

ALASKA WORKERS' COMPENSATION BOARD



P.O. Box 115512

Juneau, Alaska 99811-5512

CALLIE BEVERLY,)	
)	
Employee,)	
Claimant,)	
)	INTERLOCUTORY
v.)	DECISION AND ORDER
)	ON MODIFICATION
MAT-SU REGIONAL MEDICAL)	
CENTER,)	AWCB Case No. 202312581
)	
Employer,)	AWCB Decision No. 25-0024
and)	
)	Filed with AWCB Anchorage, Alaska
AIU INSURANCE CO.,)	on April 8, 2025
)	
Insurer,)	
Defendants.)	
)	

Mat-Su Regional Medical Center's (Employer) April 3, 2025, petition for "reconsideration" of *Beverly v. Mat-Su Regional Medical Center*, AWCB Dec. No. 25-0019 (March 26, 2025) (*Beverly I*) was heard on April 8, 2025, on the written record in Anchorage, Alaska, a date selected on April 8, 2025. The April 3, 2025, petition gave rise to this hearing. Attorney John Ptacin represents Callie Beverly (Employee). Attorney Krista Schwarting represents Employer and its insurer. The record closed at the hearing's conclusion on April 8, 2025.

ISSUE

Employer's April 3, 2025, petition contends *Beverly I* was mistaken in finding Employer did not object to Ptacin's attorney fees. It contends that on the written-record hearing date, March 26,

2025, it filed email objections with the Workers' Compensation Division (Division) and contends the hearing panel failed to consider the objections and should therefore "reconsider."

The time for Employee to respond to Employer's petition has not yet expired. This decision presumes she opposes it.

1) Should Employer's March 26, 2025, objections be accepted and considered?

Employer March 26, 2025, objection contends Ptacin's 14 hours billed for attorney fees in a single-issue written-record hearing is excessive. It contends his hourly rate is also too high because Ptacin lacks experience in the workers' compensation system. Employer seeks an order reducing his attorney fees awarded in *Beverly I*.

The time for Employee to respond to Employer's petition has not yet expired. This decision presumes she opposes it.

2) Should Employer's March 26, 2025, objections be overruled and its April 3, 2025, petition denied?

FINDINGS OF FACT

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

- 1) On February 25, 2025, the Division gave all parties ample notice for a March 26, 2025, written-record hearing on Employee's request for a second independent medical evaluation (SIME). (Written Record Hearing Notice, February 25, 2025; experience; judgment).
- 2) On March 19, 2025, Ptacin filed his attorney fee, cost affidavit and resume with the Division and served it on Schwarting at 11:13 AM, a full two days prior to its required filing and service date on March 21, 2025. (Agency file: Judicial; Party Actions; Affidavit of Attorney's Fees tabs, March 26, 2025; observations).
- 3) March 21, 2025, was the third working day prior to March 26, 2025. (Observations).
- 4) On March 26, 2025, the hearing panel completed the *Beverly I* Decision and Order (D&O) for the written-record hearing, ordered an SIME, awarded attorney fees and costs and electronically

sent the D&O to staff for service on 10:18 AM. *Beverly I*, relevant to Employer's April 3, 2025, petition for modification, found:

15) As for attorney fees and costs, Employee stated that in response to Employer's answer to her SIME petition, she submitted a revised SIME form to Employer and sought a stipulation after adding additional issues as suggested in Employer's answer. She said Employer never responded to the revised form and stipulation request, which necessitated additional briefing and the instant hearing. Employee stated the Board routinely awards attorney fees when an employer unsuccessfully resists an SIME. She sought "\$5,786," and cited *Rusch* for support. Addressing the *Rusch* factors, Employee conceded SIME issues are "common" and do not require great lawyering skill. But she differentiated this case by noting Employer was unwilling to agree to an SIME when presented with a "clear medical dispute" and when "presented with further evidence supporting the SIME." Employee agreed Employer has a right to require a hearing, but contended "the law requires the employer to pay for the time and effort of counsel in prevailing at such hearings, especially in cases where the dispute is not a close call." She contended Ptacin's \$400 per hour rate and \$150 an hour rate for his paralegal are "within market rates." Ptacin stated he has practiced law since 2004 and has significant experience in civil litigation and administrative law. (Petition for Attorney's Fees; Affidavit of John Ptacin, March 19, 2025).

