

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672  
7031 HOUSE LABOR & COMMERCE

Linda Rexwinkel  
Response to Senate Labor and Commerce Subcommittee  
March 23, 1992  
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Anxiety over FY 93 budgets has increased with the realization of impending reductions. While many divisions are anticipating reductions in this next fiscal year, WC is coping in this current fiscal year. Normal disgruntlement associated with budget reductions however, should not be allowed to derail government. Government needs to maintain the flexibility to be able to accommodate future budget reductions.

My main goal is to serve our clients and be responsive to them. This must be done in a cost effective and efficient manner. My employees are a great asset in this endeavor. They are a partner in the process. Employees need guidance, reasonable expectations and standards, and accountability. They deserve respect for their office and should acknowledge and respect others as well. Only when private agendas are relinquished and a genuine willingness to be a part of the team is developed, will the goal be attained. The governor has set that goal. Our mandate is to implement it.

TESTIMONY OF LAWSON N. LAIR  
BEFORE THE  
SENATE LABOR AND COMMERCE COMMITTEE  
ON CONTROVERSY CONCERNING  
THE DIRECTOR OF WORKERS' COMPENSATION

MY NAME IS LAWSON N. (BURT) LAIR. I AM A HEARING OFFICER WITH THE ALASKA WORKERS' COMPENSATION BOARD (AWCB) IN JUNEAU. I HAVE WORKED IN THAT POSITION SINCE 1984.

I APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE YOU TODAY. I HAVE BEEN ASKED TO RELATE TO YOU MY KNOWLEDGE OF OUTSIDE COMMUNICATIONS IN THE ADJUDICATION PROCESS, OF RETALIATORY ACTIONS, OF THREATS OF SUCH ACTION, OR OF OTHER AREAS OF PUBLIC CONCERN.

MY COMMENTS RECOGNIZE A DISTINCTION BETWEEN TWO ORGANIZATIONAL ELEMENTS WITHIN THE ALASKA DEPARTMENT OF LABOR (DOL); THE WORKERS' COMPENSATION (W/C) DIVISION AND THE AWCB. I DRAW YOUR ATTENTION TO THIS DISTINCTION BECAUSE I BELIEVE IT DIRECTLY RELATES TO SOME OF THE PROBLEMS WHICH BRING US HERE TODAY.

AS YOU ARE WELL AWARE, LINDA REXWINKEL IS THE DIRECTOR OF THE WORKERS' COMPENSATION DIVISION, THE SMALLEST DIVISION IN THE DOL.

THE AWCB IS COMPRISED OF BOARD MEMBERS, APPOINTED BY THE GOVERNOR, AND SUBJECT TO CONFIRMATION BY THE LEGISLATURE IN JOINT SESSION (AS 23.30.005(a)) THE COMMISSIONER OF LABOR IS THE CHAIRMAN OF THE AWCB. OF THE 10 BOARD MEMBERS, 7 WERE APPOINTED BY THE CURRENT ADMINISTRATION. TO THE BEST OF MY KNOWLEDGE, THE MASS REPLACEMENT OF THE AWCB MEMBERS IS UNPRECEDENTED; IT RESULTED IN THE LOSS OF A MANY YEARS OF ACCUMULATED EXPERIENCE. I ASSUME THIS ACTION WAS TAKEN IN ORDER TO OBTAIN AWCB MEMBERS WHO SHARED THE VIEWS AND PHILOSOPHY OF THE HICKEL ADMINISTRATION.

THE AWCB IS ORGANIZED INTO PANELS, ONE PANEL SITS IN JUNEAU,

ONE PANEL SITS IN FAIRBANKS, AND THREE PANELS SIT IN ANCHORAGE. EACH PANEL IS COMPRISED OF THREE PERSONS, A REPRESENTATIVE OF INDUSTRY (MANAGEMENT), A REPRESENTATIVE OF LABOR, AND THE COMMISSIONER OF LABOR OR THE COMMISSIONER'S DESIGNEE. (ID.) AS A HEARING OFFICER, I ACT AS THE COMMISSIONER'S DESIGNEE. WHILE THE PANELS ARE SITTING, (I.E., DECIDING CASES BEFORE THE AWCB), THE HEARING OFFICERS SIT AS "DESIGNATED CHAIRMAN." WE CONDUCT THE HEARINGS; WE PARTICIPATE IN THE DELIBERATIONS, ON BEHALF OF THE COMMISSIONER; AND WRITE AND ISSUE THE DECISIONS OF THE PANEL. THE PANELS' DECISION IS CALLED A "DECISION AND ORDER." THEY ARE SIGNED BY THE HEARING OFFICER AND THE TWO APPOINTED BOARD MEMBERS. THERE IS NO RIGHT TO APPEAL THE PANEL'S DECISIONS WITHIN THE DOL; APPEALS ARE TAKEN DIRECTLY TO THE SUPERIOR COURT. BY STATUTE, OUR DECISION MUST BE ISSUED WITHIN 30 DAYS AFTER THE HEARING RECORD CLOSES. AS 23.30.110(c)

THE WORKERS' COMPENSATION DIVISION IS NOW EXPERIENCING SERIOUS DIFFICULTIES. I FEEL THIS IS A MATTER OF PUBLIC CONCERN BECAUSE THOSE DIFFICULTIES ADVERSELY EFFECT OUR ABILITY TO ACCOMPLISH OUR VERY IMPORTANT MISSION IN A TIMELY AND EFFECTIVE MANNER. IN MY VIEW, OUR DIFFICULTIES ARE ATTRIBUTABLE, FOR THE MOST PART, TO THREE THINGS; A FAILURE OF THE BUDGET PROCESS, A FAILURE OF THE ADMINISTRATION TO UNDERSTAND OR RECOGNIZE THE DISTINCTION BETWEEN THE W/C DIVISION AND THE AWCB; AND THE DIRECTOR'S MANAGEMENT STYLE.

AS TO THE FAILURE OF THE BUDGET, I ACKNOWLEDGE THAT I AM NOT WELL VERSED IN THE BUDGET PROCESS OR THE DETAILS OF W/C BUDGET ITSELF. I AM AWARE HOWEVER, THAT THE W/C DIVISION HAS ALREADY ABSORBED SEVERE BUDGET CUTS AND LOSS OF STAFF. IN THE JUNEAU OFFICE, AN INVESTIGATOR, WHOSE JOB IT WAS TO SEEK OUT AND PROSECUTE EMPLOYERS WHO HAVE NO WORKERS' COMPENSATION INSURANCE WAS TERMINATED. THE WORK HE BEGAN HAS NOT BEEN COMPLETED. I FEEL THIS IS A MATTER OF PUBLIC CONCERN BECAUSE UNINSURED EMPLOYERS ARE ESCAPING DETECTION.

BASED ON MY EXPERIENCE, THE HEARING WORKLOAD HAS BEEN REDUCED SINCE THE AMENDMENTS TO THE AWCA IN MID-1988. TO DATE, WE HAVE BEEN ABLE TO ABSORB STAFF CUTS AND STILL GET THE WORK DONE BECAUSE OF THAT DECREASING WORKLOAD, AT LEAST IN THE ADJUDICATION OF CLAIMS. OF FURTHER CONCERN, AND AS INDICATIONS OF A FAILURE IN THE BUDGET PROCESS IS THE LOSS OF CLERICAL SUPPORT, AND THE RESULTING INEFFICIENCIES; A LACK OF FUNDING FOR A STATUTORILY REQUIRED COST OF LIVING STUDY AND A COMPARISON OF MEDICAL CARE COSTS IN ALASKA; THE FAILURE TO BUDGET FOR THE PRINTING OF PAMPHLETS WHICH PROVIDE INVALUABLE INFORMATION TO CLAIMANTS AND EMPLOYERS; A LACK OF FUNDS FOR TRAINING FOR STAFF AND AWCB MEMBERS, ETC. I HAVE INSUFFICIENT INFORMATION TO DETERMINE IF OUR BUDGET PREDICAMENT WAS FORCED ON US BY THE LEGISLATURE, WAS FORCED ON US BY THE ADMINISTRATION, OR WAS AGREED TO BY THE ADMINISTRATION. REGARDLESS, THERE ARE STRONG INDICATIONS THAT THE BUDGET PROCESS HAS FAILED.

ALTHOUGH WE ARE EXPERIENCING SERIOUS PROBLEMS, IT APPEARS THAT THE W/C DIVISION IS STILL ABLE TO ACCOMPLISH IT'S MISSION FOR THE MOST PART. IT ALSO APPEARS THAT WE WILL BE ABLE TO DO SO IN THE FUTURE WITH THE PRESENT STAFF IF THE WORKLOAD CONTINUES TO DIMINISH OR REMAINS STABLE AT THE PRESENT LEVEL. I AM CONCERNED, HOWEVER, ABOUT OUR ABILITY TO DO SO IF THE WORKLOAD INCREASES, EVEN A SMALL AMOUNT, OR IF WE ARE REQUIRED TO ABSORB ADDITIONAL STAFF CUTS WHICH ARE RUMORED TO BE IMMINENT.

THE REVIEW OF SETTLEMENT AGREEMENTS, KNOWN AS "COMPROMISE AND RELEASE" OR "C&R" AGREEMENTS ARE ANOTHER MATTER OF CONCERN. AS 23.30.012 PROVIDES THAT THE AWCB MAY APPROVE LUMP-SUM SETTLEMENTS "WHEN IT APPEARS TO BE IN THE BEST INTEREST OF THE EMPLOYEE...." BECAUSE MOST OF THE EMPLOYEE'S FILES ARE IN JUNEAU, BOARD MEMBER DAVID RICHARDS AND I PERFORM AN INITIAL REVIEW OF AT LEAST ONE-HALF OF THE C&R AGREEMENTS WHICH ARE SUBMITTED TO THE AWCB FOR APPROVAL. AFTER THE INITIAL REVIEW, ONE OF THREE ACTIONS MAY BE TAKEN, (1) APPROVAL OF THE AGREEMENT, (2) REQUEST ADDITIONAL INFORMATION, OR

(3) SCHEDULE THE MATTER FOR HEARING IN ONE OF OUR THREE OFFICES, DEPENDING ON WHERE VENUE LIES. IN MY VIEW, THESE ACTIONS ARE NECESSARY TO ASCERTAIN IF THE AGREEMENT IS IN THE EMPLOYEE'S BEST INTEREST, OR TO DETERMINE IF THE EMPLOYEE EVEN UNDERSTANDS THE AGREEMENT.

FROM THE VERY BEGINNING OF THE DIRECTOR'S TENURE, I HAVE ENGAGED IN DISCUSSIONS WITH HER ABOUT THE C&R APPROVAL PROCESS. DURING ONE OF OUR FIRST MEETINGS SHE INFORMED ME OF OBJECTIONS WHICH HAD COME TO HER ABOUT MAKING THE PARTIES "JUMP THROUGH THE HOOPS" AND TOLD ME THE LEGISLATURE WISHED TO CUT W/C HEARING OFFICER POSITIONS IN ORDER TO REDUCE THE AMOUNT OF REVIEW OF THE C&R AGREEMENTS.

I HAVE INDICATED TO THE DIRECTOR THAT THE AWCA REQUIRES US TO ASCERTAIN IF THE AGREEMENT IS IN THE BEST INTEREST OF THE EMPLOYEE BEFORE WE CAN APPROVE IT. I HAVE ALSO INDICATED TO HER MY VIEW THAT ANY DEPARTURE FROM THE CURRENT REVIEW PRACTICES SHOULD BE MADE KNOWN TO THE INSURERS AND CLAIMANTS' BAR THROUGH ISSUANCE OF A BULLETIN DESCRIBING THE CHANGE. THE ONLY OVERALL CHANGE OF WHICH I AM AWARE HAS BEEN THE WITHDRAWAL OF, AND REASSIGNMENT OF CLERICAL SUPPORT. WHEN C&R AGREEMENTS ARE REJECTED AND ADDITIONAL INFORMATION IS REQUESTED OR A HEARING IS TO BE HELD, WE NOTIFY THE PARTIES OF OUR ACTION IN WRITING BY MEANS OF A "REJECTION LETTER." I NOW TYPE ALL REJECTION LETTERS WHICH ORIGINATE IN THE JUNEAU OFFICE, IN FINAL FORM. THIS IS ACCOMPLISHED ON NEW PERSONAL COMPUTERS, CONNECTED TO A PRINTER THROUGH A LOCAL AREA NETWORK, WITH NEW, ADVANCED WORD-PROCESSING SOFTWARE. PREVIOUSLY, THE TYPING WAS DONE BY THE DIVISION SECRETARY. THE SECRETARY HAS BEEN ASSIGNED OTHER DUTIES. PREVIOUSLY, THE REJECTION LETTERS AND APPROVED C&R AGREEMENTS WERE ISSUED BY A CLERK. THEY ARE NOW ISSUED BY A WORKERS' COMPENSATION OFFICER, WHOM I SUPERVISE. THE CLERK HAS BEEN ASSIGNED OTHER DUTIES. THIS CHANGE IN SUPPORT RESULTED IN REDUCED PRODUCTIVITY FOR A PERIOD OF TIME WHILE I BECAME FAMILIAR WITH THE WORD PROCESSING REQUIREMENTS. I DO NOT

BELIEVE THAT OUR PRODUCTIVITY IS NOW ADVERSELY AFFECTED. I HAVE INSUFFICIENT INFORMATION TO COMMENT ABOUT THE ECONOMY OF THIS ARRANGEMENT, ALTHOUGH I DOUBT THAT IT IS ECONOMICAL.

THERE IS ONE SPECIFIC EXAMPLE WHICH AROSE RECENTLY AND WHICH I WAS ASKED ABOUT BY THE AWCB DURING A MEETING IN EXECUTIVE SESSION. BEFORE I LEFT FOR A TWO-WEEK VACATION IN MID-FEBRUARY, BOARD-MEMBER DAVID RICHARDS AND I DENIED A C&R BECAUSE THERE WAS NO RECENT MEDICAL INFORMATION AND WE WERE UNCERTAIN HOW THE EMPLOYEE'S MEDICAL CONDITION AFFECTED HIS ABILITY TO WORK. IN THIS CASE, THE EMPLOYEE WAS UNABLE TO RETURN TO HIS REGULAR WORK DUE TO A SERIOUS BACK INJURY. WE REQUESTED ADDITIONAL INFORMATION IN THE C&R DENIAL LETTER.

WHEN I RETURNED FROM VACATION, I LEARNED THE EMPLOYEE'S ATTORNEY HAD CALLED THE DIRECTOR TO "COMPLAIN" ABOUT OUR ACTION. THE DIRECTOR DISCUSSED THE CASE WITH THE ATTORNEY AND MR. RICHARDS. APPARENTLY IN RESPONSE TO THE DISCUSSIONS WITH THE DIRECTOR, THE ATTORNEY SUBMITTED A STATEMENT FROM THE EMPLOYEE WHICH INDICATED HE DECLINED TO HAVE ANY ADDITIONAL BACK SURGERY. WHEN I ASKED THE DIRECTOR ABOUT THE COMPLAINT I WAS TOLD, IN PART, THAT THE AWCB SHOULD NOT ACT IN A PATERNAL WAY TOWARD CLAIMANTS, THAT MEDICAL BENEFITS REMAINED OPEN, AND THAT CLAIMANTS HAD A RIGHT TO SETTLE THEIR CLAIMS. I POINTED OUT THAT WE STILL HAD NO CURRENT MEDICAL INFORMATION, WE STILL DID NOT KNOW ABOUT THE EMPLOYEE'S ABILITY TO WORK, AND THAT I HAD REASON TO BELIEVE THE EMPLOYEE DID NOT UNDERSTAND THE NATURE OF HIS MEDICAL CONDITION. THE DIRECTOR RESPONDED THAT I SHOULD EXPLAIN TO THE CHIEF OF ADJUDICATIONS. I DID SO, AND TRANSFERRED THE FILE TO OUR ANCHORAGE OFFICE FOR A HEARING. ALTHOUGH I PREVAILED IN MY POSITION THAT ADDITIONAL INFORMATION SHOULD BE PROVIDED AT A HEARING, AND THAT THE EMPLOYEE'S STATEMENT WAIVING SURGERY WAS INADEQUATE, I DID SO ONLY AFTER JUSTIFYING MY POSITION TO MY IMMEDIATE SUPERVISOR, THE CHIEF OF ADJUDICATIONS. RECEIVING DIFFERENT INSTRUCTIONS FROM THE DIRECTOR AND FROM THE HEARING OFFICER OBVIOUSLY UNDERMINES THE HEARING OFFICER'S AUTHORITY AND MAKES FUTURE DEALINGS WITH THE CLAIMANT'S ATTORNEY MORE DIFFICULT. IN ADDITION, I DO NOT FEEL IT

WAS APPROPRIATE FOR THE DIRECTOR TO UNDERTAKE DELIBERATIONS WITH A BOARD MEMBER IN MY ABSENCE, ESPECIALLY DELIBERATIONS CONCERNING A MATTER WHICH WE HAD ALREADY DECIDED.

SINCE THE BEGINNING OF THE DIRECTOR'S TIME IN THE DIVISION, I HAVE HAD DISCUSSIONS WITH HER ABOUT THE RESPECTIVE ROLES OF THE AWCB AND THOSE OF THE W/C DIVISION. SINCE I BEGAN WORKING AS A HEARING OFFICER, ALMOST EIGHT YEARS AGO, IT HAS BEEN THE PRACTICE THAT ONE PANEL MEMBER REPRESENTS THE MANAGEMENT POSITION, ONE MEMBER REPRESENTS THE LABOR POSITION, AND THE HEARING OFFICER ACTS AS AN UNBIASED THIRD PARTY, UNAFFILIATED WITH EITHER MANAGEMENT OR LABOR. DURING PREVIOUS ADMINISTRATIONS, THE W/C DIVISION PROVIDED ADMINISTRATIVE SUPPORT TO THE AWCB, BUT DID NOT INTERFERE WITH THE BOARD DELIBERATIONS. IN MY VIEW THAT IS THE APPROPRIATE RELATIONSHIP BETWEEN THE W/C DIVISION AND THE AWCB.

I HAVE ENGAGED IN SPECIFIC DISCUSSIONS WITH THE DIRECTOR ABOUT INTERPRETATION OF THE AWCA. I WAS TOLD THAT "POLICY" CONSIDERATIONS, AS DEFINED BY THE DIRECTOR OR COMMISSIONER, SHOULD CONTROL DECISIONS OF THE HEARING OFFICERS, AND THAT I SHOULD INFLUENCE THE APPOINTED BOARD MEMBERS TO GO ALONG WITH THAT POLICY. THE "POLICY" CONSIDERATIONS WERE DISCUSSED IN CONNECTION WITH JONES ACT (MARITIME EMPLOYEES) CASES, AND CASES INVOLVING REEMPLOYMENT BENEFITS FOR STATE OF ALASKA EMPLOYEES. SEE AS 39.25.158. THE DIRECTOR TOLD ME THAT THE COMMISSIONER (USERA) DID NOT WANT ANY BROAD, SWEEPING STATEMENTS ABOUT THE JONES ACT, AND THAT SHE WANTED THE CASES TO BE CONSIDERED ON A CASE-BY-CASE BASIS. MY SUGGESTION THAT SUCH POLICY CONSIDERATIONS SHOULD BE PUBLICIZED IN A BULLETIN WAS DENIED, AND THE DIRECTOR EXPRESSED DOUBT THAT I SHOULD ACT INDEPENDENTLY IN THESE MATTERS. THIS DISCUSSION TOOK PLACE ON 11 SEPTEMBER 1991.

ON AT LEAST TWO OTHER OCCASIONS THE DIRECTOR INFORMED ME THAT THE ALASKA WORKERS' COMPENSATION ACT SHOULD BE INTERPRETED RESTRICTIVELY; I.E., THAT THE AWCB'S AUTHORITY WAS NOT TO BE

EXPANDED. (IT IS MY VIEW THAT THE AWCA SHOULD BE INTERPRETED BROADLY, SO THAT WHEN NECESSARY WE HAVE THE AUTHORITY TO FASHION APPROPRIATE REMEDIES FOR DISABLED WORKERS.)

