Alaska 2009), held "the Board has a duty similar to that of courts to assist unrepresented litigants." *Id* at 320. *Bohlmann* imposes a duty on the Board to inform a self-represented claimant how to preserve their claim under AS 23.30.110(c).

> **AS 23.30.122. Credibility of witnesses.** The board has the sole power to determine the credibility of a witness. A finding by the board concerning the weight to be accorded a witness's testimony, including medical testimony and reports, is conclusive even if the evidence is conflicting or susceptible to contrary conclusions. The findings of the board are subject to the same standard of review as a jury's finding in a civil action.

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

> **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. . . .

> **8 AAC 45.060. Service.** (a) The Board will serve a copy of the claim by certified mail, return receipt requested, upon each party or the party's representative of record.
>
> (b) A party shall file a document with the board . . . either personally or by mail; the board will not accept any other form of filing. Except for a claim, a party shall serve a copy of a document filed with the board upon all parties or, if a party is represented, upon the party's representative. Service must be done, either personally, by facsimile, electronically, or by mail, in accordance with due process. Service by mail is complete at the time of deposit in the mail if mailed with sufficient postage and properly addressed to the party at the party's last known address. If a right may be exercised or an act is to be done, three days must be added to the prescribed period when a document is served by mail.
> . . . .

> (f) Immediately upon a change of address for service, a party or a party's representative must file with the board and serve on the opposing party a written notice of the change. Until a party or the board receives written notice of a change of address, documents must be served upon a party at the party's last known address.
>
> (g) If after due diligence, service cannot be done personally, electronically, by facsimile or by mail, the board will, in its discretion, find a party has been served if service was done by a method of procedure allowed by the Alaska Rules of Civil Procedure.

8 AAC 45.060(f) imposes an obligation upon parties to notify the board of a change in address for purposes of service, and until the Board receives written notice, documents must be served on a party at their last known address. If service cannot be accomplished, the Board may exercise its discretion under 8 AAC 45.060(g) to find a party has been served. These procedures are consistent with Alaska Rule of Civil Procedure 5.

"[U]nder the common law Mailbox Rule, proper and timely mailing of a document raises a rebuttable presumption that it is received by the addressee." *Dandino, Inc. v. U.S. Dept. of Trans.,* 729 F.3d 917, 921 (9th Cir. 2013). The Alaska Supreme Court has held that service by mail is complete upon mailing regardless of whether the service is timely received. *Jefferson v. Spenard Builders Supply, Inc*, 366 P.2d 714 (Alaska 1961).

> **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 endo oft eh next day which is neither a Saturday, Sunday nor a holiday. . . .

> **8 AAC 45.065. Prehearings.** (a) After a claim or petition has been filed, a party may file a written request for a prehearing, and the board or designee will schedule a prehearing. . . . At the prehearing , the board or designee will exercise discretion in making determinations on
>
> (1) identifying and simplifying the issues;
> (2) Amending the papers filed or the filing of additional papers;
> . . . .
> (15) other matters that may aid in the disposition of the case. . . .
> . . . .
>
> (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. (a) Hearings will be held at the time and place fixed by notice served by the board under 8 AAC 45.060(e). A hearing may be adjourned, postponed, or continued from time to time and from place to place at the discretion of the board or its designee, and in accordance with this chapter. . . .
. . . .

(f) If the board finds that a party was served with notice of hearing and is not present at the hearing, the board will, in its discretion, and in the following order of priority,

(1) proceed with the hearing in the party's absence and, after taking evidence, decide the issues in the application or petition;

(2) dismiss the case without prejudice; or
(3) adjourn, postpone, or continue the hearing. . . .

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
. . . .

(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;
. . . .

(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; . . .

ANALYSIS

1) Was the decision to proceed with the hearing in Employee's absence, correct?

Due process and fairness require parties to have adequate hearing notice. AS 23.30.001(4). AS 23.30.110(c) specifies "each party" must have "at least 10 days' notice of the hearing, either personally or by certified mail." On December 5, 2024, consistent with AS 23.30.110(c), the Division served a copy of the January 28, 2025 hearing notice on Employee by certified mail, return receipt requested at her address on record. On December 30, 2024, the notice was returned to the Division as "Unclaimed, Unable to Forward." Employee, however, has never notified the Division that her address had changed. *Rogers & Babler*. Because the certified mail was properly served on Employee at her mailing address on record, the mailbox rule, which creates a presumption it was received if properly addressed, applies. *Dandino.* Also, as noted in *Jefferson*, service by mail is complete upon mailing regardless of whether service is timely received.