16) Ptacin's March 19, 2025, affidavit itemized 14 hours of attorney time incurred between February 24, 2025, and March 19, 2025, spent solely on (1) Employee's SIME petition, (2) his review of her records, and (3) his briefing for the March 26, 2025, SIME hearing. He added "our paralegals expended 1.24 hours of time on this matter as well." Ptacin's "fixed" hourly rate is \$400. He addressed the *Rusch* factors as follows:

(1) *Time and labor required, novelty and difficulty of the questions involved and required skill.* Ptacin stated the time required was "not insignificant." He felt he had ample information to obtain an SIME on the issue for which Employer controverted Employee's claim. While acknowledging that SIME issues are common in these cases, Ptacin distinguished this case from others because Employer refused to acknowledge what he considered clear medical disputes justifying an SIME, which increased his fees. (2) *Likelihood that this case would preclude Ptacin's other employment.* Ptacin stated Employee's case precluded him from working on his other legal matters for several school district clients. (3) *Customary fees for similar services.* Ptacin felt his \$400 per hour rate was reasonable and in line with other attorneys in this field. He admitted he did not regularly practice workers' compensation law but had litigated administrative law matters for over 20 years. He believed his "\$5,400" was reasonable for obtaining an SIME for Employee. (4) *The amount involved, and results obtained.* Ptacin did not directly address this factor but contended an SIME would benefit his client, and Employee in her brief stated an SIME would

help the Board resolve this claim. (5) *Time limitations imposed by Employee*. Ptacin said “time is of the essence” but did not explain why. Presumably, he was referring to his client’s need to supplement her lower income. (6) *The nature and length of the professional relationship*. It appears the professional relationship was relatively short, spanning from February 24, 2025, through March 19, 2025, at least on this SIME issue. (7) *Experience, reputation and ability of the lawyer*. Ptacin said he did not have a reputation for overbilling or overcharging clients. (8) *Whether the fee was fixed or contingent*. Ptacin said his fee was “fixed,” which the panel understood to mean his hourly rate is fixed at \$400 for all his legal work, not that his fee was not contingent. (Petition for Attorney’s Fees; Affidavit of John Ptacin, March 19, 2025).

(16) Ptacin has practiced law for over 20 years in Alaska and worked for many years as Assistant and Chief Assistant Attorney General in the Alaska Department of Law. His work there involved significant experience in administrative law matters. Ptacin has also represented parties in employment cases, and either wrote or argued six appellate matters during his career. (Ptacin resume, undated but filed on March 19, 2025).

(17) Employee’s fee request did not differentiate between time the lawyer incurred and time his paralegals incurred, and did not include affidavits from his paralegals. (Observations). (*Beverly I*; Agency file: Judicial; Prehearings and Hearings; D&O Interlocutory tabs, March 26, 2025).

Beverly I’s analysis awarded attorney fees and costs and stated:

Employee’s pending claims request, among other things, attorney fees and costs. . . . Employer’s only objection to Employee’s attorney fee and cost request was that Employee is entitled to neither only because this panel should not order an SIME; thus, Ptacin obtained no benefit for Employee. Employer had the burden to show Employee’s attorney fees were not warranted. *Singh*. It did not object to his hourly rate, hours, costs or the form of his affidavit.

On October 4, 2024, Employer controverted Employee’s claim. AS 23.30.145(a). On February 24, 2025, Employee petitioned for an SIME. On March 19, 2025, Ptacin timely filed and served his attorney fee affidavit and his resume. In them, he addressed the required *Rusch* and Rule 1.5(a) factors. Factual finding #16 above is incorporated in full here by reference. Ptacin’s affidavit, though it contains a typographical error requesting “\$5,400” in attorney fees instead of “\$5,600,” is sufficiently itemized and limited to work he performed representing Employee on this SIME issue. Although the three tasks for which he billed 14 hours at \$400 per hour are “block-billed,” because he did not state how much time was spent on each task, nothing in our regulations prohibits block-billing. *Nautilus Marine Enters.*; *Rusch*. Ptacin’s affidavit demonstrates that he has significant experience handling administrative law cases, and although he does not practice workers’ compensation law regularly, he did an excellent job representing Employee in this case on this

issue. This decision granted Employee's SIME petition. Consequently, finding no objection to his hourly rate or hours billed, and finding Ptacin satisfied all *Rusch* and Rule 1.5(a) factors, this decision will award Ptacin \$5,600 in full, reasonable attorney fees for successfully obtaining an SIME over Employer's objection (14 hours x \$400 per hour = \$5,600). *Gillion*.