IT IS APPARENT TO ME THAT THE INTENT OF THE ALASKA WORKERS' COMPENSATION ACT IS THAT HEARING OFFICERS ARE INTENDED TO BE INDEPENDENT WHILE ENGAGED IN DELIBERATIONS WITH THE APPOINTED BOARD MEMBERS. THE HEARING OFFICERS ARE NOT POLITICAL APPOINTEES WHO CHANGE WITH THE ADMINISTRATION. IF THE HEARING PROCESS WAS INTENDED TO BE POLITICALLY SENSITIVE, THE ACT COULD HAVE PROVIDED FOR THE HEARING OFFICERS TO PREPARE THE DECISION AND ORDERS FOR THE COMMISSIONER, OR FOR SOME OTHER POLITICAL APPOINTEE, OR IT COULD PROVIDE FOR AN APPEAL TO THE COMMISSIONER. I PERSONALLY DO NOT BELIEVE THAT SUCH A SYSTEM WOULD BE DESIRABLE, HOWEVER, IT WOULD NOT BE ILLEGAL OR EVEN INAPPROPRIATE TO HAVE SUCH A SYSTEM.

THE IMPORTANT POINT HERE IS THAT DUE PROCESS REQUIRES THAT LITIGANTS HAVE A RIGHT TO KNOW IF THERE ARE POLICY OR OTHER CONSIDERATIONS INFLUENCING AWCB DECISIONS. THIS IS ESPECIALLY SO WHEN THE LITIGANTS HAVE COME TO EXPECT THAT THE HEARING OFFICERS ARE INDEPENDENT, AND THAT WE WILL BASE OUR DECISIONS ON THE FACTS PRESENTED AND THE LAW AS INTERPRETED BY THE JUDICIARY. IF IT IS DETERMINED THAT THE HEARING OFFICERS ARE TO BE GUIDED BY POLICY CONSIDERATIONS AS SET OUT BY THE DIRECTOR OR THE COMMISSIONER, THE LITIGANTS SHOULD BE MADE AWARE OF THAT POLICY.

THE THIRD AREA IS THE DIRECTORS MANAGEMENT STYLE. AS I AM SURE YOU ALL AWARE, OUR DIRECTOR CAN BE, AND IS USUALLY A PLEASURE TO WORK WITH. HOWEVER, AT TIMES, AND ESPECIALLY WHEN DEALING WITH SUBSTANTIVE MATTERS, HER STYLE CAN BEST BE DESCRIBED AS MANAGEMENT BY THREAT AND INTIMIDATION. I HAVE BEEN TOLD ON THREE OCCASIONS THAT MY POSITION COULD BE ELIMINATED, OR THAT MY SERVICES WERE UNNECESSARY. ON THE FIRST SUCH OCCASION THE DIRECTOR STATED THAT SHE COULD CHAIR THE AWCB HEARINGS IN JUNEAU AND HAVE THE D&Os WRITTEN BY A PARALEGAL. ON OTHER OCCASIONS I WAS TOLD THAT ANOTHER

HEARING OFFICER COULD COME TO JUNEAU TO DO MY WORK, OR THE WORK COULD BE SENT TO ANCHORAGE OR FAIRBANKS. THE TEMPORAL RELATIONSHIP BETWEEN THESE STATEMENTS AND SUBSTANTIVE ISSUES UNDER DISCUSSION LEFT ME WITH THE CLEAR IMPRESSION THAT IT WAS IN MY BEST INTEREST TO COOPERATE. YOU MAY DRAW YOUR OWN CONCLUSION AS TO WHETHER OR NOT THESE DISCUSSIONS CONSTITUTED THREATS OF RETALIATORY ACTION VOICED BY THE DIRECTOR.

I AM CERTAIN THAT NONE OF US WHO ARE TESTIFYING TODAY FIND THIS A PLEASANT EXPERIENCE. THE PROBLEMS NOW FACING THE W/C DIVISION HAVE CAUSED THE MOST SERIOUS MORALE PROBLEMS I HAVE EVER EXPERIENCED AS A CIVILIAN. OUR OFFICE IN JUNEAU IS FACTIONALIZED; MEETINGS ARE HELD BEHIND CLOSED DOORS; WHISPERED CONVERSATIONS ARE COMMON; AND TELEPHONE, FAX, ELECTRONIC MAIL MESSAGES, AND RUMORS ARE CONSTANT INTERRUPTIONS. THE WORK OF THE DIVISION HAS BEEN SERIOUSLY DISRUPTED. FURTHERMORE, I AM SURE IT IS OBVIOUS THAT THE DIRECTOR'S DEFENSE HAS REQUIRED A MASSIVE EFFORT, EFFORT WHICH TAKES AWAY FROM TIME AVAILABLE TO DO THE REGULAR WORK OF THE DIVISION. I URGE YOU TO DO ALL THAT YOU CAN, AS QUICKLY AS POSSIBLE, TO BRING THIS SITUATION TO A SWIFT RESOLUTION.

March 16, 1992

Charles Mahlen, Commissioner  
Department of Labor  
P. O. Box 21149  
Juneau, Alaska 99802-1149

RE: Workers' Compensation Division

Dear Commissioner Mahlen:

It is my understanding from discussions at the March 10 board meeting, that your office is reviewing the performance of Director Linda Rexwinkel as well the operations of the Workers' Compensation Division in general. As a member of the Alaska Workers' Compensation Board, I believe I have information which should be examined during the review process.

I have enclosed a letter written to me, at my request, from Hearing Officer Mark Torgerson, Esq. I believe Mr. Torgerson has done an excellent job in relating the process on how a decision was reached in Morris, and therefore I won't expand on it here. I do want to state that at the time of the Morris decision, I sensed that Mr. Torgerson was frustrated and bewildered by the decision of Director Rexwinkel to interject herself into the Board's adjudication process. Mr. Torgerson accurately details all facts that were known to me at that time.

Several personal observations may be appropriate here. Since being named to the Board in August 1991, I have observed a steadily deteriorating trust between Director Rexwinkel, the Board, the Anchorage staff, members of the defense and plaintiff bar, adjustors, insurers and others required to be involved in division matters. Board meetings which I have personally attended have been disorganized, and board members have been ill prepared to deal with issues being discussed. In the first board meeting I attended, the Board even refused to adopt the agenda. Board members have made their displeasure known to the Director, but to no avail. Issues which have clearly been demonstrated to be without public or private support, are re-introduced, without substantive change. It is my impression that Director Rexwinkel is out of step with the public she is supposed to be serving.

Charles Mahlen, Commissioner  
Department of Labor  
March 16, 1992  
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I am concerned that the integrity of the Workers' Compensation Board has been tarnished, as has the entire process. Clearly, the process of adjudicating claims before the Board requires the same high standards reserved for courts of law. This has not been the case under the directorship of Ms. Rexwinkel.

Finally, I want to comment on the position Mr. Torgerson finds himself. I know that it has taken courage for him to come forward with this disclosure. I believe he has done so with the knowledge that he will be treated fairly. I trust that this will be the case.

Please let me know if I can answer any questions you may have on this matter.

Sincerely,

  
S. T. Hagedorn

Enclosure

xc: The Honorable Walter J. Hickel, Governor  
Linda Rexwinkel, Director, Workers' Compensation Division  
Members, Alaska Workers' Compensation Board  
John Abshire, Deputy Commissioner of Labor  
Hearing Officers, Workers' Compensation Division  
Representative David Donley, Labor & Commerce Committee

2274L

March 16, 1992

Steve Hagedorn  
c/o ARR Corp  
P.O. Box 107500  
Anchorage, AK 99510-7500

Dear Steve,

You have asked me to summarize the review process which occurred in Stephen Morris and Myron Schweigert, D.C. v. Carr-Gottstein Foods, Inc., AWCB No. 91-0265 (October 4, 1991). I understand you may be sending this information to other parties, including Governor Hickel, Representative Donley, and Labor Commissioner Mahlen. With that understanding, I am providing this summary pursuant to AS 39.90.100, AS 39.90.110 and the Workers' Compensation Board's investigation of Director Linda Rexwinkel.

As we have discussed, you and I comprised the two-member workers' compensation board panel which decided Morris. We heard testimony and argument in the matter on September 5, 1991. Afterwards, we discussed the evidence and decided to deny the chiropractor's request for payment of \$1,140.00 for chiropractic treatments performed on the employee.

My records indicate I drafted a decision and submitted it for editorial review on September 17, 1991. Since I began here in 1986, this review had been conducted by my supervisor, the Chief of Adjudications. Although the Chief's position was vacant in September 1991, Paul Lisankie was my supervisor, and he edited the Morris draft. Paul returned the draft to me on September 19, 1991 with an "OK." This signifies I was authorized to prepare a final clean copy and issue the decision after it was also reviewed and signed by you.

However, my records further indicate that at approximately that time, Ms. Rexwinkel, the Director of Workers' Compensation contacted me and ordered me to submit the draft to Lisa Fitzpatrick, an assistant attorney general here in Anchorage. Ms. Rexwinkel told me that she wanted to make sure the decision in Morris was consistent with the board's position in the "Chiropractors for Justice" lawsuit which alleges some of the board's regulations are unconstitutional. My recollection is that I discussed Rexwinkel's order with Paul, and although we found this order highly unusual and unprecedented, I was told to proceed as ordered by Ms. Rexwinkel.

Fitzpatrick reviewed the case and made what I felt were substantial editing changes. Included in these changes was an alteration of the order in our initial decision. Whereas we had denied the claim previously, we ended up awarding the chiropractor \$60.00 for medical costs and \$15.00 for attorney's fees. Clearly, this was not a significant change in the dollar amount of our initial decision, but it was an explicit modification of the determination you and I made.

As you know, Director Rexwinkel's job performance is currently under evaluation. In light of other matters which have surfaced, you refreshed my memory about the irregular review process in

Morris. My recollection is you were a relatively recent appointee to the board when you sat for the Morris hearing. I believe you pointed out your inexperience and asked me for guidance. At the time, I felt we had no choice because of Rexwinkel's order.

Granted, we could have told Rexwinkel that we would not make the suggested changes. However, I felt compelled to issue the decision as generally suggested by the assistant attorney general because I feared retaliation by Rexwinkel if I questioned her order.

My fear was based on the management style exhibited by Rexwinkel since her appointment as Director. I know there are other employees in the Anchorage office who would agree that Rexwinkel has fostered an atmosphere of fear and intimidation. For example, at about the time of the Morris affair, two people in our office, each employed in our division for several years, were accused of insubordination for questioning policies, making suggestions, or requesting guidance on job performance. One of those employees was yelled at by Rexwinkel on September 19, 1991, the approximate date Rexwinkel ordered me to give the draft to the attorney general for review. In short, Rexwinkel's style and the resulting atmosphere affected my advice to you regarding Morris.

I realize that using this "fear factor" may not be an excuse now for neglecting to question Rexwinkel's order last September. However, I generally enjoy my work, and I genuinely feared for my job security if I questioned Rexwinkel's authority to require me to send the Morris draft through this unusual process. I apologize if any damage has been done to the board's credibility or, more importantly, to the parties who thought the board was the sole decision-maker in the process.

In summary, I researched our statutes and find no authority or precedent for Rexwinkel's order that our decision be reviewed and edited by the assistant attorney general. Moreover, I spoke about this process to other hearing officers, and none could recall any prior case which had been referred to an outside source for review. (One hearing officer has worked here since the 1970's.)

After reviewing Morris, I believe the director's order and the review process that occurred is a matter of public concern. Further, I believe there was interference in the board's decision-making authority. As I have indicated, I felt the action I took in Morris and the advice given to you was required by Director Rexwinkel.

I hope this provides you with a sufficient summary of the events in Morris and the reasons for my action in that case. Let me know if you or others have additional questions.

Sincerely,



Mark R. Torgerson

cc: Paul Lisankie, Acting Chief of Adjudications  
Alaska State Employee's Association

My name is Betty Johnson, I am a Workers' Compensation Officer II with the Division of Workers' Compensation. My duties include scheduling and holding prehearings for all Southeast Alaska venue cases; as well as assistance to the director, including research, drafting responses to complaints, and responding to requests for information.

I have a long history with workers' compensation, beginning in 1972 with an insurance company. Since then I have managed 2 different claims adjusting offices in Southeast Alaska, and I also set-up policies and procedures, trained staff, and ran a claims administration office in Idaho. Most of my work experience has been with private industry but I have been in my current position for over 7 years.

During my employment with the Division of Workers' Compensation, I have worked for three directors plus two or three acting directors. The business of the division continues with little or no interruption, despite a 22.6% loss of personnel since 1986. Over the years we have experienced significant budget cuts, and I believe there is little or no "fat" in this division.

The allegations against the current director, Linda Rexwinkel, from my perspective, have been blown out of proportion by the media and by misinformation and misstatements by some staff within the division.

A question should be asked of all those who have made statements against Ms. Rexwinkel. Have they heard and understood both sides of the story? The most basic rule for Workers' Compensation Board members and hearing officers is that, as a judicial body charged with rendering impartial decisions, they must remain impartial and not prejudge or reach conclusions without benefit of fair hearings. If an employer or employee cannot be assured of impartiality by those entrusted to give a fair hearing, maybe the "system" needs to be reviewed.

## ANALYSIS OF ISSUES RAISED

### 1) Interfering with, or attempting to influence, hearing officers

One case brought to the attention of the board and media is the F.G. Patterson case, AWCB No. 8101238. Hearing Officer William Walters alleges interference on the part of the director for ordering him to cancel or continue (postpone) a hearing a few days before the scheduled hearing of April 24, 1991. He also alleges that the call from the director was precipitated by the employer's attorney requesting the cancellation or continuance. In fact, the attorneys for both the employer and employee had reached a settlement of the case and both had called the director seeking the cancellation. The reasons they presented included the considerable expense of having to pay for expert witnesses to travel from the Lower 48 to testify. I do not know if the director "ordered" the cancellation; however, attorneys for both sides were advised that the hearing had been canceled. Therefore, they did not appear at the April 24, 1991 hearing. Mr. Walters held the scheduled hearing and addressed the proposed settlement issues, without the employer's or employee's attorneys present, and then wrote a decision explaining why he would have rejected the C&R. Later, the employer's attorney filed a petition, which the employee's attorney did not oppose, requesting Mr. Walters to disqualify himself because, in the opinion of the attorneys, he had prejudged the settlement and therefore was unable to give an impartial decision. The attorneys later modified their proposed C&R to satisfy Mr. Walters' objections, which the board approved on May 24, 1991. Did the "interference" change the outcome of the final decision? I don't believe so, because the C&R was approved without incurring the expense of bringing up the unnecessary witnesses.

True, the regulations state that, if a case is settled less than 14 days before a hearing

date, the parties must appear at the scheduled hearing to put the terms of the C&R on the record. The attorneys could appear at a scheduled hearing to put the terms of a C&R on the record, but, if the board rejected the terms, the attorneys could be forced to go to hearing immediately without their witnesses. The purpose for implementing this regulation in March 1990 was convenience for division staff and board members, rather than for the employers and employees. Before this regulation was adopted, many scheduled hearings were canceled days before the hearing date due to settlement. How should the convenience of the board be balanced with the ability of employers and employees to settle disputes without incurring extraordinary expenses?

Many people within the division, the workers' compensation insurance industry, and others, know that "interference" in hearing officers' decisions is not new. For example, decisions written by hearing officers were reviewed, edited, or revised by the former chief of adjudications before they were issued. The result was a fairly universal board position on most issues. I believe that the former Chief of Adjudications was greatly respected for her knowledge and expertise in workers' compensation law. However, over several years, hundreds of decisions were reviewed. By contrast, I believe there have been fewer than six allegations of interference against Ms. Rexwinkel.

## **2) Board per diem**

When Ms. Rexwinkel became director, one of the few places left to trim the budget was in board travel and per diem. The Alaska Workers' Compensation Board per diem was set at \$50 per day or portion of a day spent on official business for the board. On many occasions, one or two signatures cost the Division \$50 each day per board member signing decisions on that

day. Ms. Rexwinkel's directive was to have board members come in on designated days to sign documents, thereby reducing the amount of per diem. This is not an unreasonable policy considering current budget constraints. Since Ms. Rexwinkel implemented this directive, the average monthly costs dropped from \$3,700 in 1990 and \$4,000 in 1991, to \$1,600 in 1992.

### 3) Cost-of-living differentials

This is an issue that has not been well understood by many people. In 1988, the current cost-of-living differential statute was passed by the Legislature after the 1984 law was rejected by the Alaska Supreme Court as unconstitutional. If an injured employee moves out-of-state and continues to draw Alaska workers' compensation benefits, this statute allows insurers to reduce the injured employee's weekly benefits to an amount equal to the cost-of-living of the area where the employee lives. Industry, employers, and some division personnel expected this to bring about a substantial savings, based on their belief that the cost-of-living everywhere outside Alaska was lower. However, this was not always true. Approximately 30% of injured workers collecting time loss benefits move out-of-state. Since 1988, the largest number have moved to California (247), Idaho (122), Montana (102), Oregon (228), Texas (109) or Washington (378). In 1991, the cost-of-living differentials calculated by the Runzheimer cost-of-living differential study ranged as follows (Alaska equals 1.0):

California	1.000 to	1.600	of the Alaska compensation rate
Idaho	.855 to	.896	of the Alaska Compensation rate
Montana	.860 to	.909	"
Oregon	.914 to	1.000	"
Texas	.833 to	.94	"
Washington	.879 to	1.045	"

Therefore, in some parts of Texas the insurer is saving 16.7 cents per dollar or \$16.70 cents per hundred dollars of benefits, but in some parts of California, the insurer is paying .60 cents per

dollar or \$60 per hundred dollars of benefits above the Alaska compensation rate. For employees living out of the country, the statute requires a cost-of-living differential based on the largest city of the country where the employee lives. In 1990 the division was requested to make that determination for Manilla, Phillipines. That rate was 1.332, based on an American ex-patriot employee profile, which under the Runzheimer formula includes the cost of a live-in housekeeper, live-in cook, live-in babysitter, chauffeur and gardener. I believe this profile should be adjusted for the needs of the average residents in Manilla, just as rates are calculated for cities within the United States. However, there is a cap of \$700 per week maximum set by statute, regardless of where the injured employee lives.

When the division's budget was being finalized in 1991, the prior director advised the Commissioner's office that the \$50,000 Runzheimer study could be eliminated, because this information could be replaced with a \$100 report from the American Chamber of Commerce Researchers Association (ACCRA). Thus, the \$50,000 contract was eliminated. However, the ACCRA report cannot be relied upon, because it only shows the consumer price index in various cities throughout the U.S., except in 7 states for which no information is provided. Its information is gathered by Chamber of Commerce volunteers who go into communities to check prices on housing, costs of goods and services, but it doesn't include taxes. This report is filled with disclaimers, such as: "All price data are obtained from sources deemed reliable, but no representation is made as to the complete accuracy thereof. They are published subject to errors, omissions, changes, and withdrawals without notice." An attempt was made to supplement the ACCRA information by contacting the 7 omitted states, but those states advised that they kept no statewide data and deferred to the U.S. Bureau of Labor Statistics.

Unfortunately, the U.S. Bureau of Labor Statistics bundles statistics by region and has no information for individual states.

Former Acting Commissioner of Labor John Abshire advised the Alaska Workers' Compensation Board that, due to budget constraints, the \$50,000 would not be replaced. Therefore, Ms. Rexwinkle was unable to purchase the Runzheimer cost-of-living differential report, despite the board's direction. I have made a recommendation to Ms. Rexwinkel that the issue of continuing the cost-of-living differential be taken back to the insurance industry, employers, and employees to determine if it is cost-effective and justifiable.