When a party fails to attend a hearing, the panel must determine the appropriate action. Subject to notice having been properly served on the absent party, 8 AAC 45.070(f) states the panel "will, in its discretion, and in the following order of priority," either (1) proceed to hearing; (2) dismiss the case without prejudice; or (3) adjourn, postpone or continue the hearing. 8 AAC 45.070(f). Although the regulation does not require the hearing officer to attempt to contact an absent party by phone, discretionary attempts to do so are frequently made in the interest of impartiality and fairness. AS 23.30.001(a). Such an effort was made here with the January 28, 2025 hearing and when the call was directed to voicemail, the hearing officer left a message advising Employee of the hearing and inviting her to join telephonically if she desired. (Record).

In addition to providing notice of the hearing by certified mail, and in addition to the hearing officer's attempt to contact Employee at her phone number on record before the start of the hearing, the agency file reflects extensive additional efforts made by Division staff to notify Employee of the January 28, 2025 hearing. Specifically: (1) on December 30, 2024, Division staff attempted to contact Employee by telephone at her phone number on record to verify her mailing address and to advise her of the January 28, 2025 hearing; (2) on January 16, 2025, Division staff emailed a copy of the hearing notice to Employee's email address on record along with a copy of Employer's Petition to Dismiss; (3) on January 27, 2025, staff again attempted to contact Employee by telephone to advise her of the upcoming hearing and when the call went to voice mail left a voice message; and, (4) on January 27, 2025, after attempting to contact Employee by phone, staff emailed her of the upcoming hearing and provided Zoom link instructions should she desire to participate virtually.

Every claimant has the right to notice of, and the ability to participate in proceedings involving their claim. AS 23.30.110(c). However, when as in this case the hearing notice was served pursuant to law and extensive additional efforts were made to notify Employee by mail, email and telephone, the decision to proceed with the hearing in her absence did not violate Employee's due process rights. AS 23.30.001(4); AS 23.30.135(a); *Rogers & Babler*.

Although the panel in its discretion could have elected to dismiss Employee's claim without prejudice, or adjourn, postpone or continue the hearing, doing so under the circumstances of this case and the totality of the agency file would have unduly prejudiced Employer's rights, because Employer continues to incur attorney fees and costs without knowing whether Employee's claim may someday be resurrected. There is insufficient evidence to merit a continuance or to warrant delaying the hearing. 8 AAC 45.074(b).

Employer filed its petition to dismiss on October 24, 2024. Two prehearing conferences were scheduled and held to set a hearing date -- the first on November 19, 2024, and the second on December 4, 2024. Despite notices properly served on Employee at her mailing address on record, Employee failed to attend either prehearing conference. Moreover, during the December 4, 2024 conference, when the designee succeeded in contacting Employee at her phone number on record and advised her the call was to attend a prehearing conference in her case, Employee stated, "she had withdrawn her case a long time ago" and then hung-up on the designee. *Rogers & Babler*. Employee's response to the designee's call is telling and consistent with the handwritten, signed note she provided to the Division on December 19, 2022, stating, "I Kimberly A. Donnelly, withdraw my worker's compensation claim #202215241 in the Alaska Workers' Compensation Board."

Although it is unknown why specifically Employee did not appear or otherwise participate in the January 28, 2025 hearing, it is reasonable to suppose, based on the totality of the agency file, she simply chose not to pursue her claim. *Rogers & Babler*. This supposition is consistent with Employee's frequently expressed intention to withdraw her claim. It is also consistent with advice Employee received during an April 5, 2024 unscheduled in-person visit to the Division's Anchorage office, when, in response to her expressed refusal to work with Employer to dismiss her claim by

stipulation, it "was explained that all she needs to do is not file an ARH or respond to any correspondence & let her 2-yr deadline pass this 10/24/2024." *Rogers & Babler.* Following the April 5, 2024 in-person visit, the agency file reflects that Employee did not respond to Employer's October 22, 2024 Petition to Dismiss or to Employer's November 19, 2024 ARH, did not attend the November 19, 2024, and December 4, 2024 prehearing conferences, or the January 28, 2025 hearing, did not oppose Employer's Petition to Dismiss, and did not a request a hearing on her claim or otherwise request an extension of time.