However, under 8 AAC 45.180(b) and (f)(14)(D) paralegal "fees" are actually "costs." To obtain a cost award, Employee had to itemize the costs incurred, including paralegal fees. The paralegal fees at issue here though not itemized can be gleaned by deducting Ptacin's attorney fees from the total requested in Employee's hearing brief (\$5,786 - \$5,600 = \$186). Also, Ptacin bills the paralegal's services at \$150 per hour and claims 1.24 hours; thus (1.24 hours x \$150 per hour = \$186). Division regulation 8 AAC 45.180(f)(14)(D) requires, among other things, that the paralegal file his or her own separate "affidavit itemizing the services performed and the time spent in performing each service." Nevertheless, Employer did not object to the costs requested and Employee's request for \$186 in costs will be granted in the panel's discretion. (*Beverly I*).

5) On March 26, 2025, at 2:04 PM Division staff processed *Beverly I* for service. (Agency file: Judicial; Prehearings and Hearings; D&O Interlocutory tabs, March 26, 2025).

6) On March 26, 2025, at 2:19 PM the Division served *Beverly I* on the parties and sent an electronic copy to Westlaw for publication. (Agency file: Judicial; Prehearings and Hearings; D&O Issued and Served tabs, March 26, 2025).

7) On March 26, 2025, at 3:45 PM Employer electronically filed its objection to Ptacin's attorney fees with the Division's Juneau, Alaska electronic filing server. (Agency file: Judicial; Party Actions; Objection tabs, March 26, 2025).

8) On March 26, 2025, at 3:45 PM Juneau's computer server received Employer's objection to Ptacin's attorney fees. (Agency file: Judicial; Party Actions; Objection tabs, March 26, 2025).

9) On March 26, 2025, Employer objected to Ptacin's attorney fees. It cited his 14 hours attorney time and slightly over one-hour paralegal time. Employer objected to Ptacin's hours as "excessive for the limited issue presented to the Board." It further argued Ptacin merely obtained a two-sentence letter from Employee's doctor disagreeing with a specific opinion from Employer's medical evaluator's report. Employer asserted that 14 hours attorney time "far exceeds the amount of time claimed by at least half." It also objected to Ptacin's hourly rate, noting that while he has experience outside Alaska's workers' compensation system, it could find no Board decision in which he represented a party. Employer stated the instant matter is also the first case in which Schwarting had litigated against Ptacin. Employer did not

object to the paralegal time or absence of an affidavit from the paralegal. Therefore, Employer contended the Board should not award the hours or hourly rate Ptacin claimed, in the event it found an SIME appropriate. (Objection to Claim for Attorney Fees, March 26, 2025).

10) On March 26, 2025, at 4:13 PM Division staff in Juneau forwarded the objection to the Anchorage scanner. (Agency file: Judicial; Party Actions; Objection tabs, March 26, 2025).

11) On March 27, 2025, at 12:29 PM Division staff in Anchorage sent Employer's objection to the designated chair for this hearing by placing it in his electronic "tray." (Agency file: Judicial; Party Actions; Objection tabs, March 26, 2025).

12) On April 3, 2025, Employer filed with the Division and served on Employee's attorney a petition requesting "reconsideration" of *Beverly I.* It contended:

. . . On page 16 of the decision, the Board found "no objection to [the] hourly rate or hours billed[.]" This is incorrect. On the date of the written record hearing, undersigned counsel submitted objections via email to the type that. The Board failed to consider the employer's objection when it issued its decision, and reconsideration should be granted on this basis. (Petition, April 3, 2025).