#### **4) Confidentiality of files**

I have disagreed with Ms. Rexwinkel on this issue. My interpretation of the statute is that Alaska Workers' Compensation Board files are public documents. However, Ms. Rexwinkel and former Commissioner of Labor Nancy Usera apparently both felt strongly about this issue and implemented a policy to curb access to medical information, except to individuals party to cases. While I believe their position is understandable, I also believe a statute change is required to uphold this policy.

#### **5) Intimidation of employees and retaliation**

I have never experienced intimidation or retaliation from Ms. Rexwinkel, even though I have voiced my opinions and occasional disagreements.

#### **6) Misinformation to board members**

There appears to be some confusion on the part of some board members regarding their duties and responsibilities. To help resolve this confusion, I agree with the director's request for an Attorney General's opinion on the authority of the board and the director. Based on many

years of experience with the Alaska Workers' Compensation Division, I believe the board has "judicial" authority on cases and can approve regulations, and the director has administrative authority over such matters as budget, personnel, contracts, etc. I do not believe that the Board has the authority to order the director to spend money not in the budget.

Ms. Rexwinkel also is currently surveying board members on training needs and is attempting to provide training to assist them in making fair and impartial decisions.

Another issue is the duties and authorities of the hearing officers as designees of the Commissioner of Labor. I believe, like other board members, they have "judicial" authority to hear cases and to write the decisions. But, they are not employees of the "board," as some have suggested. The board has no budget, no authority over personnel, and no control of the hearing officers' other work activities.

#### **7) Disruption of division work and misuse of staff time**

As I previously stated, the work of the division continues with little or no interruption, and most staff continue to work steadily on assigned duties.

#### **CONCLUSION**

I certainly am not privy to everything Ms. Rexwinkel has done, but there have been instances, as illustrated in the above examples, when her actions seemed justified to me from an administrative and budgetary perspective.

Also as I previously stated, Ms. Rexwinkel and I have not always agreed, but our disagreements have been cordial. She may have made some mistakes, but anyone coming into a new field is bound to make mistakes and I believe she learns from her mistakes. She certainly has worked very hard and has made substantial progress in learning about workers'

compensation. Overall, I have found her to be intelligent, competent, and professional; sometimes confrontational but reasonably open to good suggestions.

I also recognize that by filing this statement I may alienate some of my colleagues; however, I firmly believe in giving anyone accused of wrongdoing a fair hearing and I would expect that I too would be extended that right. I am, and will continue to be, a professional employee determined to do my job in the best manner possible without partisan allegiances.

Thank you for the opportunity to add my views to the public record.

*Betty Johnson*  
4-3-92

cc: C.W. Mahlen  
Commissioner of Labor

Linda Raywinkel,  
Director



(907) 694-4372

**BOB NESTEL, CPCU, ARM  
CONSULTANT**

18810 EASY STREET, #2, EAGLE RIVER, ALASKA 99577-9325

RUSSELL & TESCHE  
A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

KAREN L. RUSSELL\*  
ALLAN E. TESCHE\*  
SUSAN L. DANIELS  
JOSEPH M. COOPER\*

OF COUNSEL  
LEE S. GLASS, M.D., J.D.\*\*

\*ADMITTED IN ALASKA & CALIFORNIA  
\*\*ADMITTED IN WASHINGTON  
ALASKA & HAWAII

510 "L" STREET, SUITE 300  
ANCHORAGE, ALASKA 99501  
TELEPHONE (907) 258-1747  
FACSIMILE (907) 258-5540

February 19, 1992

Robert Nestel  
16810 Easy St. #2  
Eagle River, AK 99577

Dear Robert:

Thank you for giving me the opportunity to comment on draft regulations prepared by Linda Rexwinkel relating to public access to Board files. As Linda explained to Board members, the proposed regulations are intended to supplement<sup>1</sup> rather than replace existing administrative regulations found at 6 AAC 95.010-900 which presently govern access to public records held by executive branch agencies.

My research discloses no specific grant of legal authority to the Division of Workers' Compensation to promulgate administrative regulations restricting public access to Board files beyond the limits set forth in AS 09.25.110, AS 09.25.120, or 6 AAC 95.010-900. With respect to requests for medical records by parties to workers' compensation proceedings, Assistant Attorney General Thomas J. Slagle properly concluded on June 19, 1991, that state statutes, current administrative regulations, and prior Board decisions are all intended to facilitate rather than restrict the access to medical information and records in workers' compensation proceedings. "Indeed," wrote Mr. Slagle, "access of information by involved parties is mandated by the broad discovery procedures allowed by workers' compensation statutes and regulations."

With respect to access by non-involved parties (such as the press) to medical records contained in workers' compensation files, Mr. Slagle also properly concluded that, at least in June 1991, "an analysis of public access to employee medical records must be tempered by the possible passage of SB 219" which

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<sup>1</sup> I do not address the policy question which arises over whether the need for the additional regulations outweighs the policy of both Governor Mickel and Lieutenant Governor Coghill to reduce government "red tape" in the form of new administrative regulations imposed on private citizens by agencies of government.

would have specifically exempted medical records in workers' compensation files from public disclosure requirements of AS 09.25.110 and .120.<sup>2</sup> As there currently exists no specific grant of legislative authority to the Division of Workers' Compensation to promulgate administrative regulations governing access to public records maintained by the Division, I am afraid that virtually any effort by the Division to restrict public access to those records beyond what is already allowed under current administrative regulations applicable to the Division would necessarily subject the Division and the Board to litigation, public controversy, and will ultimately lead to repeal of the regulation until its promulgation is permitted by legislative amendment to the public records laws.

Alaskan courts, when given the opportunity to interpret public records laws, uniformly apply a strong presumption in favor of the right of the public to access records maintained by government agencies. See Municipality of Anchorage v. Anchorage Daily News, 794 P.2d 584 (Alaska 1990); City of Kenai v. Kenai Peninsula Newspapers, Inc., 642 P.2d 1316 (Alaska 1982); Doe v. Alaska Superior Court, 721 P.2d 617,622 (Alaska 1986). That judicial presumption conforms to the express policy of AS 09.25.120 which guarantees that "Every person has a right to inspect a public writing or record in the state" and 6 AAC 95.010.010 which proclaims that "It is the policy of the executive branch of government to disclose agency records and to provide copies of those records in an expeditious manner." Moreover, when the right of the public to access government records is juxtaposed with the constitutional right of privacy, I agree with Assistant Attorney General Slagle that "our court would likely hold that public access to the records outweigh the privacy interest." Given the strong judicial bias repeatedly expressed by our courts in favor of access by the public to government records, I question the wisdom of proposing administrative regulations which contradict existing law until the Division obtains express statutory authorization (such as was set forth in SB 219).

#### Recommendation

Before the Board considers approval of the proposed regulations for public comment, I recommend:

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<sup>2</sup> That bill never became law as it was vetoed by Governor Hickel.

1. That the Board first ask the Director to state how many non-party requests for access to medical records in Board files have been made in the last three years and explain how medical records in Division files differ from medical records contained in court system files which are routinely made available to the public without restriction.

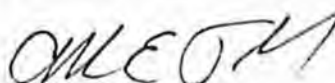
2. That a written opinion be obtained from the Attorney General concerning whether the Division, without express statutory authorization (such as that contained in SB 219), can lawfully promulgate any administrative regulation governing public access to Board records more restrictive than the current provisions of 6 AAC 95.010-900.

3. That in order to avoid what would certainly be difficult, expensive, and otherwise embarrassing litigation against the State and its officers, that the Division first obtain specific legislative authority (again, such as that contained in SB 219) before regulations are redrafted and approved by the Board for public comment.

I would be happy to answer any questions Board members or the Division might have on this matter.

Cordially,

RUSSELL & TESCHE



Allan E. Tesche

AET/sbl

# MEMORANDUM

State of Alaska

Department of Law

Honorable Nancy Bear Usura  
Commissioner  
Department of Labor

DATE: June 19, 1991

FILE NO.: 663-91-0521

TEL NO.: 465-3603

SUBJECT: Confidentiality of workers'  
compensation files



FROM: Thomas J. Slagle  
Assistant Attorney General  
Human Services-Juneau

## BACKGROUND

You have asked whether workers' compensation files containing medical records, maintained by the Department of Labor, can be considered confidential. The Workers' Compensation Act (AS 23.30) does not specifically hold that medical information on file with the Department is confidential. However, AS 09.25.120, involving the inspection and copying of public records, excludes "medical and related public health records" from public information disclosure requirements. The issue then is whether medical confidentiality provided under AS 09.25.120 can be extended to the medical records in the workers' compensation files maintained by the Department. Additionally you have asked about the disclosure of nonmedical information from injured workers' files to persons who are not a party to a workers' compensation claim. (The current legislature passed SB 219, and section 7 of that bill specifically treats workers' compensation medical records as confidential. The governor has not yet acted on the bill.) 1/

As indicated in your request memo, parties to a specific claim, such as a rehabilitation provider or an agent of the workers' compensation insurance carrier, need access to the injured workers' medical records. Indeed, access of information by involved parties is mandated by the broad discovery procedures allowed by the workers' compensation statutes and regulations. A public inquiry, on the other hand, is based on the freedom of

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1/ HCS CSSB 219 provides, "[E]xcept for medical records released to the employer, carrier, rehabilitation provider, rehabilitation administrator, or other person selected by the employee, the employee's medical records in the possession of the division of workers' compensation are confidential and are not subject to the public records inspection requirements of AS 09.25.110 -- 09.25.121.

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information statutes, AS 09.25.110 -- 09.25.120 (often referred to as Access to Public Records Statutes).

SHORT ANSWER

The workers' compensation procedures allow for almost unlimited discovery by involved parties of injured workers' medical files maintained by the Division of Workers' Compensation. Discovery would extend to the injured employees' previous workers' compensation files on record with the division. 2/ The workers' compensation regulations provide that an injured employee can object to a request for information based on relevancy, and regulations provide for a pre-hearing to determine if a protective order should be issued. 8 AAC 45.095.

Under the freedom of information statutes, "public records" are generally accessible to the public. AS 09.25.120. Workers' compensation files have historically been considered public records. However, privacy interests addressed by Alaska Constitution article I, section 22, and possibly the medical records exclusion in AS 09.25.120, may be a basis to safeguard unwarranted disclosure of sensitive information. At the very least an injured worker, through regulations, could be given an opportunity to object before the release of medical information based on a public request. Without a specific confidentiality statute, other information contained in the workers' compensation files is open to the public.

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2/ If a procedure is not expressly provided by the Workers' Compensation Act, the Administrative Procedure Act (APA) would apply. (AS 44.62.050.) The Alaska Rules of Civil Procedure (ARCP) offers additional guidance. Both the APA and ARCP provide for full disclosure and discovery.

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## DISCUSSION

### I. Requests For Medical Record From Involved Party. 3/

Historically, the Workers' Compensation Board has directed that discovery be open and informal. AS 23.30.107, concerning release of information, provides:

Upon request, an employee shall provide written authority to the employer, carrier, rehabilitation provider, or rehabilitation administrator to obtain medical and rehabilitation information relative to the employee's injury.

The board in Green v. Kake Tribal Corp., AWCB Decision No. 87-0149 (July 6, 1987), comments on its general discovery philosophy by stating:

AS 23.30.107 requires an employee to furnish written authority for interested parties to obtain medical and rehabilitation information "relative to the employee's injury." We have previously determined that information sought only have some relationship or connection to the injury, and that it may include work and income history.

In Cooper v. Boatel Inc., AWCB Decision No. 87-0108 (May 4, 1987), the board directed the employee to provide wage and prior injury information. More recently, in Carver v. Sunrise Bakery, AWCB Decision No. 89-0148 (June 15, 1989), the board determined:

The insurer correctly notes that our regulations require applicants to serve copies of all medical reports in possession, which are or may be relevant to the claim, upon all parties. That requirement extends to later-acquired medical records at 30 day intervals. AS 23.30.095(h); 8 AAC 45.052(b) and (d). There is no requirement, however, that an

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3/ "Involved party" refers to the injured worker and his representative; the workers' compensation provider (insured or self-insured) and its representatives such as an adjuster or an attorney; and rehabilitation providers.

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applicant obtain records on their own account or by request of an insurer. Rather, in regard to medical records, AS 23.30.107 provides that upon request of the employee "shall provide written authority . . . to obtain medical and rehabilitation information relative to the employee's injury."

(Emphasis added.) While the release of information provisions are construed broadly, regulations do allow an employee to object and seek a protective order. <sup>4/</sup>

Participants in the workers' compensation system recognize that medical information is the cornerstone for the administration of a claim. AS 23.30.095(e) in part addresses information in a medical examination and provides:

Facts relative to the injury or claim communicated to or otherwise learned by a physician or surgeon who may have attended or examined the employee, or

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<sup>4/</sup> 8 AAC 45.095. RELEASE OF INFORMATION. (a) An employee who, having been properly served with a request for release of information, feels that the information requested is not relevant to the injury must, within 10 days after receipt of the request, petition for a prehearing under 8 AAC 45.065.

(b) If after a prehearing the board determines that information sought from the employee is not relevant to the injury which is the subject of the claim, a protective order will be issued.

(c) If after a prehearing an order to release information is issued and an employee refuses to sign a release, the board will, in its discretion, limit the issues at the hearing on the claim to the propriety of the employee's refusal. If after the hearing the board finds that the employee's refusal to sign the requested release was unreasonable, the board will, in its discretion, refuse to order or award compensation until the employee has signed the release.

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who may have been present at an examination are not privileged, either in the hearings provided for in this chapter or an action to recover damages against an employer who is subject to the compensation provisions of this chapter.

(Emphasis added.) Further, AS 23.30.095(h) mandates that the parties to workers' compensation proceedings have a continuing obligation to provide physician's reports to the adverse party. 3 AAC 45.052.

Procedures before the board are addressed under AS 23.30.135(a) and provide, in part: "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 in this chapter." Board action shows the relative informality of discovery procedures under the workers' compensation setting. See also Cook v. Alaska Workers' Compensation Bd., 476 P.2d 29 (Alaska 1970), allowing hearsay evidence at board hearings. Workers' compensation regulation 3 AAC 45.052 establishes that parties to a workers' compensation dispute will provide copies of all relevant medical reports in their possession to all parties to the claim. This is an ongoing obligation.

The ease of access and informality in the discovery of medical information is to facilitate the economic handling of the vast volume of workers' compensation claims. Access to information about the injured employee extends beyond medical information to such things as unemployment insurance information and social security information. The board regularly requires an employee to supply this information to the carrier for the adjudication of a claim. The necessity of obtaining a medical history is further warranted by the need for second-injury-fund information. See AS 23.30.205. Documenting written records of a previous injury can have a significant financial impact on a claim adjudication. Finally, ease of access to information helps facilitate the discovery of fraudulent claims as provided for in AS 23.30.022. Thus, we find that there is no violation of the law to allow involved parties open access to medical records maintained by the division, absent a protective order.

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## II. Access To Medical Records By A NonInvolved Party.

The Alaska public records statutes, AS 09.25.110 -- 09.25.120, provide for access by the public to all public records unless specifically excluded by law. Assuming that Senate Bill 219 is not vetoed by the governor, section 7 specifically provides for division confidentiality of employee medical records except to involved parties. An analysis of public access to employee medical records must be tempered by the possible passage of SB 219.

The filing of a workers' compensation claim has been viewed as similar to filing a personal injury lawsuit, in which case the physician-patient evidentiary privilege is waived. See Trans-World Inv. v. Drobny, 554 P.2d 1148, 1151 (Alaska 1976), giving a historical background on physician-client privilege. In Drobny, our court states:

Further, we hold that the filing of a personal injury action waives the physician-patient privilege as to all information concerning the health and medical history relevant to the matters which the plaintiff has put in issue. The scope of the waiver extends to all matters pertinent to the plaintiff's claim, including but not limited to those matters the relevancy of which is based on a historical or casual connection.

(Footnotes omitted.)

Board decisions reflect that information filed with the division are public records. For example, in Green v. Kake Tribal Corp., supra at 4, the board comments that "we have no interest in viewing irrelevant information or in having it included in our files, which are open to the public." (Emphasis added.) In Carver v. Sun Rise Bakery, supra at 5, the board states that "if the employee timely objects, defendants must not file the information with us until a pre-hearing or hearing has been held to determine whether the evidence should become a part of our public record." (Emphasis added.) There is a long established administrative practice of division records being public.

On the other hand, Alaska's Constitutional right of privacy provides, "The right of the people to privacy is recognized and shall not be infringed." Alaska Constitution article I, section 22. On the premise that workers' compensation files are

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public records, our court would likely hold that public access to the records outweigh the privacy interest. For example, in Muni. of Anchorage v. Daily News, 794 P.2d 584, 589 (Alaska 1990), our court held that a public employees' performance evaluations were subject to public disclosure under the public records statutes. The court stated that "exceptions to these disclosure requirements are construed narrowly in furtherance of the legislature's express bias in favor of broad public access." The legislative history of AS 09.25.110 -- 09.25.120, as outlined in City of Kenai v. Kenai Peninsula Newspaper, Inc., 642 P.2d 1316 (Alaska 1982), also reflects the broad legislative policy of open records, suggesting that any ambiguities must be resolved in favor of public disclosure.

Absent the passage of Senate Bill 219, the division could consider regulations to provide the injured worker with an opportunity to oppose disclosure. A public request for medical records, other than from involved parties, could trigger a letter to the employee advising of the request. Regulations could be formulated to permit the injured worker to have a hearing such as provided under 8 AAC 45.095; or upon notice, the employee could seek a protective order directly through the court system. A public request for specific medical records is believed to be relatively rare, so the potential hearing process would be infrequent. The public hearing procedure before adoption of new regulations would also be a forum for discussion of the confidentiality issue.

### III. Public Access To NonMedical Records.

There is no specific exception to the release of nonmedical information contained in the division files. SB 219 only refers to the confidentiality of an employee's medical records. A public request for general information should normally be granted. AS 09.25.110 provides for a standard copying fee and additional cost should division personnel time exceed 5 hours per month to produce the requested records. AS 09.25.115, enacted in 1990, encourages a public agency to make information available in electronic format, and suggests public disclosure through on-line access to an electronic file, or data base. Thus, recent legislation affirms the policy of broad public access to agency records. Of course, the workers' compensation claimant may seek a protective order to avoid disclosure of sensitive nonmedical information.

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We have examined numerous informal attorney general opinions about public records disclosure, most notably related to information contained in the permanent fund dividend (PFD) applications. We have concluded that information contained in PFD applications is not protected from disclosure under AS 09.25.100, although in some cases information contained in a PFD application may be kept confidential under the privacy provision of the Alaska Constitution, requiring analysis on a case-by-case basis. The names of PFD applicants are not constitutionally protected. See 1987 Inf. Op. Att'y Gen. (July 15; 663-87-0598). PFD applications are analogous to workers' compensation records (nonmedical). Alaska Supreme Court cases reflect a balancing test, weighing the public interest in disclosure against the individual's reasonable expectations of privacy. Considering that workers' compensation records are already in the possession of a state agency, privacy expectations are diminished. Thus, if there is some legitimate public purpose for utilizing the information, the balance will be tipped in favor of disclosure.

#### CONCLUSION

Involved parties have almost unlimited access to injured workers' records on file with the division. Broad disclosure statutes and regulations facilitate the policy that proceedings before the board will be informal and expeditious. These broad discovery rules are reflected in the Administrative Procedure Act and the Alaska Rules of Civil Procedure. The injured worker may seek a protective order to prevent public disclosure of sensitive material. A request for medical records from a noninvolved party highlights the conflict between a policy of access to public records and individual privacy interests. Historically, the records on file with the division have been treated as public records similar to court records. The pending passage of SB 219 specifically provides that except for involved parties, medical records on file with the division are confidential and not subject to the public records inspection requirements. All other records of the division are accessible to the public in a manner that does not overly interfere with division business.