Given the totality of the circumstance, the Division's extensive efforts to notify Employee of the hearing, Employee's expressed intent to withdraw her claim, and her failure to provide a change of address, the oral ruling to proceed with the January 28, 2025 hearing in Employee's absence was appropriate and correct. 8 AAC 45.070(a), (f)(1).

2) Should Employer's petition to deny Employee's claims be granted?

AS 23.30.110(c) requires a claimant to prosecute their claim in a timely manner once filed and controverted by the employer. *Jonathan.* "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." AS 23.30.110(c); *Colrud*. The statutory objective is to ensure claims are brought to hearing "for a decision quickly so that the goals of speed and efficiency" are met. *Hessel*. Although the language of AS 23.30.110(c) is not mandatory, a claimant may not simply ignore the requirement but must actively move their claim forward. *Kim.*

The incontrovertible facts are as follows: (1) Employee filed a workers' compensation claim on September 28, 2022; (2) Employer filed its first post-claim controversion notice denying all benefits, on October 21, 2022, and filed two additional post-claim controversion notices on November 14, 2022, and December 14, 2022 respectively; (3) two-years from the date of Employer's October 21, 2022 post-claim controversion notice, with three days added for service by mail under 8 AAC 45.063 was October 24, 2024, which was not a weekend or holiday; (4) pursuant to AS 23.30.110(c) Employee had until October 24, 2024, to either file an ARH or to request additional time in order to preserve her rights and avoid dismissal; (5) Employee did not file an ARH or request an extension of time prior to (or at any time after) October 24, 2024; (7) no evidence exists in the agency file

indicating Employee lacks mental capacity, is incompetent, or that Employer mislead her regarding the deadline; and (8) the record is devoid of any indication Employee actively pursued her claim after December 19, 2022, the date she provided the Division a handwritten, signed note stating, "I Kimberly A Donnelly, withdraw my worker's compensation claim #202215241 in the Alaska Workers' Compensation Board." *Rogers & Babler*.

In addition to failing to file an ARH or to request an extension of time within two years of Employer's first post-claim controversion, Employee also failed to do so prior to the expiration of the filing deadlines associated with Employers' two subsequent post-claim controversion notices. Two years from Employer's second post-claim controversion filed November 14, 2022, with three days added (plus an extra day for Sunday), was November 18, 2024. Two years from the Employer's third post-claim controversion filed December 14, 2022, with three days added, was December 17, 2024. Regardless of what two-year post-claim controversion period applies, Employee failed to take appropriate action prior to (or at any time after) the expiration of any of the three post-claim controversion filing deadlines. *Rogers & Babler*.

Under AS 23.30.110(c) Employee had two years within which to either file an affidavit of readiness for hearing or request an extension of time to stop the two-year limitation period. *Kim; Narcisse; Colrud*. Employee had to do something; she needed to take some action that would justify tolling the two-year limitation period. Employee did nothing. The agency file is devoid of any evidence that Employee made any effort to prosecute her claim prior to the expiration of the two-year limitation period associated with any of the three post-claim controversion notices. Further, there is no indication that Employee is incompetent, lacks mental capacity, or that Employer expressly led her into believing the time to request a hearing had lapsed, was tolled or had been extended. *Tonoian; Davis*. Simply stated, there is no evidence in the agency file to mitigate against enforcing the two-year filing requirement in AS 23.30.110(c). *Roberge.*

Employee is unrepresented by counsel. In such situations*, Bohlmann* imposes a duty to fully advise a pro se claimant how to preserve their claim under AS 23.30.110(c), including the specific deadline to file a request for hearing. In most instances, this should and does happen at a prehearing conference where the designee identifies and simplifies the issues and handles matters that may aid in the disposition of the case. 8 AAC 45.065(1), (15). Such advice is also accomplished through the

controversion notice process. In *Tonoian*, the Commission held that mailing a prescribed controversion notice with the warning about AS 23.30.110(c) satisfies the obligation to give notice, even when the claimant does not read the notice, or as noted in *Hessel*, fails to understand the warning. *Colrud*.