13) The hearing panel was unaware that Employer had filed an objection to Ptacin's attorney fees at the time it issued *Beverly I.* (Observations).

PRINCIPLES OF LAW

AS 23.30.001. Legislative intent. It is the intent of the legislature that

(1) this chapter be interpreted . . . to ensure . . . quick, efficient, fair, and predictable delivery of indemnity and medical benefits to injured workers at a reasonable cost to the employers. . . .

. . . .

(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.

The Board may base its decision on testimony, tangible evidence and its "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). *Richards v. University of Alaska*, 370 P.3d 603, 614 (Alaska 2016) rejected a party's contention in an administrative appeal, in reference to "bare allegations," stating "argument is not evidence."

Mitchell v. State of Alaska, AWCB Dec. No. 24-0068 (December 12, 2024) applied the *Richards* standard to an employer's objection to a claimant's attorney fee and cost claim.

AS 23.30.130. Modification of awards. (a) Upon its own initiative, or upon the application of any party in interest . . . because of a mistake in its determination of a fact, the board may, before one year . . . after the rejection of a claim, review a compensation case. . . .

When alleging a factual mistake, a party “may ask the board to exercise its discretion to modify the award at any time until one year” after the last compensation payment is made, or the Board rejected a claim. *George Easley Co. v. Lindekugel*, 117 P.3d 734, 743 (Alaska 2005).

AS 23.30.135. Procedure before the board. (a) . . . 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. . . .

AS 23.30.145. Attorney fees. (a) Fees for legal services rendered in respect to a claim are not valid unless approved by the board. . . . When the board advises that a claim has been controverted, in whole or in part, the board may direct that the fees for legal services be paid by the employer or carrier in addition to compensation awarded; the fees may be allowed only on the amount of compensation controverted and awarded. . . . In determining the amount of fees the board shall take into consideration the nature, length, and complexity of the services performed, patient charges, and benefits resulting from the services to the compensation beneficiaries.

(b) If an employer fails to file timely notice of controversy or fails to pay compensation or medical and related benefits within 15 days after it becomes due or otherwise resists the payment of compensation or medical and related benefits and if the claimant has employed an attorney in the successful prosecution of the claim, the board shall make an award to reimburse the claimant for the costs in the proceedings, including reasonable attorney fees. The award is in addition to the compensation or medical and related benefits ordered.

Rusch v. Southeast Alaska Regional Health Consortium, 453 P.3d 784 (Alaska 2019) (*Rusch I*) held: In awarding attorney fees for a successful claimant's lawyer, the Board cannot completely discount the attorney's experience in other areas. *Rusch I* reiterated holdings from prior Court decisions: Because the Alaska Workers' Compensation Act (Act) restricts fee arrangements between claimants and their lawyers, the Act's fee provisions are construed to require “adequate” fee awards to ensure that competent counsel are available to represent injured workers. *Id.* at 793.

Claimant's counsel's fees may not be tied to hourly rates paid to defense counsel. The fact that higher fees for claimant lawyers will only be awarded when they win may justify higher fees than defense counsel get paid. The overall objective, to ensure competent counsel are available to represent injured workers, is not furthered by a system in which claimants' counsel receive nothing more than an hourly fee when they win while receiving nothing at all when they lose. Without an attorney, an injured worker's chance of success on a workers' compensation claim may be decreased. *Id.* at 794. Reducing attorney hours solely based on block-billing is improper. *Id.*

Rusch I adopted the *Singh* test, which placed the burden on the party opposing attorney fees to show lack of merit. *Id.* at 796. It also addressed "assessing a reasonable fee," and found nothing in the statutes, regulations or case law tied an attorney's hourly rate solely to experience in Alaska workers' compensation law. Setting a new standard for determining "a reasonable attorney's fee," *Rusch I* held "the Board must consider all of the factors set out in Alaska Rule of Professional Conduct 1.5(a). . . ." *Id.* at 798. Some Rule 1.5(a) factors "mirror those set out in the Act, such as the amount involved, and the results obtained." The Board must consider each factor, make findings related to it or explain why a factor is not relevant. *Rusch I* reiterated and underscored the importance of the contingent fee factor in workers' compensation cases. *Id.* at 801.