Do not hesitate to contact me should you have any questions regarding this opinion.

TJS:jh

(A) results in a major revision, addition or deletion to the policies or implementation methods or authorities included in the district program under 6 AAC 85.090 and 6 AAC 85.100;

(B) alters the district boundaries, other than by technical adjustments;

(C) designates an area which merits special attention or alters an existing area which merits special attention designation; or

(D) restricts or excludes a use of state concern not previously restricted or excluded. (Eff. 7/18/78, Register 67; am 8/18/79, Register 71; am 9/9/81, Register 79; am 3/2/84, Register 89)

Authority: AS 44.19.160 AS 46.40.040  
 AS 44.19.161 AS 46.40.060  
 AS 46.40.010(c) AS 46.40.070

## PART 7. GOVERNOR

### Chapter

95. Public Information (6 AAC 95.010 — 6 AAC 95.900)

## CHAPTER 95. PUBLIC INFORMATION

Section	Section
10. Policy on disclosure of agency records	90. Denials of requests
20. Request for records	100. Appeal from denial; manner of making
30. Where requests for agency records may be filed	110. Appeal determinations; time allowed; by whom made
40. Form of request	120. Contents of determination denying appeal
50. Requests which do not reasonably describe records sought	130. Copies and fees
60. Initial action upon receipt of a request	140. Conversion of information
70. Response to request; time limits	150. Disclosure to litigants or their agents
80. Deletion of nondisclosable information	900. Definitions

**6 AAC 95.010. POLICY ON DISCLOSURE OF AGENCY RECORDS.** (a) It is the policy of the executive branch of government to disclose agency records and to provide copies of those records in an expeditious manner. It is the purpose of this chapter to ensure that requests for disclosure are handled in a timely, reasonable, and responsive manner, without infringing on the rights of any person or other entity, and without impairing the functioning of any agency.

(b) All agency records are disclosable to the public unless nondisclosure is authorized by a valid Alaska or federal statute or regulation, or by a privilege, exemption, or principle recognized by the courts, or by an agency protective order authorized by law.

(c) All disclosable records must be made available for inspection upon request, regardless of whether any justification or need for those records has been shown.

(d) This chapter prescribes procedures for disclosure, denial, reconsideration, and appeal regarding agency records. It does not purport to prescribe substantive standards of what information and records are disclosable or nondisclosable. (Eff. 10/8/82, Register 84)

Authority: AS 09.25.110  
AS 09.25.120  
AS 44.17.030

Art. III, sec. 1, Ak. Const.  
Art. III, sec. 16, Ak. Const.  
Art. III, sec. 24, Ak. Const.

**6 AAC 95.020. REQUEST FOR RECORDS.** (a) Every request to an agency for records is governed by this chapter. However, if a different procedure is prescribed by a state statute or a federal statute or regulation with respect to particular records, that procedure must be followed.

(b) Every request to an agency for records prepared by the agency for routine public distribution free of charge (such as pamphlets, copies of speeches, press releases, educational materials, blank forms, and applications) must be honored and the information supplied in reasonable quantities free of charge. No individual determination under 6 AAC 95.070 — 6AAC 95.090 is necessary in such cases, since preparation of the records for routine public distribution itself constitutes a determination that the records are disclosable. Copies must be furnished with reasonable promptness in response to the request.

(c) Records which are readily available for public inspection (such as unrestricted state archives, library books, books still in print, statutes, case law reporters, magazines, journals, published regulations, treatises) are not subject to the procedures of this chapter. (Eff. 10/8/82, Register 84)

Authority: AS 09.25.110  
AS 09.25.120  
AS 44.17.030

Art. III, sec. 1, Ak. Const.  
Art. III, sec. 16, Ak. Const.  
Art. III, sec. 24, Ak. Const.

**6 AAC 95.030. WHERE REQUESTS FOR AGENCY RECORDS MAY BE FILED.** Requests for agency records may be filed at the nearest office of the appropriate agency. (Eff. 10/8/82, Register 84)

Authority: AS 09.25.110  
AS 09.25.120  
AS 44.17.030

Art. III, sec. 1, Ak. Const.  
Art. III, sec. 16, Ak. Const.  
Art. III, sec. 24, Ak. Const.

Editor's notes. — Addresses of principal agency offices are listed in the Directory of State Officials, compiled by the Legislative Affairs Agency semiannually.

6 AAC 95.040. FORM OF REQUEST. (a) Except as noted in (b) of this section, a request for an agency record must be in writing. It must describe the record in a manner sufficient to allow its identification and location by the agency. Request forms must be kept available, but no request may be denied because it is not on such a form. If a request includes a stamped, addressed postcard, the agency shall promptly use it to give a dated acknowledgement of receipt of the request.

(b) An informal request may be made verbally, in person, or by telephone. An informal request must be granted or denied within five working days after the office responsible for maintaining the requested records receives the request, excluding the request day and including the following five working days. If the request is not granted within that time, it is considered denied. The decision to deny an informal request is within the sole discretion of the agency. A requestor's only remedy is to make a request in accordance with (a) of this section and, if the written request is then denied, to pursue appeal steps set out in 6 AAC 95.100 — 6AAC 95.120. (Eff. 10/8/82, Register 84)

Authority: AS 09.25.110                      Art. III, sec. 1, Ak. Const.  
                  AS 09.25.120                      Art. III, sec. 16, Ak. Const.  
                  AS 44.17.030                      Art. III, sec. 24, Ak. Const.

6 AAC 95.050. REQUESTS WHICH DO NOT REASONABLY DESCRIBE RECORDS SOUGHT. (a) If the agency determines, within reasonable time after receiving a request, that the description of the records sought by the request is not sufficient to allow the agency to identify and locate the requested records, the agency shall promptly notify the requestor that the request cannot be further processed until additional information is furnished. Time limits set out in this chapter do not begin to run until a sufficient description of the records is received in the office responsible for maintaining the records.

(b) The agency shall make every reasonable effort to assist in the identification and description of records sought, and to assist the requestor in formulating the request. If records are described in general terms (for example, all records concerning the environment), the agency shall attempt to communicate with the requestor with a view toward both speeding the response to the request and lessening the administrative burden of processing a broad request. These attempts may not be used as a means to discourage requests but rather as a means to help identify with more specificity the records actually sought. (Eff. 10/8/82, Register 84)

Authority: AS 09.25.110                      Art. III, sec. 1, Ak. Const.  
                  AS 09.25.120                      Art. III, sec. 16, Ak. Const.  
                  AS 44.17.030                      Art. III, sec. 24, Ak. Const.

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**6 AAC 95.060. INITIAL ACTION UPON RECEIPT OF A REQUEST.** (a) Except as provided in (b) of this section, the agency receiving a request shall maintain a log of each written request it receives, whether at the central office, a regional office, or the specific office responsible for maintaining the requested record. This log must include the date the request was received by that office, whether notice of receipt was sent to the requestor under 6 AAC 95.040(a), and the date additional information, if required, was requested under 6 AAC 95.050(a). The receiving office will promptly forward the request to the office responsible for maintaining the requested records.

(b) A log entry need not be made for requests for information which is routinely disclosed. (Eff. 10/8/82, Register 84)

Authority: AS 09.25.110  
AS 09.25.120  
AS 44.17.030

Art. III, sec. 1, Ak. Const.  
Art. III, sec. 16, Ak. Const.  
Art. III, sec. 24, Ak. Const.

**6 AAC 95.070. RESPONSE TO REQUEST; TIME LIMITS.** (a) Except as otherwise provided in this section, as soon as practicable, but not later than the 10th working day after the date the office responsible for maintaining the requested records receives the written request, that office shall

- (1) furnish all requested records that are disclosable; and
- (2) indicate to the requestor which of the requested records are nondisclosable and the authority supporting nondisclosure.

(b) There will be excluded from the period of 10 working days (or any extension of that period) any time which elapses between the time that a requestor is sent notice that processing his request will generate chargeable fees and the time that the requestor makes suitable arrangements for payment of those charges under 6 AAC 95.130.

(c) The agency may extend the basic 10-working-day period established under (a) of this section for a period not to exceed 10 additional working days (except as provided in (d) of this section) by sending written notice to the requestor within the basic 10-working-day period. This notice must state the reasons for the extension and the date by which the office expects to be able to furnish the requested records or issue a determination that they are not disclosable. The notice must include a statement that the extension is not interposed for purposes of delay. The basic 10-day period may be extended only when one or more of the following circumstances require the extension:

- (1) there is a need to search for and collect the requested records from field facilities or other establishments that are separate from the office responsible for maintaining the records;

(2) there is a need to search for, collect, and examine a voluminous amount of separate and distinct records which are sought in a single request;

(3) there is a need for consultation with an officer or employee who is absent on approved leave;

(4) the basic response period comes during a seasonal peak-service period when compliance with the basic 10-day requirement would substantially impair the functioning of the agency or office responsible for maintaining the records; or

(5) there is a need to consult with legal counsel to insure that protected interests of private or government persons or entities are not infringed.

(d) If the scope of the search or copying task is such that it will, within the 10-day period and any authorized extension under (c) of this section, substantially impair the functioning of the agency or its office responsible for maintaining the requested records, the agency head may request approval of an additional extension from the attorney general. Following the request for approval of an additional extension, the attorney general shall promptly give the requestor and the agency an opportunity to be heard and render a speedy decision. The attorney general may grant the approval only in extraordinary circumstances and only for the minimum period determined by the attorney general to be required to complete the search or copying without substantial impairment of the agency or office function.

(e) An agency shall give a written response granting or denying a written request within the prescribed time limit. However, if a response is not received by a requestor within a reasonable time after the expiration of the time limit, the requestor may consider the request denied and pursue an appeal. (Eff. 10/8/82, Register 84)

Authority: AS 09.25.110  
AS 09.25.120  
AS 44.17.030

Art. III, sec. 1, Ak. Const.  
Art. III, sec. 16, Ak. Const.  
Art. III, sec. 24, Ak. Const.

**6 AAC 95.080. DELETION OF NONDISCLOSABLE INFORMATION.** If a record contains both disclosable and nondisclosable information, the nondisclosable information will be deleted and the disclosable information will be disclosed. If the disclosable portions cannot reasonably be segregated from nondisclosable portions in a manner which will allow meaningful information to be disclosed, the records shall not be disclosed. (Eff. 10/8/82, Register 84)

Authority: AS 09.25.110  
AS 09.25.120  
AS 44.17.030

Art. III, sec. 1, Ak. Const.  
Art. III, sec. 16, Ak. Const.  
Art. III, sec. 24, Ak. Const.

**6 AAC 95.090. DENIALS OF REQUESTS.** (a) A request may be denied only for the following reasons:

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- (1) the record is not known to exist;
- (2) the record is not in the agency's possession;
- (3) the record has been destroyed in accordance with applicable record-retention schedules;
- (4) a valid Alaska or federal statute or regulation, or a privilege, exemption, or principle recognized by the courts, or an agency protective order authorized by law authorizes nondisclosure of the record;
- (5) the record is believed to exist in the agency's possession but has not yet been located, in which case the agency shall proceed under (g) of this section.

(b) The only Alaska regulations which authorize nondisclosure under (a)(4) of this section are regulations which are

(1) authorized by a statute which specifically empowers an agency to exempt records from disclosure by regulation, policy, or decision; or

(2) authorized by a general statutory grant of rulemaking power and consistent with a privilege, exemption, or principle of nondisclosure recognized by the courts.

(c) Requests may be denied by the agency head or by those agency officers or employees occupying positions to which denial authority has been delegated by the agency head.

(d) An initial determination to delay a written request must be in writing, must state the reason for the denial, and must be dated and signed by the person making the determination.

(e) A denial of a written request, in whole or in part, must state that the requestor may appeal the denial by complying with the procedures in 6 AAC 95.100. A copy of 6 AAC 95.100 must be enclosed with the denial.

(f) A denial of a written request is considered to be issued at the time the denial is either delivered to the U.S. Postal Service for mailing or is hand-delivered to the requestor by an agent of the agency other than a post office employee.

(g) When a written request is denied because the record has not yet been located (although it is believed to exist in the agency's possession), the office responsible for maintaining the record shall continue to search until it is located or it appears that the record does not exist or is not in the agency's possession, and shall periodically inform the requestor of the office's progress. (Eff. 10/8/82, Register 84)

Authority: AS 09.25.110  
AS 09.25.120  
AS 44.17.030

Art. III, sec. 7, Ak. Const.  
Art. III, sec. 16, Ak. Const.  
Art. III, sec. 24, Ak. Const.

**6 AAC 95.100. APPEAL FROM DENIAL; MANNER OF MAKING.** (a) A requestor whose written request has been denied, in

whole or in part, whether by the agency head or a subordinate, may ask for reconsideration of that denial by addressing a written appeal to the agency head.

(b) An appeal must be mailed or hand-delivered to the agency head within 30 days after the denial is issued.

(c) An appeal must contain a reference to the date of the denial and the name and address of the person responsible for the denial. The appeal must also indicate what records to which access was denied are still sought and are the subject of the appeal. If the requestor has received no response within a reasonable time after the expiration of the time limit prescribed in 6 AAC 97.070, the appeal must so state, must identify the records sought, and must state the agency to which the request was directed and the date of the request.

(d) The 30 days within which an appeal must be filed begin to run upon the issuance of the denial or the expiration of the time period within which the agency should have responded. (Eff. 10/8/82, Register 84)

Authority: AS 09.25.110 Art. III, sec. 1, Ak. Const.  
AS 09.25.120 Art. III, sec. 16, Ak. Const.  
AS 44.17.030 Art. III, sec. 24, Ak. Const.

**6 AAC 95.110. APPEAL DETERMINATIONS; TIME ALLOWED; BY WHOM MADE.** (a) As soon as practicable, but not later than the 10th working day after the date the agency head receives an appeal, the agency head or his or her designee shall issue a written determination stating which of the records that are the subject of the appeal will be disclosed and which will not be disclosed.

(b) The agency head may delegate authority and duties under (a) of this section to any full-time employee of the agency not involved in the denial and not subordinate to the person responsible for the denial. The delegate may not subdelegate his or her authority or duties to another person. (Eff. 10/8/82, Register 84)

Authority: AS 09.25.110 Art. III, sec. 1, Ak. Const.  
AS 09.25.120 Art. III, sec. 16, Ak. Const.  
AS 44.17.030 Art. III, sec. 24, Ak. Const.

**6 AAC 95.120. CONTENTS OF DETERMINATION DENYING APPEAL.** A determination denying an appeal under 6 AAC 95.110(a) must be in writing, must state the law, regulation, or court decision which is the basis for the denial, and must state briefly the reason for the denial. A denial must further state that the requestor may obtain judicial review of the denial by commencing an action in superior court. (Eff. 10/8/82, Register 84)

Authority: AS 09.25.110 Art. III, sec. 1, Ak. Const.  
AS 09.25.120 Art. III, sec. 16, Ak. Const.  
AS 44.17.030 Art. III, sec. 24, Ak. Const.

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6 AAC 95.130. COPIES AND FEES. (a) The office responsible for maintaining the records sought shall provide copies of records only at the request of the requestor and at the requestor's expense. The agency shall prescribe in writing the standard unit charges for copies. The charge for copies may not exceed the cost to the before making the copies, except in the case of a request from an employee or agent of a news organization.

(b) Copying charges of \$5 or less may be waived where the cost to the agency of contacting the requestor to arrange payment exceeds the copying charges.

(c) Searches must be conducted as a public service, free of charge. However, if one or more requests by a single requestor or agent of a requestor within a calendar month require more than 10 person-hours to complete search and copying tasks, the agency head may ask the commissioner of administration for authority to require the requestor to pay costs for the period in excess of 10 hours. The costs may not exceed the unit cost of salary and benefits for the searching and copying employee. Except in the case of news organizations, authorized search costs must be paid before the records are disclosed, and the agency may require payment in advance of the search. If requests from a news organization or its agents require more than 10 person-hours to complete, the commissioner may grant authority to require payment of search costs by the news organization only when requests are unreasonable or in bad faith, or require extraordinary expenditure of state resources.

(d) Agencies or offices with a primary function of performing records searches and which have customarily charged a fee for searches, including the Bureau of Vital Statistics, the District Recorder, and the Division of Banking, Securities, and Corporations, may continue to do so in accordance with written standard search charges. (Eff. 10/8/82, Register 84)

Authority: AS 09.25.110  
AS 09.25.120  
AS 44.17.030

Art. III, secs. 1, 16,  
and 24, Alaska Const.

6 AAC 95.140. CONVERSION OF INFORMATION. (a) It is the responsibility of the requestor to translate, transcribe, decode, or otherwise convert information in records into a form useable by the requestor. The agency shall make available records to assist in this conversion if those records are disclosable.

(b) Nothing in this chapter requires an agency to organize, coordinate, collate, modify, create, interpret, or program records requested. Only a literal or verbatim record need be provided. (Eff. 10/8/82, Register 84)

Authority: AS 09.25.110  
AS 09.25.120  
AS 44.17.030

Art. III, secs. 1, 16,  
and 24, Alaska Const.

**6 AAC 95.150. DISCLOSURE TO LITIGANTS OR THEIR AGENTS.** If the requestor or the requestor's principal is in litigation with an agency in a judicial or administrative forum, disclosure of any agency's records relevant to that litigation or reasonably likely to lead to the discovery of relevant evidence is governed by the rules or orders in that forum and not by this chapter. (Eff. 10/8/82, Register 84)

Authority: AS 09.25.110  
AS 09.25.120  
AS 44.17.030

Art. III, secs. 1, 16,  
and 24, Alaska Const.

**6 AAC 95.900. DEFINITIONS.** Unless the context indicates otherwise, in this chapter

(1) "agency" means an executive-branch department, board, commission, or authority;

(2) "agency head" means the principal executive officer of an executive-branch department, board, commission, or authority;

(3) "news organization" has the same meaning as in AS 09.25.220(4);

(4) "record" means any existing document, paper, memorandum, book, letter, drawing, map, plat, photo, photographic file, motion picture, film, microfilm, microphotograph, exhibit, magnetic or paper tape, punched card, or other item of any other material, regardless of physical form or characteristic, developed or received under law or in connection with the transaction of official business by an agency and preserved as evidence of the organization, function, policies, decisions, procedures, operations, or other activities of the agency or because of the informational value in them; it also includes staff manuals and instructions to staff that directly or indirectly affect the public;

(5) "request" means a request for the disclosure of records;

(6) "requestor" means any individual, public or private corporation, political subdivision, government agency, municipality, industry, partnership, association, firm, trust, estate, or any other entity whatsoever which has submitted a request to an agency;

(7) "working day" means every day except Saturday, Sunday, or a legal holiday. (Eff. 10/8/82, Register 84)

Authority: AS 09.25.110  
AS 09.25.120  
AS 44.17.030

Art. III, sec. 1, Ak. Const.  
Art. III, sec. 16, Ak. Const.  
Art. III, sec. 24, Ak. Const.