Employee received adequate and repeated advice from Employer and the Division regarding the two-year filing requirement in AS 23.30.110(c). The three post-claim prescribed controversion notices and seven prehearing conference summaries which were mailed to Employee at her address on record all clearly and specifically warned her about the two-year filing requirements of AS 23.30.110(c) and the risk of claim dismissal/denial. *Rogers & Babler*. Additionally, during a call to the Division on December 19, 2023, after she had missed an earlier prehearing conference, Division personnel warned her specifically that she "needed to petition to extend the deadline, or the Employer was going to petition to dismiss the claim." Ironically, in response to this pointed warning, Employee stated she "DOES want the claim dismissed." Also, during at least four of her nine unscheduled in-person visits with Division personnel Employee expressed her intent that her claim be withdrawn or dismissed. *Rogers & Babler.*

In addition to substantial evidence establishing that Employee was repeatedly advised of the two-year filing deadline, there is also substantial evidence in the form of Employee's expressed intent to withdraw her claim, and her lack of effort, to conclude that Employee had no desire to pursue her claim. Unfortunately, instead of working with Employer to prepare and submit an appropriate stipulation of dismissal, Employee chose to do nothing, content to knowingly let the statutory deadline pass. Employee's lack of participation in her case and her expressed intent that her claim be withdrawn or dismissed demonstrate unequivocally that she had no intent to meaningfully prosecute her claim "in a timely manner." *Jonathan*; *Hessel*.

The Court has construed AS 23.30.110(c) akin to a "statute of limitations," which is a generally "disfavored defense" and neither "the law nor the facts should be strained in aid of it." *Tipton*; *Kim*. Further the idea of a hearing not being held on the merits is strongly disfavored. *Roberge*. However, as is manifestly evident from the agency file, and Employee's conspicuous lack of meaningful effort in prosecuting her claim, neither the law nor the facts need be strained to conclude Employee's claim should be denied.

The purpose of AS 23.30.110(c) is to ensure that claims are brought to a decision quickly so that the goals of speed and efficiency are met. *Hessel.* Although a statute of limitations defense is generally disfavored, Employee's failure to make any substantial effort to comply with AS 23.30.110(c) or to meaningfully pursue her claim is wholly inconsistent with the statutory objective. The totality of the agency file reflects that Employee was repeatedly advised about the October 24, 2024 filing deadline and the consequences and consciously chose not to comply. Accordingly, consistent with the precedent established in *Tipton* and the litany of other cases interpreting AS 23.30.110(c), Employer's petition to dismiss Employee's September 28, 2022 workers' compensation claim will be granted.

CONCLUSIONS OF LAW

1) The decision to proceed with the hearing in Employee's absence was correct.
2) Employer's October 22, 2024, petition to dismiss Employee's claims will be granted.

ORDER

1) Employee's September 28, 2022, workers' compensation claim is denied for failure to timely request a hearing or to substantially comply with AS 23.30.110(c).
2) Employer's October 22, 2024, Petion to Dismiss is granted

Dated in Anchorage, Alaska on February 19, 2025.

ALASKA WORKERS' COMPENSATION BOARD

/s/ John Burns

John J Burns, Designated Chair

/s/ Sara Faulkner

Sara Faulkner, Member

/s/ Brian Zematis

Brian Zematis, Member

APPEAL PROCEDURES

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

An appeal may be initiated by filing with the office of the Appeals Commission: 1) a signed notice of appeal specifying the board order appealed from and 2) a statement of the grounds upon which the appeal is taken. A cross-appeal may be initiated by filing with the office of the Appeals Commission a signed notice of cross-appeal within 30 days after the board decision is filed or within 15 days after service of a notice of appeal, whichever is later. The notice of cross-appeal shall specify the board order appealed from and the ground upon which the cross-appeal is taken. AS 23.30.128.

RECONSIDERATION

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

MODIFICATION

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

CERTIFICATION

I hereby certify the foregoing is a full, true and correct copy of the Final Decision and Order in the matter of Kimberly Donnelly, employee / claimant v. Grizzly Donuts, LLC, employer; State Farm Fire and Casualty Company, insurer / defendants; Case No. 202215241; 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 19th of February 2025.

_____

Whitney Murphy, Office Assistant II