AS 44.62.540. Reconsideration. (a) The agency may order a reconsideration of all or part of the case. . . . To be considered by the agency, a petition for reconsideration must be filed with the agency within 15 days after delivery or mailing of the decision. The power to order a reconsideration expires 30 days after the delivery or mailing of a decision to the respondent. . . .

A request for reconsideration, and not a request for modification, is the appropriate remedy when a party alleges a legal, as opposed to a factual, error. *Lindekugel*, 117 P.3d at 743, n. 36.

8 AAC 45.180. Costs and attorney's fees. . . .

(b) . . . An attorney requesting a fee in excess of the statutory minimum in AS 23.30.145(a) must (1) file an affidavit itemizing the hours expended, as well as the extent and character of the work performed, and (2) if a hearing is scheduled, file the affidavit at least three working days before the hearing on the claim for which the services were rendered; . . .

. . . .

(d) The board will award a fee under AS 23.30.145(b) only to an attorney licensed to practice law under the laws of this or another state.

(1) A request for a fee under AS 23.30.145(b) must be verified by an affidavit itemizing the hours expended as well as the extent and character of the work performed, and, if a hearing is scheduled, must be filed at least three working days before the hearing on the claim for which the services were rendered. . . .

Alaska Rule of Professional Conduct, Rule 1.5. Fees. (a) A lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses. The factors to be considered in determining the reasonableness of a fee include the following:

- (1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal services properly;
- (2) the likelihood, that the acceptance of the particular employment will preclude other employment by the lawyer;
- (3) the fee customarily charged in the locality for similar legal services;
- (4) the amount involved and the results obtained;
- (5) the time limitations imposed by the client or by the circumstances;
- (6) the nature and length of the professional relationship with the client;
- (7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and
- (8) whether the fee is fixed or contingent.

ANALYSIS

1) Should Employer's March 26, 2025, objections be accepted and considered?

The parties had ample notice for the March 26, 2025, written record hearing. Both parties knew, or should have known, that as *Beverly I* was a written-record hearing there would be no opportunity for parties to present evidence, arguments or objections on March 26, 2025, as there would be no in-person hearing panel to receive it. *Rogers & Babler*.

Ptacin had to file his attorney fee affidavit and itemization at least three working days prior to the March 26, 2025 hearing. Regardless of whether he sought attorney fees under AS 23.30.145(a) or (b), the deadline for filing his attorney fee and evidence is the same. 8 AAC 45.180(b), (d)(1). Therefore, Ptacin had to file his attorney fee evidence on or before March 21, 2025. He filed it on March 19, 2025, giving Employer at least five instead of three full-days' time to review it and file any objections before the written-record hearing day. Employer filed its objection to Ptacin's claim for attorney fees on March 26, 2025, the hearing date, hours after *Beverly I* had already been decided and served. The Division takes seriously the legislature's mandate to interpret the Alaska

Workers' Compensation Act (Act) to ensure "quick, efficient, fair" delivery of indemnity and medical benefits to injured workers if they are entitled to them, at a reasonable cost to employers. AS 23.30.001(1). If Employer wants to ensure that hearing panels consider objections to attorney fees or costs, it should file the objections before the written-record hearing date.

Employer sought *Beverly I* "reconsideration" alleging the panel "failed to consider" its attorney fee objections. The hearing panel can only consider information it sees. Although staff processed Employer's objection with remarkable alacrity, the designated chair did not receive it in his tray until the day after *Beverly I* had issued. Moreover, "Reconsideration" under AS 44.62.540 is used to allege legal errors. "Modification" under AS 23.30.130 is used to allege factual errors. *Lindekugel*. Since the panel was not aware that Employer had filed an objection, the panel could not have made a legal error by failing to consider it. Employer alleges a factual error; *i.e.*, the panel incorrectly thought Employer did not object to Ptacin's attorney fees.

But the Division also takes seriously all parties' right to fairness, due process and an opportunity "to be heard and for their arguments and evidence to be fairly considered." AS 23.30.001(4). Therefore, Employer's objections and its petition for "reconsideration," which will be treated as a petition for "modification," will be accepted and considered on their merits. AS 23.30.135(a).