FY 92 (7/1/91 - 3/31/92) WORKERS COMPENSATION DIVISION

<u>TRAVELER</u>	<u>TITLE</u>	<u>PURPOSE OF TRIP</u>	<u>DATE OF TRAVEL</u>	<u>DESTINATION</u>	<u>COST PER DIEM</u>	<u>COST STIPEND</u>	<u>COST TRANS</u>	<u>TOTAL COST</u>	<u>TOTAL TRIPS</u>
Fred Brown	Hearing Officer	Attend Hearings	10/16/91	Anchorage	\$36.00	\$0.00	\$318.00	\$354.00	
		Attend Hearings	11/1/91	Anchorage	\$36.00	\$0.00	\$306.00	\$342.00	
		Attend Hearings	11/12/91	Anchorage	\$36.00	\$0.00	\$306.00	\$342.00	
			1/8/92	Anchorage	\$36.00	\$0.00	\$312.00	\$348.00	
					<b>\$144.00</b>	<b>\$0.00</b>	<b>\$1,242.00</b>	<b>\$1,386.00</b>	<b>4</b>
Tom Chandler	Board Member	Board Hearings	8/8/91, 8/15/91	N/A	\$0.00	\$100.00	\$0.00	\$100.00	1
John Creed	Board Member	Board Hearings, Deliberate Cases	7/10-11/91 7/17/91, 7/24/91	N/A	\$0.00	\$200.00	\$0.00	\$200.00	1
John Gluchici	Board Member	Board Hearings, Sign D&O's	1/7/92, 1/23/92	N/A	\$0.00	\$100.00	\$0.00	\$100.00	
		Board Hearings, Sign D&O's	12/3/91, 12/10/91 12/17/91, 12/20/91	N/A	\$0.00	\$200.00	\$0.00	\$200.00	
		Board Hearings, Sign D&O's	11/5/91, 11/19/91 11/29/91	N/A	\$0.00	\$150.00	\$0.00	\$150.00	
		Board Hearings, Sign D&O's	10/22/91, 10/24/91	N/A	\$0.00	\$100.00	\$0.00	\$100.00	
						<b>\$0.00</b>	<b>\$550.00</b>	<b>\$0.00</b>	<b>\$550.00</b>
Steve Hagadorn	Board Member	Board Hearings	10/16/91, 10/31/91	N/A	\$0.00	\$100.00	\$0.00	\$100.00	
		Board Hearings, Discuss Cases, Board Meeting	12/19/91, 1/8/92 1/16/92, 1/23/92 1/30/92, 2/7/92	N/A	\$0.00	\$300.00	\$0.00	\$300.00	
		Board Hearings, Deliberate Cases	11/7/91, 11/13/91 11/21/91, 11/28/91 12/5/91, 12/11/91 12/13/91	N/A	\$0.00	\$350.00	\$0.00	\$350.00	
		Board Hearings, Training for Board	9/4-5/91	N/A	\$0.00	\$200.00	\$0.00	\$200.00	
		Board Hearings	9/17/91, 9/19/91 10/3/91	N/A	\$0.00	\$50.00	\$0.00	\$50.00	
						<b>\$0.00</b>	<b>\$1,000.00</b>	<b>\$0.00</b>	<b>\$1,000.00</b>
Jeff Jordan	Clerk	Computer Installation	7/29/91	Anchorage	\$36.00	\$0.00	\$452.50	\$488.50	
		Install PC's on LAN	9/30-10/2/91	Anchorage	\$226.00	\$0.00	\$487.00	\$713.00	
		Correct Computer Problems	12/4-8/91	Anchorage	\$226.00	\$0.00	\$436.00	\$662.00	
				<b>\$488.00</b>	<b>\$0.00</b>	<b>\$1,375.50</b>	<b>\$1,863.50</b>	<b>3</b>	
Daniel Kanouse	Admin. Officer II	Meet with staff, review procedures	8/7-8/91	Anchorage	\$151.00	\$0.00	\$436.00	\$587.00	
			1/7-14/92	Anchorage	\$802.08	\$0.00	\$146.00	\$948.08	
		Coordinate Office procedures	1/30-2/2/92	Anch. & Fbks.	\$288.00	\$0.00	\$298.25	\$586.25	
		Procedure Review	2/5-8/92	Anchorage	\$302.00	\$0.00	\$300.00	\$602.00	
				<b>\$1,543.08</b>	<b>\$0.00</b>	<b>\$1,180.25</b>	<b>\$2,723.33</b>	<b>4</b>	
Don Koenigs	Board Member	Board Hearings	9/25-27/91	Ketchikan	\$200.00	\$150.00	\$216.00	\$566.00	
		Board Hearings	12/4-6/91	Juneau	\$99.14	\$100.00	\$187.28	\$386.42	
		Board Hearings	1/15-17/92	Juneau	\$217.00	\$100.00	\$235.00	\$552.00	
				<b>\$516.14</b>	<b>\$350.00</b>	<b>\$638.28</b>	<b>\$1,504.42</b>	<b>3</b>	

FY 92 (7/1/91 - 3/31/92) WORKERS COMPENSATION DIVISION

<u>TRAVELER</u>	<u>TITLE</u>	<u>PURPOSE OF TRIP</u>	<u>DATE OF TRAVEL</u>	<u>DESTINATION</u>	<u>COST PER DIEM</u>	<u>COST STIPEND</u>	<u>COST TRANS</u>	<u>TOTAL COST</u>	<u>TOTAL TRIPS</u>	
Burt Lair	Hearing Officer	Board Hearings	9/26/91	Ketchikan	\$36.00	\$0.00	\$254.00	\$290.00	1	
Harriet Lawlor	Board Member	Board Hearings	8/14/91	N/A	\$0.00	\$50.00	\$0.00	\$50.00		
		Deliberate Cases	9/9/91	N/A	\$0.00	\$50.00	\$0.00	\$50.00		
		Board Hearings, Deliberate Cases	7/1/91, 7/3/91	N/A	\$0.00	\$200.00	\$0.00	\$200.00		
			7/10/91, 7/25/91							
					\$0.00	\$300.00	\$0.00	\$300.00	3	
Ginny Lyman	Clerk V	RFP Meeting, Program changes	12/9-11/91	Juneau	\$236.00	\$0.00	\$436.00	\$672.00		
		Coordinate office procedures	1/31/92	Fairbanks	\$36.00	\$0.00	\$198.00	\$234.00		
					\$272.00	\$0.00	\$634.00	\$906.00	2	
Mike McKenna	Board Member	Board Hearings, Board Cases, Board Meeting	12/18/91, 1/8/92 1/15/92, 1/24/92	N/A	\$0.00	\$300.00	\$0.00	\$300.00		
		Board Hearings, Deliberate Cases	1/29/92, 2/7/92 11/12-13/91, 11/20/91, 11/25/91	N/A	\$0.00	\$450.00	\$0.00	\$450.00		
			12/6/91, 12/10-13/91							
					\$0.00	\$750.00	\$0.00	\$750.00	2	
Robert Nestel	Board Member	Board Hearings, Deliberate Cases	10/10/91, 10/15/91 N/A 10/17/91, 10/23/91 10/30/91		\$0.00	\$250.00	\$0.00	\$250.00		
		Board Hearings, Discuss Cases Board Meetings	12/17/91, 1/9/92 1/13/92, 1/15/92 1/21/91, 1/29/92 2/4/92, 2/7/92	N/A	\$0.00	\$400.00	\$0.00	\$400.00		
		Board Hearings, Deliberate Cases	11/6/91, 11/12/91 11/14/91, 11/20/91 11/25/91, 12/4/91 12/10/91, 12/12/91	N/A	\$0.00	\$400.00	\$0.00	\$400.00		
		Board Hearings, Deliberate Cases, Training for Board	9/5/91, 9/11/91 9/17-18/91	N/A	\$0.00	\$200.00	\$0.00	\$200.00		
		Board Hearings, Deliberate Cases	9/26/91, 10/2/91	N/A	\$0.00	\$100.00	\$0.00	\$100.00		
		Board Hearings	8/21-23/91 8/28/91	N/A	\$0.00	\$200.00	\$0.00	\$200.00		
							\$0.00	\$1,550.00		\$0.00
David Richards	Board Member	Board Hearings	7/24-26/91	Anchorage	\$268.00	\$150.00	\$438.00	\$852.00		
		C&R Hearings, Sign D&O's & C&R's	7/3/91, 7/11/91	N/A	\$0.00	\$100.00	\$0.00	\$100.00		
		Board Hearings								
		Board Hearings, Sign D&O's & C&R's	9/5/91, 9/12/91 9/19/91, 9/26/91	N/A	\$0.00	\$200.00	\$0.00	\$200.00		
		Board Hearings	9/26/91	Ketchikan	\$100.00	\$50.00	\$254.00	\$404.00		
		Sign D&O's, C&R's & self insurance documents	12/6/91, 12/19/91	N/A	\$0.00	\$100.00	\$0.00	\$100.00		
		Board Hearings, Sign D&O's & C&R's	10/3/91, 10/9/91	N/A	\$0.00	\$250.00	\$0.00	\$250.00		

FY 92 (7/1/91 - 3/31/92) WORKERS COMPENSATION DIVISION

<u>TRAVELER</u>	<u>TITLE</u>	<u>PURPOSE OF TRIP</u>	<u>DATE OF TRAVEL</u>	<u>DESTINATION</u>	<u>COST PER DIEM</u>	<u>COST STIPEND</u>	<u>COST TRANS</u>	<u>TOTAL COST</u>	<u>TOTAL TRIPS</u>
			10/17/91, 10/22/91 10/31/91						
		Board Hearings, Sign C&R's & D&O's	8/1/91, 8/8/91 8/15/91, 8/22/91 8/29/91	N/A	\$0.00	\$250.00	\$0.00	\$250.00	
		Sign C&R's & D&O's	11/7/91, 11/14/91 11/21/91	N/A	\$0.00	\$150.00	\$0.00	\$150.00	
		Board Hearings, Sign C&R's & D&O's	1/6/92, 1/16-17/92 1/23/92, 1/29/92	N/A	\$0.00	\$250.00	\$0.00	\$250.00	
		Board Hearings, Sign C&R's & D&O's	2/6-7/92 2/12/92	N/A	\$0.00	\$150.00	\$0.00	\$150.00	
					<b>\$366.00</b>	<b>\$1,650.00</b>	<b>\$690.00</b>	<b>\$2,706.00</b>	<b>10</b>
Linda Rexwinkel	Director	Meet with staff, Board Hearing and Chair WC task force	8/7-9/91	Anchorage	\$266.00	\$0.00	\$466.00	\$732.00	
		Meet with Staff, Board Hearing, Task Force Meeting	8/21-23/91	Anchorage	\$266.00	\$0.00	\$436.00	\$702.00	
		Meet with staff, Adjudication Chief vacancy	7/12/91	Anchorage	\$36.00	\$0.00	\$461.00	\$497.00	
		Board Hearings, Adjudication Chief vacancy	7/24-26/91	Anchorage	\$266.00	\$0.00	\$446.25	\$712.25	
		Meet with staff, Orientation for new Board Members, Board Hearings, Task Force meeting	9/17-20/91	Anchorage	\$321.00	\$0.00	\$462.00	\$783.00	
		Meet with staff, Board Hearings	9/4-6/91	Anchorage	\$266.00	\$0.00	\$456.00	\$722.00	
		Meet with staff, Task Force meeting, Speaking engagement	10/14-17/91	Anch. & Fbks.	\$325.00	\$0.00	\$752.75	\$1,077.75	
		Meet with staff, Task Force meeting	10/1-4/91	Anchorage	\$330.00	\$0.00	\$481.50	\$811.50	
		Meet with Staff, Task Force meeting	10/30-11/6/91	Anchorage	\$701.00	\$0.00	\$436.00	\$1,137.00	
		Meet with Staff	11/24-26/91	Anchorage	\$230.00	\$0.00	\$0.00	\$230.00	
		Meet with staff	12/10-13/91	Anchorage	\$321.00	\$0.00	\$481.00	\$802.00	
		Office Review, Rehab. Resource Review	1/7-14/92	Anchorage	\$785.08	\$0.00	\$340.05	\$1,125.13	
		Meet with staff, Board Meeting	2/5-9/92	Anchorage	\$454.76	\$0.00	\$110.15	\$564.91	
		Attend Annual WC Issues Forum	2/22-26/92	Newport Beach	\$556.39	\$0.00	\$563.60	\$1,119.99	
					<b>\$5,124.23</b>	<b>\$0.00</b>	<b>\$5,892.30</b>	<b>\$11,016.53</b>	<b>14</b>
Darrell Smith	Board Member	Board Hearings, Discuss Cases	1/10/92, 1/22/92 2/20/92	N/A	\$0.00	\$150.00	\$0.00	\$150.00	
		Board Hearings, Deliberate Cases	10/10/91 10/16-17/91 10/23/91, 10/30/91 11/1/91	N/A	\$0.00	\$300.00	\$0.00	\$300.00	
		Board Hearings, Deliberate Cases	11/8/91, 11/14/91 11/19/91, 11/25/91 12/6/91, 12/12/91	N/A	\$0.00	\$300.00	\$0.00	\$300.00	
		Board Hearings	8/7-8/91, 8/21/91	N/A	\$0.00	\$150.00	\$0.00	\$150.00	
		Board Hearings, Deliberate Cases	9/27/91, 10/3/91	N/A	\$0.00	\$100.00	\$0.00	\$100.00	
		Board Hearings, Deliberate Cases,	9/11/91, 9/17/91	N/A	\$0.00	\$250.00	\$0.00	\$250.00	

FY 92 (7/1/91 - 3/31/92) WORKERS COMPENSATION DIVISION

<u>TRAVELER</u>	<u>TITLE</u>	<u>PURPOSE OF TRIP</u>	<u>DATE OF TRAVEL</u>	<u>DESTINATION</u>	<u>COST PER DIEM</u>	<u>COST STIPEND</u>	<u>COST TRANS</u>	<u>TOTAL COST</u>	<u>TOTAL TRIPS</u>
		Training for Board	9/18-20/91		\$0.00	\$1,250.00	\$0.00	\$1,250.00	6
Marc Stamp	Board Member	Board Hearings	9/5-7/91	Anchorage	\$238.00	\$150.00	\$96.50	\$484.50	
		Board Hearings, Deliberate Cases	9/27/91, 10/4/91	Anchorage	\$202.00	\$100.00	\$96.50	\$398.50	
		Board Hearings	10/17/91, 11/1/91	Anchorage	\$332.00	\$100.00	\$115.80	\$547.80	
		Board Hearings, Deliberate Cases	11/8/91, 11/15/91	N/A	\$0.00	\$200.00	\$0.00	\$200.00	
			11/22/91, 11/27/91						
		Board Meeting, Discuss Cases, Board Hearings	12/18/91, 1/10/91	Anchorage	\$516.00	\$300.00	\$694.80	\$1,510.80	
			1/13/91, 1/24/91						
			1/31/91, 2/7/91						
					\$1,288.00	\$850.00	\$1,003.60	\$3,141.60	5
Steve Thompson	Board Member	Board Hearings, Sign D&O's	1/7/92, 1/10/92	N/A	\$0.00	\$150.00	\$0.00	\$150.00	
			1/23/92						
		Board Hearings, Sign D&O's	12/3/91, 12/10/91	N/A	\$0.00	\$200.00	\$0.00	\$200.00	
			12/17/91, 12/20/91						
		Board Hearings, Sign D&O's	11/5/91, 11/19/91	N/A	\$0.00	\$150.00	\$0.00	\$150.00	
			11/29/91						
		Board Hearings, Sign D&O's	10/4/92, 10/8/92	N/A	\$0.00	\$200.00	\$0.00	\$200.00	
			10/22/92, 10/24/92						
		Board Hearings, Sign D&O's	9/10/91, 9/24/91	N/A	\$0.00	\$150.00	\$0.00	\$150.00	
			9/28/91						
		Board Hearings, Sign D&O's	8/13/91, 8/27/91	N/A	\$0.00	\$150.00	\$0.00	\$150.00	
			8/29/91						
		Board Hearing	7/30/91	N/A	\$0.00	\$50.00	\$0.00	\$50.00	
					\$0.00	\$1,050.00	\$0.00	\$1,050.00	7
William Walters	Hearing Officer		7/11-12/91	Anchorage	\$151.00	\$0.00	\$319.00	\$470.00	1
Jeff Wertz	Board Member	Board Hearings, Discuss Cases	12/17/91, 1/9/91	N/A	\$0.00	\$300.00	\$0.00	\$300.00	
		Board Meeting	1/15/92						
			1/30-31/92						
			2/7/92						
		Board Hearings	10/15/91, 10/31/91	N/A	\$0.00	\$150.00	\$0.00	\$150.00	
			11/1/91						
		Board Hearings, Deliberate Cases	11/15/91, 11/17/91	N/A	\$0.00	\$300.00	\$0.00	\$300.00	
			11/19/91, 11/27/91						
			12/6/91, 12/11/91						
		Board Hearings	10/4/91	N/A	\$0.00	\$50.00	\$0.00	\$50.00	
					\$0.00	\$800.00	\$0.00	\$800.00	4
Rich Whitbeck	Board Member	Board Hearings, Deliberate Hearings	8/8/91, 8/14/91	N/A	\$0.00	\$150.00	\$0.00	\$150.00	
			8/30/91						
		Deliberate Cases	9/9/91	N/A	\$0.00	\$50.00	\$0.00	\$50.00	
		Board Hearings	7/11/91	N/A	\$0.00	\$150.00	\$0.00	\$150.00	
			7/16-17/91						
					\$0.00	\$350.00	\$0.00	\$350.00	3

FY 92 (7/1/91 - 3/31/92) WORKERS COMPENSATION DIVISION

<u>TRAVELER</u>	<u>TITLE</u>	<u>PURPOSE OF TRIP</u>	<u>DATE OF TRAVEL</u>	<u>DESTINATION</u>	<u>COST PER DIEM</u>	<u>COST STIPEND</u>	<u>COST TRANS</u>	<u>TOTAL COST</u>	<u>TOTAL TRIPS</u>
Sandy Wilmot	Analyst Programmer		9/4/91	Anchorage	\$36.00	\$0.00	\$436.00	\$472.00	
			1/7-10/92	Anchorage	\$364.32	\$0.00	\$436.00	\$800.32	
					<u>\$400.32</u>	<u>\$0.00</u>	<u>\$872.00</u>	<u>\$1,272.32</u>	<u>2</u>
			<b>7/1/91-3/31/92 TOTAL</b>		<b>\$10,328.77</b>	<b>\$10,750.00</b>	<b>\$14,100.93</b>	<b>\$35,179.70</b>	<b>91</b>

NOTE: N/A = WORKERS' COMPENSATION BOARD MEMBERS WORKING IN THEIR HOME CITY.

