

Alaska Workers' Compensation Appeals Commission

Allison Leigh,
Appellant,

vs.

Alaska Children's Service and Republic
Indemnity Company of America,
Appellees.

Final Decision – Errata

Decision No. 287

June 2, 2021

AWCAC Appeal Nos. 20-016, 20-019
AWCB Decision Nos. 20-0071, 20-0082
AWCB Case No. 201503591

Errata to Alaska Workers' Compensation Appeals Commission Final Decision No. 287, issued at Anchorage, Alaska, on May 28, 2021.

Appearances: Allison Leigh, self-represented appellant; Colby J. Smith, Griffin & Smith, for appellees, Alaska Children's Service and Republic Indemnity Company of America.

Commissioners: Michael J. Notar, S. T. Hagedorn, Deirdre D. Ford, Chair.

By: Deirdre D. Ford, Chair.

Upon the Alaska Workers' Compensation Appeals Commission's (Commission) own motion that Final Decision No. 287, issued on May 28, 2021, is actually a Memorandum Decision on Petitions for Review, which is a non-final order of the Commission, the Commission makes the following clarifications.

On November 4, 2020, Allison Leigh filed a Notice of Appeal from Alaska Workers' Compensation Board (Board) Interlocutory Decision and Order No. 20-0071 (*Leigh VIII*) and a Notice of Appeal from Board Interlocutory Decision and Order No. 20-0082 (*Leigh IX*). On November 13, 2020, the two appeals were consolidated.

As stated in Dec. No. 287:

Although the Commission has handled Ms. Leigh's petitions for review as appeals, they were properly petitions for review since both decisions of the Board were interlocutory decisions and orders and, thus, not final decisions from which an appeal may be made. By considering the petitions for review as appeals, the parties briefed the issues and oral argument was held.

Thus, the mistake in considering Ms. Leigh's petitions for review as appeals was a harmless error.¹

Upon its own motion, the Commission corrects Final Decision No. 287 to be titled "Memorandum Decision on Petitions for Review No. 287." All references in Decision No. 287 to Ms. Leigh's "appeals" should be construed as "petitions for review." Also, the procedures for petitioning the Alaska Supreme Court for review, set out at the end of the decision, are changed as follows:

This is not a final Commission decision or order on the merits of an appeal from a final Board decision or order on a claim. This is a non-final order of the Commission on the merits of a petition for review of a non-final Board decision. The effect of this order is to allow the Board to proceed toward a hearing on the merits of the employee's workers' compensation claim. The petitioner may still appeal a final Board decision when it is reached on the claim.

This order becomes effective when distributed (mailed) unless proceedings to seek supreme court review are instituted (started). For the date of distribution, see the box below.

PETITION FOR REVIEW

A party may file a petition for review of this order with the Alaska Supreme Court as provided by the Alaska Rules of Appellate Procedure (Appellate Rules). See AS 23.30.129(a) and Appellate Rules 401 – 403. If you believe grounds for review exist under Appellate Rule 402, you should file your petition for review within 10 days after the date of this order's distribution.

You may wish to consider consulting with legal counsel before filing a petition for review. If you wish to petition for review to the Alaska Supreme Court, you should contact the Alaska Appellate Courts *immediately*:

Clerk of the Appellate Courts
303 K Street
Anchorage, AK 99501-2084
Telephone 907-264-0612

More information is available on the Alaska Court System's website:

<http://www.courts.alaska.gov/>

¹ *Leigh v. Alaska Children's Serv.*, Alaska Workers' Comp. App. Comm'n Dec. No. 297 at 2 (n. 1) (May 28, 2021).

RECONSIDERATION

This is not a final decision issued under AS 23.30.128(e). It is not an appealable decision, so reconsideration is not available.

In all other respects, Decision No. 287 remains unchanged and in full effect.

Date: 2 June 2021 Alaska Workers' Compensation Appeals Commission



Signed

Michael J. Notar, Appeals Commissioner

Signed

S. T. Hagedorn, Appeals Commissioner

Signed

Deirdre D. Ford, Chair

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RECONSIDERATION

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I certify that, with the exception of changes made in formatting for publication, this is a full and correct copy of Final Decision No. 287 – Errata, issued in the matter of *Allison Leigh v. Alaska Children's Service and Republic Indemnity Company of America*, AWCAC Appeal Nos. 20-016, 20-019, and distributed by the office of the Alaska Workers' Compensation Appeals Commission in Anchorage, Alaska, on June 2, 2021.

Date: June 7, 2021



Signed

K. Morrison, Appeals Commission Clerk