2) Should Employer's March 26, 2025, objections be overruled and its April 3, 2025 petition denied?

Employer's objection raised two contentions: (1) Ptacin's 14 billed attorney hours for the SIME issue is too much; and (2) while he has experience as an attorney, Ptacin's hourly rate is too high because he lacks workers' compensation experience. But Employer submitted no evidence to support these allegations; argument is not evidence. *Richards; Mitchell*. The burden is on the party opposing attorney fees to show lack of merit. *Rusch I*. Employer's unsupported argument that Ptacin's invoiced time and his hourly rate are excessive is insufficient to meet its burden.

Notwithstanding Employer failing to meet its burden, the panel also considered Ptacin's attorney fee request on its merits under Alaska Rule of Professional Conduct, Rule 1.5(a). *Rusch I*. Employer's objection failed to mention or address the eight applicable factors. However, Ptacin

addressed these factors in his attorney fee affidavit, resume, and brief and *Beverly I* considered each in factual findings 15 through 17. Factual finding 15 included Ptacin's explanation for the 14 hours he incurred and explained why Employer's actions including its failure to respond to his overtures on the SIME issue "necessitated additional briefing" and the March 26, 2025, hearing.

Employee in *Beverly I* further explained how Ptacin obtained additional medical evidence showing a "clear medical dispute" supporting an SIME, but Employer still refused to stipulate to an SIME. Factual finding 15 found Ptacin's affidavit contended his \$400 per hour attorney and \$150 per hour paralegal charges as "within market rates." Factual finding 16 reviewed Ptacin's itemized statement and evaluated his reference to the eight Rule 1.5(a) factors. Ptacin either addressed all eight factors directly, or implicitly. Factual finding 16 found Ptacin has practiced law for over 20 years in Alaska and had focused on administrative law matters. Factual finding 17 found Employee's fee request did not differentiate between time the lawyer incurred and time his paralegal incurred and did not include affidavits from his paralegals. *Beverly I* adopted factual finding 16, incorporated it by reference into its analysis on this issue and found:

Ptacin's affidavit demonstrates that he has significant experience handling administrative law cases, and although he does not practice workers' compensation law regularly, he did an excellent job representing Employee in this case on this issue. This decision granted Employee's SIME petition. *Beverly I*.

Employer has still not objected to Ptacin's paralegals' time, rate or form of Ptacin's affidavit. *Rusch I* has already addressed and rejected Employer's objections. *Beverly I* is in conformance with the *Rusch I* decision. Ptacin's decision to represent claimants in workers' compensation cases is precisely what the Court in *Rusch I* wanted to encourage.

In short, had the panel seen Employer's March 26, 2025, attorney fee objection before it decided and issued *Beverly I*, it would have considered it, but the result would have been the same. Contrary to Employer's petition, *Beverly I* expressly did not award Ptacin attorney fees only because it found no objection to his hours billed or hourly rate. More precisely, it found "Ptacin satisfied all *Rusch* and Rule 1.5(a) factors," and his attorney fees were reasonable. Consequently, Employer's March 26, 2025, objection will be overruled, and its April 3, 2025, petition to modify *Beverly I* denied.

CONCLUSIONS OF LAW

- 1) Employer's March 26, 2025, objections will be accepted and considered.
- 2) Employer's March 26, 2025, objections will be overruled, and its April 3, 2025 petition denied.

ORDER

- 1) Employer's March 26, 2025, objections are accepted and considered.
- 2) Employer's March 26, 2025, objections are overruled.
- 3) Employer's April 3, 2025, petition to modify is denied.

Dated in Anchorage, Alaska on April 8, 2025.

ALASKA WORKERS' COMPENSATION BOARD

_____/s/
William Soule, Designated Chair

_____/s/
Randy Beltz, Member

PETITION FOR REVIEW

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

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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 on Modification in the matter of Callie Beverly, employee / claimant v. Mat-Su Regional Medical Center, employer; AIU Insurance Co., insurer / defendants; Case No. 202312581; 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 April 8, 2025.

/s/
Rochelle Comer, Workers' Compensation Technician