FY 91 (7/1/90 - 6/30/91) WORKERS COMPENSATION DIVISION

<u>TRAVELER</u>	<u>TITLE</u>	<u>PURPOSE OF TRIP</u>	<u>DATE OF TRAVEL</u>	<u>DESTINATION</u>	<u>COST PER DIEM</u>	<u>COST STIPEND</u>	<u>COST TRANS</u>	<u>TOTAL COST</u>	<u>TOTAL TRIPS</u>
Richard Austerman	Second Inj. Fund Admin.	Audit claim Files	7/23-26/90	Anchorage	\$381.00	\$0.00	\$390.00	\$771.00	1
					<u>\$381.00</u>	<u>\$0.00</u>	<u>\$390.00</u>	<u>\$771.00</u>	<u>1</u>
Fred Brown	Hearing Officer	Attend Hearing	11/14/90	Anchorage	\$36.00	\$0.00	\$294.00	\$330.00	
		Attend Hearing	2/7/91	Anchorage	\$36.00	\$0.00	\$318.00	\$352.00	
		Attend Hearing	5/15/91	Anchorage	\$17.00	\$0.00	\$306.00	\$323.00	
		Attend Hearing	5/17/91	Anchorage	\$17.00	\$0.00	\$300.00	\$317.00	
					<u>\$108.00</u>	<u>\$0.00</u>	<u>\$1,216.00</u>	<u>\$1,322.00</u>	<u>4</u>
Tom Chandler	Board Member	Board Hearings	8/15-16/90	Juneau	\$320.00	\$0.00	\$230.15	\$550.15	
		Board Hearings	9/12-13/90	Juneau	\$320.00	\$0.00	\$239.40	\$559.40	
		Board Hearings	10/10-11/90	Juneau	\$320.00	\$0.00	\$311.00	\$631.00	
		Board Hearings	11/7-8/90	Juneau	\$300.00	\$0.00	\$305.00	\$605.00	
		Board Hearings	12/5-6/90	Juneau	\$300.00	\$0.00	\$285.61	\$585.61	
		Board Hearings	1/17/91	N/A	\$150.00	\$0.00	\$0.00	\$150.00	
		Board Hearings	6/5/91	Juneau	\$258.00	\$150.00	\$244.00	\$650.00	
					<u>\$1,988.00</u>	<u>\$150.00</u>	<u>\$1,615.16</u>	<u>\$3,731.16</u>	<u>5</u>
John Creed	Board Member	Discuss Cases	12/10/90	N/A	\$145.00	\$0.00	\$0.00	\$145.00	
		Attend Board Hearing & discuss cases	11/7, 13-16/90	N/A	\$870.00	\$0.00	\$0.00	\$870.00	
			11/20/90						
		Attend Board Hearings	8/16-17/90	Juneau	\$320.00	\$0.00	\$390.00	\$710.00	
		Attend Board Hearings & discuss cases	8/8-31/90	N/A	\$1,650.00	\$0.00	\$0.00	\$1,650.00	
		Attend Board Hearings & discuss cases	7/11-13/90	N/A	\$660.00	\$0.00	\$0.00	\$660.00	
			7/31/90						
		Deliberate Cases	6/7/91, 6/13/91	N/A	\$16.00	\$200.00	\$0.00	\$216.00	
			6/20/91, 6/27/91						
		Board Hearings, Deliberate Cases	5/2/91, 5/9/91	N/A	\$0.00	\$300.00	\$0.00	\$300.00	
			5/14/91, 5/21/91						
			5/30-31/91						
		Board Hearings, Discuss Cases	4/3-5/91,	N/A	\$760.00	\$400.00	\$0.00	\$1,160.00	
			4/11/91,	Juneau	\$100.00	\$50.00	\$0.00	\$150.00	
			4/17-19/91	N/A					
			4/23/91, 4/30/91	N/A					
		Discuss Cases	2/26/91	N/A	\$95.00	\$50.00	\$0.00	\$145.00	
		Board Hearings, Discuss Cases	1/9-11/91	N/A	\$1,160.00	\$0.00	\$0.00	\$1,160.00	
			1/16/91, 1/18/91						
			1/23-25/91						
					<u>\$5,778.00</u>	<u>\$1,000.00</u>	<u>\$390.00</u>	<u>\$7,166.00</u>	<u>11</u>
Jan Hansen	Chief of Adjudications	Research at Legislative Reference Library; meet with director and administrative officer to deal with various programs.	10/25-28/90	Juneau	\$136.00	\$0.00	\$217.00	\$353.00	
		Meet with the director on administrative, legislative, and budgetary matters.	8/20-21/90	Juneau	\$146.00	\$0.00	\$402.00	\$548.00	
					<u>\$282.00</u>	<u>\$0.00</u>	<u>\$619.00</u>	<u>\$901.00</u>	<u>2</u>
Betty Johnson	WC Officer	Fill temporary vacancy in Anchorage Office	11/2-9/90	Anchorage	\$511.00	\$0.00	\$193.00	\$704.00	

FY 91 (7/1/90 - 6/30/91) WORKERS COMPENSATION DIVISION

<u>TRAVELER</u>	<u>TITLE</u>	<u>PURPOSE OF TRIP</u>	<u>DATE OF TRAVEL</u>	<u>DESTINATION</u>	<u>COST PER DIEM</u> \$511.00	<u>COST STIPEND</u> \$0.00	<u>COST TRANS</u> \$193.00	<u>TOTAL COST</u> \$704.00	<u>TOTAL TRIPS</u> 1
Sharl Kochman	Director	Staff meeting with Insurers, ad hoc members, etc.	7/23-27/90	Anchorage	\$496.00	\$0.00	\$410.00	\$906.00	
		Attend IAIABC convention	9/9-12/90	New York	\$751.56	\$0.00	\$687.78	\$1,439.34	
		Discuss budget, legislation, legal issues with Jan Hansen	10/9/90	Anchorage	\$36.00	\$0.00	\$428.00	\$464.00	
					<b>\$1,283.56</b>	<b>\$0.00</b>	<b>\$1,525.78</b>	<b>\$2,809.34</b>	<b>3</b>
Harriet Lawlor	Board Member	Discuss cases	12/28/90	N/A	\$145.00	\$0.00	\$0.00	\$145.00	
		Attend Board hearings & discuss cases	11/1-2/90	N/A	\$435.00	\$0.00	\$0.00	\$435.00	
			11/19/90						
		Attend Board hearings & discuss cases	10/3-31/90	N/A	\$1,595.00	\$0.00	\$0.00	\$1,595.00	
		Discuss Cases	8/27/90	N/A	\$165.00	\$0.00	\$0.00	\$165.00	
		Attend Board hearings & discuss cases	9/19-21/90	N/A	\$580.00	\$0.00	\$0.00	\$580.00	
			9/28/90						
		Attend board Hearings	9/25/90	Fairbanks	\$135.00	\$0.00	\$266.00	\$401.00	
		Attend Board hearings & discuss cases	7/18-31/90	N/A	\$1,120.00	\$0.00	\$0.00	\$1,120.00	
		Board Hearings, Deliberate Cases	5/2/91, 5/7/91, 5/15-17/91, 5/21/91, 5/29-30/91	N/A	\$0.00	\$400.00	\$0.00	\$400.00	
		Board Hearings, Deliberate Cases	6/5/91, 8/12-13/91, 6/19/91, 6/27/91	N/A	\$0.00	\$250.00	\$0.00	\$250.00	
		Board Hearings, Discuss Cases, Board Meeting	3/5-8/91, 3/13/91, 3/19-22/91, 4/18-19/91	N/A	\$1,045.00	\$550.00	\$0.00	\$1,595.00	
							<b>\$5,220.00</b>	<b>\$1,200.00</b>	<b>\$266.00</b>
Ginny Lyman	Clerk V	Discuss procedures with the administrative officer and to learn the procedures of the Juneau office	10/29-30/90	Juneau	\$136.00	\$0.00	\$448.00	\$584.00	
					<b>\$136.00</b>	<b>\$0.00</b>	<b>\$448.00</b>	<b>\$584.00</b>	<b>1</b>
Rebecca Ostrom	Hearing Officer	Attend IAIABC Convention	9/9-12/90	New York	\$881.90	\$0.00	\$708.50	\$1,590.40	
					<b>\$881.90</b>	<b>\$0.00</b>	<b>\$708.50</b>	<b>\$1,590.40</b>	<b>1</b>
Joanne Rednall	Board Member	Attend Board hearings & discuss cases	7/11/90	N/A	\$420.00	\$0.00	\$0.00	\$420.00	
		Discuss Cases	7/13/90						
			7/20/90						
		Attend Board hearings & discuss cases	12/5/90	N/A	\$580.00	\$0.00	\$0.00	\$580.00	
		Discuss Cases	12/11/90						
			12/13/90						
Attend Board hearings & discuss cases	11/1-2/90	N/A	\$1,160.00	\$0.00	\$0.00	\$1,160.00			
Discuss Cases	11/7-8/90								

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<u>TRAVELER</u>	<u>TITLE</u>	<u>PURPOSE OF TRIP</u>	<u>DATE OF TRAVEL</u>	<u>DESTINATION</u>	<u>COST PER DIEM</u>	<u>COST STIPEND</u>	<u>COST TRANS</u>	<u>TOTAL COST</u>	<u>TOTAL TRIPS</u>
			11/14-16/90						
		Attend Board hearings & discuss cases	11/20/90						
		Discuss Cases	10/17/90	N/A	\$435.00	\$0.00	\$0.00	\$435.00	
			10/19/90						
		Board Hearings, Discuss Cases	10/22/90	N/A					
			9/7/90						
			9/20/90						
		Attend Board Hearings	9/28/90	N/A	\$455.00	\$0.00	\$0.00	\$455.00	
			8/10/90						
			8/24/90	N/A	\$330.00	\$0.00	\$0.00	\$330.00	
		Attend IAIABC Judicial College	4/6-12/91	Tucson, AZ	\$700.00	\$0.00	\$1,050.53	\$1,750.53	
		Board Hearings, Discuss Cases	1/11/91, 1/16/91	N/A	\$580.00	\$0.00	\$0.00	\$580.00	
			1/25/91, 1/29/91						
		Board Hearings, Discuss Cases	2/13/91,	N/A	\$380.00	\$200.00	\$0.00	\$580.00	
			2/21-22/91						
			2/25/91						
		Board Hearings, Discuss Cases, Board Meeting	3/6/91	N/A	\$665.00	\$350.00	\$0.00	\$1,015.00	
			3/13-22/91						
			4/4/91, 4/19/91						
			4/25/91						
		Deliberate on cases	6/5/91, 6/12/91	N/A	\$0.00	\$100.00	\$0.00	\$100.00	
		Board Hearings, Deliberate Cases	5/3/91, 5/9/91	N/A	\$0.00	\$200.00	\$0.00	\$200.00	
			5/15/91, 5/29/91						
					<b>\$5,705.00</b>	<b>\$850.00</b>	<b>\$1,050.53</b>	<b>\$7,605.53</b>	<b>12</b>
Linda Rexwinkel	Director	Move from Anchorage to Juneau	2/25/91	Juneau	\$0.00	\$0.00	\$436.00	\$436.00	
		Meet with Commissioner	2/6/91	Juneau	\$200.00	\$0.00	\$20.00	\$220.00	
		Board Hearing, Meet with staff	4/15-22/91	Anchorage	\$264.00	\$0.00	\$218.00	\$482.00	
		Attend IAIABC College	4/6-14/91	Tucson, AZ	\$836.00	\$0.00	\$671.00	\$1,507.00	
		Meet with staff, Board Hearings	3/18-22/91	Anchorage	\$264.00	\$0.00	\$436.00	\$700.00	
		Board Hearings	5/29-6/1/91	Anchorage	\$345.00	\$0.00	\$436.00	\$781.00	
		Staff Meeting	6/10/91	Anchorage	\$36.00	\$0.00	\$470.00	\$506.00	
		Board Hearings, Meet with staff	6/24-29/91	Anch. & Fbks.	\$560.00	\$0.00	\$757.00	\$1,325.00	
		Move from Anchorage to Juneau	4/25/91	Juneau	\$3,540.00	\$0.00	\$364.50	\$3,904.50	
					<b>\$6,053.00</b>	<b>\$0.00</b>	<b>\$3,808.50</b>	<b>\$9,861.50</b>	<b>9</b>
David Richards	Board Member	Attend Hearings	12/11-14/90	Juneau	\$580.00	\$0.00	\$428.00	\$1,008.00	
		Attend Board hearings & sign C&R and D&O	12/3/90	N/A	\$750.00	\$0.00	\$0.00	\$750.00	
			12/21/90						
			12/26/90						
			12/31/90						
		Attend Board hearings & sign C&R and D&O	11/2/90	N/A	\$600.00	\$0.00	\$0.00	\$600.00	
			11/6/90						
			11/14/90						
			11/20/90						
			11/30/90						
		Attend Board hearings & sign C&R and D&O	10/4/90	N/A	\$900.00	\$0.00	\$0.00	\$900.00	
			10/10-11/90						

FY 91 (7/1/90 – 6/30/91) WORKERS COMPENSATION DIVISION

<u>TRAVELER</u>	<u>TITLE</u>	<u>PURPOSE OF TRIP</u>	<u>DATE OF TRAVEL</u>	<u>DESTINATION</u>	<u>COST PER DIEM</u>	<u>COST STIPEND</u>	<u>COST TRANS</u>	<u>TOTAL COST</u>	<u>TOTAL TRIPS</u>
			10/16/90 10/19/90 10/26/90						
		Attend Board hearings & sign C&R and D&O	9/7/90 9/10-11/90 9/13/90 9/18/90 9/25/90	N/A	\$940.00	\$0.00	\$0.00	\$940.00	
		Attend Board hearings & sign C&R and D&O	8/1/90 8/7/90 8/9/90 8/13/90 8/22/90 8/24/90 8/27/90 8/30/90	N/A	\$1,280.00	\$0.00	\$0.00	\$1,280.00	
		Attend Board hearings & sign C&R and D&O	7/6/90 7/10/90 7/17/90 7/19/90 7/25/90 7/30/90 7/31/90	N/A	\$1,120.00	\$0.00	\$0.00	\$1,120.00	
		Sign C&R's, D&O's, Discuss Cases, Board Hearings	6/8/91, 6/20/91 6/28/91	N/A	\$0.00	\$150.00	\$0.00	\$150.00	
		Sign C&R's, C&R Hearings	5/2/91, 5/21/91 5/30/91	N/A	\$0.00	\$150.00	\$0.00	\$150.00	
		Board Hearings, Sign C&R's & D & O's	4/4/91, 4/10/91 4/17-18/91 4/25/91	N/A	\$500.00	\$250.00	\$0.00	\$750.00	
		Board Hearings, Sign D&O's & C&R's	3/5/91, 3/13-14/91 3/20/91, 3/22/91	N/A	\$500.00	\$250.00	\$0.00	\$750.00	
		Board Hearings, Sign D&O's & C&R's	2/1/91, 2/4/91 2/11/91, 2/14/91 2/25/91, 2/28/91	N/A	\$1,050.00	\$0.00	\$0.00	\$1,050.00	
		Board Hearing, Sign D&O's & C&R's	1/4/91, 1/8/91 1/15/91, 1/17/91 1/23/91	N/A	\$800.00	\$0.00	\$0.00	\$800.00	
					<b>\$9,020.00</b>	<b>\$800.00</b>	<b>\$428.00</b>	<b>\$10,248.00</b>	<b>13</b>
Donald Scott	Board Member	Attend Board Hearings & Discuss cases	12/12/90 12/20/90	N/A	\$290.00	\$0.00	\$0.00	\$290.00	
		Attend Board Hearings & Discuss cases	11/13/90 11/16/90 11/19/90	N/A	\$435.00	\$0.00	\$0.00	\$435.00	
		Attend Board Hearings & Discuss cases	10/4-5/90 10/16/90	N/A	\$725.00	\$0.00	\$0.00	\$725.00	

FY 91 (7/1/90 - 6/30/91) WORKERS COMPENSATION DIVISION

<u>TRAVELER</u>	<u>TITLE</u>	<u>PURPOSE OF TRIP</u>	<u>DATE OF TRAVEL</u>	<u>DESTINATION</u>	<u>COST PER DIEM</u>	<u>COST STIPEND</u>	<u>COST TRANS</u>	<u>TOTAL COST</u>	<u>TOTAL TRIPS</u>
			10/24/90						
			10/31/90						
		Attend Board hearings	8/9/90	N/A	\$330.00	\$0.00	\$0.00	\$330.00	
			8/22/90						
		Attend Board Hearings & Discuss cases	7/11/90	N/A	\$1,155.00	\$0.00	\$0.00	\$1,155.00	
			7/25-27/90						
			7/30/90						
			7/31/90						
		Attend Board Hearings & Discuss cases	9/5/90	N/A	\$455.00	\$0.00	\$0.00	\$455.00	
			9/19/90						
			9/28/90						
		Board Hearings, Deliberate Cases	5/1/91, 5/8/91	N/A	\$0.00	\$250.00	\$0.00	\$250.00	
			5/14/91, 5/17/91						
			5/20/91						
		Deliberate Cases	6/8/91, 6/12/91	N/A	\$0.00	\$100.00	\$0.00	\$100.00	
		Board Hearings, Discuss Cases	3/8/91, 4/3/91	N/A	\$285.00	\$150.00	\$0.00	\$435.00	
			4/25/91						
		Board Hearings, Discuss Cases	1/10/91, 1/24/91	N/A	\$435.00	\$0.00	\$0.00	\$435.00	
			1/28/91						
					<b>\$4,110.00</b>	<b>\$500.00</b>	<b>\$0.00</b>	<b>\$4,610.00</b>	<b>10</b>
Joe Thomas	Board Member	Attend Hearings	12/4/90	N/A	\$270.00	\$0.00	\$0.00	\$270.00	
			12/18/90						
		Attend Hearings	11/6/90	N/A	\$135.00	\$0.00	\$0.00	\$135.00	
		Attend Hearings & sign D&O	10/9/90	N/A	\$405.00	\$0.00	\$0.00	\$405.00	
			10/23/90						
			8/6/90						
			8/30/90						
			9/19/90						
			9/21/90						
		Attend Hearings	8/14/90	N/A	\$300.00	\$0.00	\$0.00	\$300.00	
			8/28/90						
		Attend Hearings & sign D&O	7/17-18/90	N/A	\$600.00	\$0.00	\$0.00	\$600.00	
			7/31/90						
			5/23/90						
			6/13/90						
		Board Hearings, Sign D&O's, Review Briefs	5/10/91, 5/13/91	N/A	\$0.00	\$250.00	\$0.00	\$250.00	
			5/20-21/91						
			5/24/91						
		Board Hearings, Sign D&O's, Review Briefs	4/8-9/91	N/A	\$340.00	\$200.00	\$0.00	\$540.00	
			4/12/91, 4/18/91						
		Board Hearings	3/12/91, 3/26/91	N/A	\$170.00	\$100.00	\$0.00	\$270.00	
		Board Hearings, Sign D&O's	1/15/91, 1/29/91	N/A	\$105.00	\$0.00	\$0.00	\$405.00	
			1/31/91						
					<b>\$2,625.00</b>	<b>\$550.00</b>	<b>\$0.00</b>	<b>\$3,175.00</b>	<b>9</b>
Steve Thompson	Board Member	Attend hearing	12/18/90	N/A	\$135.00	\$0.00	\$0.00	\$135.00	
		Attend hearing	11/8/90	N/A	\$270.00	\$0.00	\$0.00	\$270.00	

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<u>TRAVELER</u>	<u>TITLE</u>	<u>PURPOSE OF TRIP</u>	<u>DATE OF TRAVEL</u>	<u>DESTINATION</u>	<u>COST PER DIEM</u>	<u>COST STIPEND</u>	<u>COST TRANS</u>	<u>TOTAL COST</u>	<u>TOTAL TRIPS</u>
		Attend Hearings & sign D&O	11/20/90 10/9/90 10/23/90 8/3/90	N/A	\$405.00	\$0.00	\$0.00	\$405.00	
		Attend hearing	9/14/90 9/11/90	N/A	\$285.00	\$0.00	\$0.00	\$285.00	
		Attend hearing	9/25/90 8/14/90	N/A	\$150.00	\$0.00	\$0.00	\$150.00	
		Attend Hearings & sign D&O	8/28/90 7/17-18/90 7/31/90 5/11/90 5/23/90 6/13/90	N/A	\$700.00	\$0.00	\$0.00	\$700.00	
		Board Hearings, Sign D&O's, Review briefs	5/13/91, 5/20/91 6/3-4/91 6/18/91	N/A	\$0.00	\$300.00	\$0.00	\$300.00	
		Board Hearings	3/12/91, 3/26/91	N/A	\$170.00	\$100.00	\$0.00	\$270.00	
		Board Hearings, Sign D&O's, Review briefs	3/27/91 4/8-9/91 4/12/91, 4/19/91 4/23/91	N/A	\$510.00	\$300.00	\$0.00	\$810.00	
		Board Hearings	2/12-13/91 2/26/91	N/A	\$255.00	\$150.00	\$0.00	\$405.00	
		Board Hearings, Sign D&O's	1/15/91, 1/29/91	N/A	\$405.00	\$0.00	\$0.00	\$405.00	
			1/31/91						
					<b>\$3,285.00</b>	<b>\$850.00</b>	<b>\$0.00</b>	<b>\$4,135.00</b>	<b>11</b>
Arnie Tisch	WC Officer	Investigation trip to inspect employers for compliance with statutes	8/6-10/90	Anchorage	\$447.00	\$0.00	\$452.92	\$899.92	
		Investigation trip to inspect employers for compliance with statutes	9/10-14/90	Kodiak	\$532.00	\$0.00	\$767.38	\$1,299.38	
		Investigation trip to inspect employers for compliance with statutes	10/29-11/2/90	Anchorage	\$388.00	\$0.00	\$426.00	\$814.00	
		Hearings involving uninsured employers	3/18-22/91	Anchorage	\$397.00	\$0.00	\$569.34	\$966.34	
		Investigate employers for compliance			<b>\$1,764.00</b>	<b>\$0.00</b>	<b>\$2,215.64</b>	<b>\$3,979.64</b>	<b>4</b>
Deborah Torgerson	RBA Designee	Rehabilitation Hearings	10/11/90	Fairbanks	\$15.00	\$0.00	\$262.50	\$277.50	
		Rehabilitation Hearings	4/25/91	Fairbanks	\$15.00	\$0.00	\$310.50	\$325.50	
					<b>\$30.00</b>	<b>\$0.00</b>	<b>\$573.00</b>	<b>\$603.00</b>	<b>2</b>
William Walters	Hearing Officer	Attend Hearing	7/25/90	Fairbanks	\$36.00	\$0.00	\$274.00	\$310.00	
		Attend Hearing	9/20/90	N/A	\$36.00	\$0.00	\$290.00	\$326.00	
		Conference with Commissioner	1/3-4/91 1/7-11/91	Juneau	\$136.00 \$436.00	\$0.00	\$580.00 \$667.00	\$716.00 \$1,103.00	
		Consult with Commissioner	2/5-7/91	Juneau	\$231.00	\$0.00	\$619.50	\$850.50	
		Legislative Budget Hearings	1/21-23/91 3/4-7/91	Juneau	\$236.00 \$336.00	\$0.00	\$583.00 \$587.00	\$819.00 \$923.00	



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Richard Austerman	Second Injury Fund Administor	Meeting with Attorney General, Hearing and Meeting SIF Computer system	3/7-9/90	Anchorage	\$220.00	\$408.50	\$628.50	1
					<hr/>	<hr/>	<hr/>	<hr/>
Fred Brown	Hearing Officer	Annual Board Meeting	8/1-2/89	Anchorage	\$140.00	\$242.00	\$382.00	
		Board Meeting	11/28/89	Anchorage	\$31.00	\$243.00	\$274.00	
		Hearings	4/20/90	Anchorage	\$31.00	\$259.00	\$290.00	
					<hr/>	<hr/>	<hr/>	<hr/>
					\$202.00	\$744.00	\$946.00	3
Tom Chandler	Board Member	Telephone Hearings	7/20 & 25/89	N/A	\$260.00	\$0.00	\$260.00	
		Annual Board Meeting	8/1-2/89	Anchorage	\$520.00	\$511.00	\$1,031.00	
		Telephone Hearing	8/17/89	N/A	\$130.00	\$0.00	\$130.00	
		Board Hearings	10/11-12/89	Juneau	\$260.00	\$234.00	\$494.00	
		Board Hearings	10/24/89	N/A	\$130.00	\$0.00	\$130.00	
		Board Hearings	12/6-8/89	Juneau	\$390.00	\$224.00	\$614.00	
		Board Meeting	4/11-13/90	Anchorage	\$390.00	\$450.38	\$840.38	
		Board Hearings	4/15-16/90	Juneau	\$390.00	\$209.40	\$599.40	
		Telephone Hearings	6/11 & 22/90	N/A	\$290.00	\$0.00	\$290.00	
					<hr/>	<hr/>	<hr/>	<hr/>
					\$2,760.00	\$1,628.78	\$4,388.78	9
John Creed	Board Member	Board Hearings & Discuss Cases	7/28-29, 31/89	N/A	\$390.00	\$0.00	\$390.00	
		Board Hearings & Discuss Cases	10/3-6, 16, 19-20, 23/89	N/A	\$1,040.00	\$0.00	\$1,040.00	
		Board Hearings, Annual Board Meeting, Discuss Cases	8/1-2, 14, 16, 24/89	N/A	\$650.00	\$0.00	\$650.00	
		Board Hearings, Board Meeting, Discuss Cases	9/7-8, 25, 27/89	N/A	\$520.00	\$0.00	\$520.00	
		Board Hearing & Board Meeting	11/16 & 28/89	N/A	\$260.00	\$0.00	\$260.00	
		Board Hearings, Discuss Cases	12/12-15, 18, 20, 22/89	N/A	\$910.00	\$0.00	\$910.00	
		Board Hearings, Discuss Cases	2/7-9, 16, 21-23/90	N/A	\$910.00	\$0.00	\$910.00	
		Board Meeting	4/12/90	N/A	\$130.00	\$0.00	\$130.00	
		Board Hearings	6/5/90	Fairbanks	\$140.00	\$252.00	\$392.00	
		Board Hearings	5/9/90	N/A	\$130.00	\$0.00	\$130.00	
		Board Hearings, Discuss Cases	6/12, 27-28/90	N/A	\$460.00	\$0.00	\$460.00	
					<hr/>	<hr/>	<hr/>	<hr/>
					\$5,540.00	\$252.00	\$5,792.00	11
Janice Hansen	Chief of Adjudications	Computer Seminar	4/28-5/4/90	Boston Mass.	\$766.50	\$587.15	\$1,353.65	
		Meet with Staff about Board Regs.	8/3-8/5/89	Fairbanks	\$195.00	\$0.00	\$195.00	
		Train Staff on computer changes	8/6-7/89	Juneau	\$121.00	\$375.00	\$496.00	
		Meet with Eagle Pacific & Longshore & Harborworkers on jurisdiction issue	7/26-28/89	Seattle	\$247.65	\$775.74	\$1,023.39	
		Meet with Commissioner	2/21/90	Juneau	\$9.00	\$390.00	\$399.00	
					<hr/>	<hr/>	<hr/>	<hr/>
					\$1,339.15	\$2,127.89	\$3,467.04	5

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Michael Hoskins	Analyst Programmer IV	Interview for position in Anchorage	4/20/90	Anchorage	\$31.00	\$0.00	\$31.00	1
Betty Johnson	WC Officer II	Speak at IBEW meeting	2/9/90	Ketchikan	\$31.00	\$205.00	\$236.00	1
Shari Kochman	Director	Board Meeting re: regulations	4/12/90	Anchorage	\$25.00	\$390.00	\$415.00	
		Annual WC College	4/1-8/90	Tucson AZ	\$548.90	\$1,207.59	\$1,754.49	
		Meet with Staff	3/20-3/21/90	Anch. & Fbks.	\$111.00	\$498.40	\$609.40	
					\$682.90	\$2,095.99	\$2,778.89	
Norman Larson	WC Officer	Speaking Engagement	7/26-7/27/89	Kenai	\$160.00	\$97.80	\$257.80	1
Harriet Lawlor	Board Member	Board Hearings, Board Meetings and Discuss Cases	4/4-8, 11-12, 17-20, 25, 5/10 6/12/90		\$1,560.00	\$0.00	\$1,560.00	1
Lawson Lair	WC Officer	Annual Board Meeting	8/1-2/89	Anchorage	\$140.00	\$415.00	\$555.00	
		Chair Hearings	10/23-24/89	Ketchikan	\$140.75	\$204.00	\$344.75	
		Board Hearing & Board Meeting	11/25-28/89	Anchorage	\$240.00	\$430.50	\$670.50	
		Board Meeting	4/12-13/90	Anchorage	\$87.00	\$419.00	\$506.00	
					\$607.75	\$1,468.50	\$2,076.25	
Jacquelyn McClintock	Director	Annual Board Meeting, Meet with Staff	8/1-4/89	Anch. & Fbks.	\$451.00	\$403.00	\$854.00	
		Meet with Eagle Pacific & Longshore & Harborworkers on jurisdiction issue	7/28-28/89	Seattle	\$191.00	\$647.01	\$838.01	
		Meet with Staff, Board Meeting and Testify on HB75 - Senate Jud. Comm.	11/27-30/89	Anchorage	\$255.00	\$422.00	\$677.00	
					\$897.00	\$1,472.01	\$2,369.01	
Rebecca Ostrom	WC Officer II	Meet with Staff- Board Regs.	8/3-5/89	Fairbanks	\$247.50	\$0.00	\$247.50	
		Meet with Commissioner	2/7/90	Juneau	\$0.00	\$394.50	\$394.50	
		Meet with Commissioner	2/21/90	Juneau	\$0.00	\$394.50	\$394.50	
		Testify on SB 508	3/7/90	Juneau	\$25.00	\$400.50	\$425.50	
		Testify SB 508	4/4/90	Juneau	\$25.00	\$400.50	\$425.50	
		Testify SB 508	5/3-7/90	Juneau	\$320.00	\$433.50	\$753.50	
					\$617.50	\$2,023.50	\$2,641.00	
Mary Pierce	Board Member	Board Hearings and Discuss Cases	7/12, 14, 17/89	N/A	\$390.00	\$0.00	\$390.00	
		Board Hearings and Discuss Cases	10/19-20, 27/89	N/A	\$390.00	\$0.00	\$390.00	
		Board Hearings, Board Meetings and Discuss Cases	8/1-2, 29, 31/89	N/A	\$520.00	\$0.00	\$520.00	
		Board Hearings, Board Meeting and Discuss Cases	9/7, 21-22 25/89	N/A	\$520.00	\$0.00	\$520.00	
		Board Hearings, Board Meeting and Discuss cases	11/2, 6, 15, 17, 28/89	N/A	\$650.00	\$0.00	\$650.00	
		Board Hearings and Discuss Cases	1/10, 22, 24-25/90	N/A	\$520.00	\$0.00	\$520.00	
		Board Hearings	2/14-15/90	Juneau	\$260.00	\$384.00	\$644.00	
		Board Hearings and Discuss Cases	2/14, 21-22/90	N/A	\$390.00	\$0.00	\$390.00	

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		Board Hearings	3/14-15/90	Juneau	\$260.00	\$390.00	\$650.00	
		Board Hearings & Discuss Cases	3/21-22, 27, 30/90	N/A	\$520.00	\$0.00	\$520.00	
		Board Hearings	5/30-31/90	N/A	\$260.00	\$0.00	\$260.00	
		Board Hearings, Board Meeting and Discuss Cases	4/4-5, 12, 18, 23/90	N/A	\$650.00	\$0.00	\$650.00	
		Board Hearings and Discuss Cases	6/13, 25, 27-28/90	N/A	\$625.00	\$0.00	\$625.00	
					<u>\$5,855.00</u>	<u>\$774.00</u>	<u>\$6,729.00</u>	<u>13</u>
David Richards	Board Member	Board Hearings, Discuss Cases and sign C&R's and D&O's	7/20, 25, 28/89	N/A	\$390.00	\$0.00	\$390.00	
		Annual Board Meeting	7/31-8/3/89	Anchorage	\$520.00	\$366.00	\$886.00	
		Board Hearings, sign C&R's and D&O's	8/14, 17, 21, 29/89	N/A	\$520.00	\$0.00	\$520.00	
		Board Hearings and sign C&R & D&O's	9/7, 14, 26/89	N/A	\$390.00	\$0.00	\$390.00	
		Board Hearings	9/19-22/89	N/A	\$520.00	\$449.50	\$969.50	
		Attend C&R Hearings, sign C&R's and D&O's	10/10, 12-13, 20, 30/89	N/A	\$650.00	\$0.00	\$650.00	
		Board Hearings	10/23-24/89	Ketchikan	\$260.00	\$198.25	\$458.25	
		Board Hearings and Board Meetings	11/26-28/89	Anchorage	\$390.00	\$386.00	\$776.00	
		Board Hearing, sign C&R's and D&O's	11/9, 15, 20, 30/89	N/A	\$520.00	\$0.00	\$520.00	
		Board Hearings	1/15-17/90	Fairbanks	\$420.00	\$450.00	\$870.00	
		Board Hearings and sign C&R's and D&O's	12/5, 7, 12, 14, 21/89	N/A	\$650.00	\$0.00	\$650.00	
		Board Hearings and sign C&R's	1/4, 9, 18, 22, 29-30/90	N/A	\$780.00	\$0.00	\$780.00	
		Board Hearings	1/23-26/90	Anchorage	\$520.00	\$433.00	\$953.00	
		Board Hearings, Prehearings and sign C&R's and D&O's	2/2, 6, 15, 23/90	N/A	\$520.00	\$0.00	\$520.00	
		Prehearings, Board Hearings and sign C&R's and D&O's	3/1, 5, 15, 22, 27/90	N/A	\$650.00	\$0.00	\$650.00	
		Board Meeting	4/11-13/90	Anchorage	\$390.00	\$402.00	\$792.00	
		Board Hearings and sign C&R's and D&O's	4/4, 16, 18, 23, 27, 30/90	N/A	\$780.00	\$0.00	\$780.00	
		Board Hearing	5/30-6/2/90	Anchorage	\$520.00	\$428.00	\$948.00	
		Sign C&R's and D&O's, attend C&R Telephonic Hearings	5/2-3, 8, 10, 29/90	N/A	\$650.00	\$0.00	\$0.00	
		Board Hearings, C&R Hearings	6/4, 7, 11, 14, 19, 22, 28-29/90	N/A	\$1,160.00	\$0.00	\$1,160.00	
					<u>\$11,200.00</u>	<u>\$3,112.75</u>	<u>\$13,682.75</u>	<u>20</u>
Jim Robison	WC Officer	Board Hearings	7/26-28/89	Anchorage	\$220.00	\$366.00	\$586.00	
		Board Hearings, investigate uninsured employers	8/8-10/89	Fairbanks	\$315.00	\$478.75	\$793.75	
					<u>\$535.00</u>	<u>\$844.75</u>	<u>\$1,379.75</u>	<u>2</u>

FY 90 (7/1/89 - 6/30/90) WORKERS COMPENSATION DIVISION

<u>TRAVELER</u>	<u>TITLE</u>	<u>PURPOSE OF TRIP</u>	<u>DATE OF TRAVEL</u>	<u>DESTINATION</u>	<u>COST PER DIEM</u>	<u>COST TRANS</u>	<u>TOTAL COST</u>	<u>TOTAL TRIPS</u>
Douglas Saltzman	Reemployment Benefits Admin.	Conference re: AS 39.25.158	8/25/89	Juneau	\$25.00	\$366.00	\$391.00	
		Meeting with Data Processing	11/14-15/89	Juneau	\$140.00	\$384.00	\$524.00	
		Attend WC College	4/1-8/90	Tucson AZ	\$548.90	\$751.75	\$1,298.65	
					<b>\$711.90</b>	<b>\$1,501.75</b>	<b>\$2,213.65</b>	<b>3</b>
Donald Scott	Board Member	Board Hearings, Discuss Cases	7/7, 13, 19, 21, 26/89	N/A	\$650.00	\$0.00	\$650.00	
		Board Hearings, Discuss Cases	10/3, 13, 25, 31/89	N/A	\$520.00	\$0.00	\$520.00	
		Board Hearings, Board Meeting	8/1-2, 11, 25, 28-29/89	N/A	\$780.00	\$0.00	\$780.00	
		Board Hearings, Discuss Cases	9/7-8, 22, 25/89	N/A	\$520.00	\$0.00	\$520.00	
		Board Hearing, Board Meeting and Discuss Cases	11/14, 20, 22, 28/89	N/A	\$520.00	\$0.00	\$520.00	
		Board Hearings, Discuss Cases	12/12-13, 18/90	N/A	\$390.00	\$0.00	\$390.00	
		Board Hearings, Discuss Cases	1/11, 29/90	N/A	\$260.00	\$0.00	\$260.00	
		Board Hearings, Discuss Cases	2/8, 14, 16, 23/90	N/A	\$520.00	\$0.00	\$520.00	
		Board Hearings	3/14/90	N/A	\$130.00	\$0.00	\$130.00	
		Board Hearings, Board Meetings and Discuss Cases	4/8, 12, 19, 25/90	N/A	\$520.00	\$0.00	\$520.00	
		Board Hearings, Discuss Cases	5/2, 4, 17, 24/90	N/A	\$520.00	\$0.00	\$520.00	
		Board Hearings, Board Meeting and Discuss Cases	6/1, 6, 15, 25, 28/90	N/A	\$755.00	\$0.00	\$755.00	
					<b>\$6,085.00</b>	<b>\$0.00</b>	<b>\$6,085.00</b>	<b>12</b>
		Darrell Smith	Board Member	Board Hearings, Discuss Cases	7/13-14, 21, 26/89	N/A	\$520.00	\$0.00
Board Hearings, Board Meetings and Discuss Cases	8/1-2, 9-11, 23-25, 30/89			N/A	\$1,430.00	\$0.00	\$1,430.00	
Board Hearings, Discuss Cases	10/25, 30-31/89			N/A	\$390.00	\$0.00	\$390.00	
Board Meeting	9/7/89			N/A	\$130.00	\$0.00	\$130.00	
Board Hearings and Discuss Cases	11/1-3, 14-17, 20, 22, 29/89			N/A	\$1,300.00	\$0.00	\$1,300.00	
Board Hearings, Discuss Cases	1/10-12, 16-17, 19/90			N/A	\$780.00	\$0.00	\$780.00	
Board Hearings	2/14/90			N/A	\$130.00	\$0.00	\$130.00	
Board Hearings, Discuss Cases	3/5, 7-9, 14, 19, 21-23/90			N/A	\$1,170.00	\$0.00	\$1,170.00	
Board Hearings, Discuss Cases	5/2-4, 16-18, 24/90			N/A	\$910.00	\$0.00	\$910.00	
Board Hearings, Discuss Cases	6/13-15, 18, 29/89			N/A	\$755.00	\$0.00	\$755.00	
			<b>\$7,515.00</b>	<b>\$0.00</b>	<b>\$7,515.00</b>	<b>10</b>		
Joe Thomas	Board Member	Annual Board Meeting	8/1-2/89	Anchorage	\$260.00	\$252.00	\$512.00	
		Board Hearings	8/8-9, 15, 29/89	N/A	\$560.00	\$0.00	\$560.00	
		Board Hearings, sign D&O's	5/12, 26/89					
			7/6, 18/89	N/A	\$420.00	\$0.00	\$420.00	
		Board Hearings	9/12, 14/89	N/A	\$280.00	\$0.00	\$280.00	
		Board Hearings, sign D&O's	8/11, 18, 30/89					
			9/28, 10/10-11,					

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<u>TRAVELER</u>	<u>TITLE</u>	<u>PURPOSE OF TRIP</u>	<u>DATE OF TRAVEL</u>	<u>DESTINATION</u>	<u>COST PER DIEM</u>	<u>COST TRANS</u>	<u>TOTAL COST</u>	<u>TOTAL TRIPS</u>
			24/89	N/A	\$560.00	\$0.00	\$560.00	
		Board Hearings	11/7-8/89	N/A	\$280.00	\$0.00	\$280.00	
		Board Hearings	12/5-6, 19/89	N/A	\$420.00	\$0.00	\$420.00	
		Board Hearings, sign D&O's	1/30/90, 11/9, 27/89, 12/8, 20, 22/89	N/A	\$280.00	\$0.00	\$280.00	
		Board Meetings	4/12/90	Anchorage	\$130.00	\$0.00	\$130.00	
		Board Hearings	2/27/90, 3/1, 13, 27/90	N/A	\$560.00	\$0.00	\$560.00	
		Board Hearings, sign D&O's	4/10, 24, 3/2, 6/90	N/A	\$420.00	\$0.00	\$420.00	
		Board Hearings	5/22/90	N/A	\$140.00	\$0.00	\$140.00	
		Board Hearings	6/19/90	N/A	\$150.00	\$0.00	\$150.00	
					<u>\$4,460.00</u>	<u>\$252.00</u>	<u>\$4,712.00</u>	<u>13</u>
Steve Thompson	Board Member	Board Hearings	8/8-9, 15, 29/89	N/A	\$560.00	\$0.00	\$560.00	
		Board Hearings, sign D&O's	7/6, 4/21, 5/12/89	N/A	\$280.00	\$0.00	\$280.00	
		Board Hearings, Teleconference	9/7, 12, 14/89	N/A	\$420.00	\$0.00	\$420.00	
		Board Hearings, sign D&O's	8/11, 18, 22, 31/89					
			9/26, 10/10-11, 24/89	N/A	\$560.00	\$0.00	\$560.00	
		Board Hearings	11/7-8, 21/89	N/A	\$420.00	\$0.00	\$420.00	
		Board Meeting	11/28/89	N/A	\$130.00	\$232.00	\$362.00	
		Board Hearings	12/5-6, 19/89	N/A	\$420.00	\$0.00	\$420.00	
		Board Hearings, sign D&O's	1/16-17, 30/90					
			11/9, 27, 12/1, 8, 11, 20, 22, 28/89	N/A	\$560.00	\$0.00	\$560.00	
		Board Hearings	2/13, 27, 3/1, 27/90	N/A	\$560.00	\$0.00	\$560.00	
		Board Meeting	4/12/90	Anchorage	\$130.00	\$261.00	\$391.00	
		Board Hearings, sign D&O's	4/10, 2/23, 3/6/90	N/A	\$280.00	\$0.00	\$280.00	
		Board Hearings	5/8, 22/90	N/A	\$280.00	\$0.00	\$280.00	
		Board Hearings	6/5, 19/90	N/A	\$290.00	\$0.00	\$290.00	
					<u>\$4,890.00</u>	<u>\$493.00</u>	<u>\$5,383.00</u>	<u>13</u>
Arnie Tisch	WC Officer	Meet with Staff, investigate uninsured	6/25-6/29/90	Anchorage	\$477.00	\$446.31	\$923.31	1
Deborah Togerson	RBA Designee	Rehab. Hearings	7/20/89	Fairbanks	\$15.00	\$255.40	\$270.40	
		Rehab. Conference	9/14/89	Fairbanks	\$15.00	\$256.00	\$271.00	
		Rehab. Conference	10/11/89	Fairbanks	\$15.00	\$238.00	\$253.00	
		Rehab. Conference	2/1/90	Fairbanks	\$15.00	\$246.00	\$261.00	
		Vocational Conference	3/1/90	Fairbanks	\$15.00	\$261.00	\$276.00	
		Rehab. Conference	4/25/90	Fairbanks	\$15.00	\$258.00	\$273.00	
		Rehab. Conference	5/24/90	Fairbanks	\$15.00	\$258.00	\$273.00	
					<u>\$105.00</u>	<u>\$1,772.40</u>	<u>\$1,877.40</u>	<u>7</u>
Elaine VanderSande	Administrative Officer	Meet with Chief of Adjudications	7/20-21/89	Anchorage	\$121.00	\$366.00	\$487.00	
		Meet with Chief of Adjudications	5/17-18/90	Anchorage	\$121.00	\$400.00	\$521.00	
					<u>\$242.00</u>	<u>\$766.00</u>	<u>\$1,008.00</u>	<u>2</u>

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<u>TRAVELER</u>	<u>TITLE</u>	<u>PURPOSE OF TRIP</u>	<u>DATE OF TRAVEL</u>	<u>DESTINATION</u>	<u>COST PER DIEM</u>	<u>COST TRANS</u>	<u>TOTAL COST</u>	<u>TOTAL TRIPS</u>		
William Walters	Hearing Officer	Annual Board Meeting	8/1-2/89	Anchorage	\$140.00	\$254.00	\$394.00			
		Board Meeting	11/28/89	Anchorage	\$31.00	\$186.00	\$217.00			
			1/8/90	Anchorage	\$9.00	\$236.00	\$245.00			
			1/18-19/90	Juneau	\$160.00	\$468.00	\$628.00			
		Meet with Commissioner	2/20-21/90	Juneau	\$160.00	\$549.00	\$709.00			
		Board Hearings	3/6-8/90	Anchorage	\$220.00	\$283.00	\$503.00			
		Regulation Hearings	3/15-20/90	Juneau & Anch	\$300.00	\$371.00	\$671.00			
		Board Hearings	4/17-18/90	Anchorage	\$160.00	\$269.00	\$429.00			
		Board Meetings	4/12/90	Anchorage	\$31.00	\$258.00	\$289.00			
					<b>\$1,211.00</b>	<b>\$2,874.00</b>	<b>\$4,085.00</b>	<b>9</b>		
Judith Webb	Analyst Programmer V	Computer system conversion	7/20-8/5/89	Anchorage	\$90.00	\$332.00	\$422.00			
		Computer system conversion	11/30-12/5/89	Anchorage	\$121.00	\$396.11	\$517.11			
		Move from Juneau to Anchorage	2/1-15/90	Anchorage	\$623.70	\$121.04	\$744.74			
		Computer Seminar	4/29-5/13/90	Boston Mass.	\$667.60	\$588.99	\$1,256.59			
		Premove, computer system	1/12-18/90	Anchorage	\$405.41	\$329.44	\$734.85			
			<b>\$1,907.71</b>	<b>\$1,767.58</b>	<b>\$3,675.29</b>	<b>5</b>				
Richard Whitbeck	Board Member	Board Hearings, Discuss Cases	7/21, 27-28/89	N/A	\$390.00	\$0.00	\$390.00			
		Board Hearings, Discuss Cases	10/5-6, 16/89	N/A	\$390.00	\$0.00	\$390.00			
		Board Hearings, Discuss Cases	9/7, 8/89	N/A	\$260.00	\$0.00	\$260.00			
		Board Hearings, Board Meeting and Discuss Cases	8/1-2, 9-10, 23-24, 29-30/90	N/A	\$1,040.00	\$0.00	\$1,040.00			
		Board Hearings, Board Meeting	11/1, 3, 13, 20, 28/89	N/A	\$650.00	\$0.00	\$650.00			
		Board Hearings, Discuss Cases	12/14-15, 21/89	N/A	\$390.00	\$0.00	\$390.00			
		Board Hearings, Discuss Cases	1/12, 26, 30/90	N/A	\$390.00	\$0.00	\$390.00			
		Board Hearings, Discuss Cases	2/7, 9, 16, 22/90	N/A	\$520.00	\$0.00	\$520.00			
		Board Hearings, Discuss Cases	3/7-9, 19/90	N/A	\$520.00	\$0.00	\$520.00			
		Board Hearings, Discuss Cases and Board Meeting	4/11-12, 20, 25/90	N/A	\$520.00	\$0.00	\$520.00			
		Board Hearings, Discuss Cases	5/3, 9, 16, 18, 23/90	N/A	\$650.00	\$0.00	\$650.00			
		Board Hearings, Discuss Cases and Board Meeting	6/14, 18, 28-29/90	N/A	\$625.00	\$0.00	\$625.00			
					<b>\$6,345.00</b>	<b>\$0.00</b>	<b>\$6,345.00</b>	<b>12</b>		
		Joanne Wilder	Statistical Technician	Meet with Insurance Adjusters	9/26-27/89	Anch. & Fbks.	\$170.00	\$20.00	\$190.00	1
		<b>7/1/89 - 6/30/90 TOTAL</b>					<b>\$68,457.91</b>	<b>\$27,148.51</b>	<b>\$92,956.42</b>	<b>172</b>

NOTE: N/A = WORKER'S COMPENSATION BOARD MEMBERS WORKING IN THEIR HOME CITY

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<u>TRAVELER</u>	<u>TITLE</u>	<u>PURPOSE OF TRIP</u>	<u>DATE OF TRAVEL</u>	<u>DESTINATION</u>	<u>COST PER DIEM</u>	<u>COST TRANS</u>	<u>TOTAL COST</u>	<u>TOTAL TRIPS</u>		
Robert Anders	Board Member	Board Hearings, Discuss Cases	6/1 - 2/89	N/A	\$260.00	\$0.00	\$260.00			
		Board Hearings, Discuss Cases	5/19, 25/89	N/A	\$260.00	\$0.00	\$260.00			
		Board Hearings, Discuss Cases	4/5 - 7, 12, 19 - 23/89	N/A	\$1,170.00	\$0.00	\$1,170.00			
		Discuss Cases	2/17/89	N/A	\$130.00	\$0.00	\$130.00			
		Board Hearings, Discuss Cases	1/11 - 13, 18, 25 - 27, 31/89	N/A	\$1,040.00	\$0.00	\$1,040.00			
		Board Meeting	12/2/88	N/A	\$130.00	\$0.00	\$130.00			
		Meet with Blue Cross, Interview RBA Candidates	11/11, 29/88	N/A	\$260.00	\$0.00	\$260.00			
					<b>\$3,250.00</b>	<b>\$0.00</b>	<b>\$3,250.00</b>	<b>7</b>		
		Frad Brown	Hearing Officer	Chair Board Hearing	7/7/88	Anchorage	\$15.00	\$252.00	\$267.00	
				Chair Board Hearings	8/5/88	Anchorage	\$15.00	\$258.00	\$273.00	
Board Meeting	8/15/88			Anchorage	\$140.00	\$258.00	\$398.00			
Board Hearings	10/19/88			Anchorage	\$31.00	\$238.00	\$269.00			
Board Meeting	12/2/88			Anchorage	\$31.00	\$238.00	\$269.00			
			<b>\$232.00</b>	<b>\$1,244.00</b>	<b>\$1,476.00</b>	<b>5</b>				
Thomas Chandler	Board Member	Board Hearings	7/27 - 28/88	Juneau	\$260.00	\$154.00	\$414.00			
		Board Hearings	10/19 - 20/88	Juneau	\$260.00	\$154.00	\$414.00			
		Board Hearings	2/12 - 2/14/89	Juneau	\$390.00	\$206.00	\$596.00			
		Board Meeting	8/14 - 17/88	Anchorage	\$520.00	\$490.00	\$1,010.00			
		C&R Hearings, Hearings Re: Teleconf.	12/8 - 12/88	N/A	\$260.00	\$0.00	\$260.00			
		C&R Hearings	11/17, 21/88	N/A	\$260.00	\$0.00	\$260.00			
		Board Hearing, Review Briefs	6/22/89	N/A	\$130.00	\$0.00	\$130.00			
		Board Hearings	5/25/89	N/A	\$130.00	\$0.00	\$130.00			
			<b>\$2,210.00</b>	<b>\$1,004.00</b>	<b>\$3,214.00</b>	<b>8</b>				
John Creed	Board Member	Board Hearings	10/20/88	Fairbanks	\$140.00	\$232.00	\$372.00			
		Board Hearings, Discuss Cases	6/1, 7, 15 - 18, 22, 28 - 30/89	N/A	\$1,040.00	\$0.00	\$1,040.00			
		Board Hearings, Discuss Cases	4/14, 17/89	N/A	\$260.00	\$0.00	\$260.00			
		Board Hearings, Discuss Cases	3/8 - 10, 23 - 24, 27/89	N/A	\$780.00	\$0.00	\$780.00			
		Discuss Cases	2/16/89	N/A	\$130.00	\$0.00	\$130.00			
		Board Hearings, Discuss Cases	11/2 - 4, 21, 29 - 30/88	N/A	\$780.00	\$0.00	\$780.00			
		Board Hearings	11/22/88	Fairbanks	\$140.00	\$232.00	\$372.00			
		Board Hearings, Discuss Cases	10/5, 12 - 14, 17 19/88	N/A	\$780.00	\$0.00	\$780.00			
		Board Hearings, Discuss Cases	9/1 - 2, 7, 9, 19, 28 - 29/88	N/A	\$910.00	\$0.00	\$910.00			
		Board Hearings, Discuss Cases and Board Meeting	8/4 - 5, 15 - 19, 22, 26/88	N/A	\$1,170.00	\$0.00	\$1,170.00			
		Board Hearings, Discuss Cases	7/8 - 8, 13, 28/88	N/A	\$650.00	\$0.00	\$650.00			
		Board Hearings, Discuss Cases	6/8 - 10, 15, 28/88	N/A	\$650.00	\$0.00	\$650.00			
					<b>\$7,430.00</b>	<b>\$464.00</b>	<b>\$7,894.00</b>	<b>12</b>		

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<u>TRAVELER</u>	<u>TITLE</u>	<u>PURPOSE OF TRIP</u>	<u>DATE OF TRAVEL</u>	<u>DESTINATION</u>	<u>COST PER DIEM</u>	<u>COST TRANS</u>	<u>TOTAL COST</u>	<u>TOTAL TRIPS</u>
Janice Hansen	Chief of Adjudications	Meet with staff	7/1-4/88	Fairbanks	\$31.00	\$260.25	\$291.25	2
		Meet with staff	10/28/88	Fairbanks	\$9.00	\$238.00	\$247.00	
					\$40.00	\$498.25	\$538.25	
Betty Johnson	WC Officer	Meet with other staff on WC Law	9/29-10/4/88	Anchorage	\$480.00	\$388.00	\$868.00	2
		Meet WC Law changes	10/11/88	Ketchikan	\$31.00	\$12.75	\$43.75	
					\$511.00	\$398.75	\$909.75	
Sylvia Kelley	WC Officer	Meet with other staff on WC Law	10/3-5/88	Anchorage	\$220.00	\$259.00	\$479.00	1
Lawson Lair	Hearing Officer	Meet on WC Regulations	8/14-17/88	Anchorage	\$280.00	\$424.00	\$704.00	3
		Board Meeting	10/19/88	Anchorage	\$31.00	\$370.50	\$401.50	
		Board Meeting	12/1-2/88	Anchorage	\$160.00	\$394.25	\$554.25	
					\$471.00	\$1,188.75	\$1,659.75	
Cynthia Lloyd	Clerk Typist III	Clerical support Fbks. Office	8/29-9/2/88	Fairbanks	\$427.50	\$232.00	\$659.50	1
Marc Lynch	Clerk IV	Training on clerical procedures	9/12-14/88	Anchorage	\$220.00	\$258.00	\$478.00	1
Jacquelyn McClintock	Director	Meet with staff	8/15-22/88	Anch. & Fbks.	\$420.00	\$587.00	\$1,007.00	6
		Meet with staff, speak w/ESD staff	9/8-16/88	Anch., Seward	\$400.00	\$470.00	\$870.00	
		Board Meeting, Meet with staff, Seminar on Runzheimer Data	10/18-21/88	Anchorage	\$271.00	\$408.25	\$677.25	
		Meet with staff & Board members	11/10-11/88	Anchorage	\$111.00	\$378.00	\$489.00	
		Interview Rehab. Administrator	12/1-4/88	Anchorage	\$271.00	\$388.25	\$657.25	
		Board Meeting, Meet with staff	12/16/88	Anchorage	\$9.00	\$372.25	\$381.25	
					\$1,482.00	\$2,599.75	\$4,081.75	
Mary Pierce	Board Member	Board Hearings, Discuss Cases	1/11-12, 30/89	N/A	\$390.00	\$0.00	\$390.00	6
		Board Hearings	3/29-30/89	Juneau	\$260.00	\$368.00	\$628.00	
		Board Hearing, Board Meeting	12/1-2, 6/88	N/A	\$390.00	\$0.00	\$390.00	
		Board Hearing, Discuss Cases	11/8-9, 22, 29/88	N/A	\$520.00	\$0.00	\$520.00	
		Board Hearings, Board Meeting	10/12, 17, 19, 26-27/88	N/A	\$650.00	\$0.00	\$650.00	
		Board Hearings, Discuss Cases	9/13-15/88	N/A	\$390.00	\$0.00	\$390.00	
		Board Hearings, Board Meeting	8/3-4, 15-16, 22, 31/88	N/A	\$780.00	\$0.00	\$780.00	
		Board Hearings, Discuss Cases	7/20-21, 27/88	N/A	\$390.00	\$0.00	\$390.00	
		Board Hearing, Discuss Cases, Board Meeting	6/21-22, 29/88	N/A	\$390.00	\$0.00	\$390.00	
		Board Hearings	3/1-2/89	N/A	\$260.00	\$0.00	\$260.00	
		Board Hearings, Discuss Cases	2/22, 24, 28/89	N/A	\$390.00	\$0.00	\$390.00	
		Board Hearings, Discuss Cases	6/8, 15, 28/89	N/A	\$390.00	\$0.00	\$390.00	
		Board Hearings, Discuss Cases	5/3, 24, 31/89	N/A	\$390.00	\$0.00	\$390.00	
Board Hearings, Discuss Cases	4/7, 20, 24/89	N/A	\$390.00	\$0.00	\$390.00			

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		Board Hearings, Discuss Cases	3/14, 20, 23/89	N/A	\$390.00	\$0.00	\$390.00	
					<u>\$6,370.00</u>	<u>\$366.00</u>	<u>\$6,736.00</u>	<u>15</u>
Wanda Price	Secretary	Provide clerical support	8/21-27/88	Fairbanks	\$585.00	\$442.30	\$1,027.30	1
David Richards	Board Member	Board Hearings	7/20-22/88	Anchorage	\$390.00	\$366.00	\$756.00	
		Board Hearings, Sign C&R's & D&O's	7/7-8, 19, 25, 28/88	N/A	\$520.00	\$0.00	\$520.00	
		Board Meeting	8/14-17/88	Anchorage	\$520.00	\$366.00	\$886.00	
		Board Hearings, sign C&R's	9/6, 14, 21-22, 27/88	N/A	\$650.00	\$0.00	\$650.00	
		Board Meeting	10/19/88	Anchorage	\$130.00	\$374.75	\$504.75	
		Board Hearings, Sign C&R's & D&O's	10/6, 11, 17, 31/88	N/A	\$780.00	\$0.00	\$780.00	
		Board Meeting, Interview Rehab Admin.	11/10-11/88	Anchorage	\$260.00	\$285.00	\$545.00	
		Board Meeting	12/1-2/88	Anchorage	\$260.00	\$366.00	\$626.00	
		Board Hearings, Sign C&R's & D&O's	6/8, 16, 22, 28/89	N/A	\$520.00	\$0.00	\$520.00	
		Board Hearings, Sign C&R's & D&O's	5/9, 17, 22, 25/89	N/A	\$520.00	\$0.00	\$520.00	
		C&R hearings, Sign C&R's	4/11, 13, 27/89	N/A	\$390.00	\$0.00	\$390.00	
		Board Hearings, Sign C&R's	3/2-3, 9, 17, 23, 30/89	N/A	\$780.00	\$0.00	\$780.00	
		Board Hearings, Sign C&R's and D&O's	2/2, 13, 22/89	N/A	\$390.00	\$0.00	\$390.00	
		Board Hearings, Sign C&R's & D&O's	1/3, 5, 9, 17-18, 30/89	N/A	\$780.00	\$0.00	\$780.00	
		C&R Hearings, hearings tele. conf.	12/8-12/88	N/A	\$260.00	\$0.00	\$260.00	
		Pre-hearings, Sign D&O's & C&R's	11/2, 7, 17, 21, 23, 25/88	N/A	\$780.00	\$0.00	\$780.00	
					<u>\$7,930.00</u>	<u>\$1,767.75</u>	<u>\$9,687.75</u>	<u>16</u>
Jim Robison	WC Officer	Investigate uninsureds, met w/other staff	9/12-22/88	Anch. & Fbks.	\$880.00	\$561.25	\$1,441.25	
		Staff Meeting, Investigate Uninsureds						
		Hearings	10/3-6/88	Anchorage	\$320.00	\$378.00	\$696.00	
		Investigator Training	11/16-18/88	Anchorage	\$240.00	\$366.00	\$606.00	
		Board Hearings, Investigations	12/12-15/88	Anch. & Fbks.	\$350.00	\$546.50	\$896.50	
		Hearings, Investigations	1/23-26/89	Anchorage	\$400.00	\$411.00	\$811.00	
		Hearings, Investigations	2/27-33/89	Anch. & Fbks.	\$390.00	\$478.00	\$868.00	
		Investigations	4/24-28/89	Valdez	\$400.00	\$472.82	\$872.82	
		Investigations	5/18-5/29/89	Haines, Fbks.				
				Anchorage	\$1,010.00	\$647.80	\$1,657.80	
					<u>\$3,890.00</u>	<u>\$3,859.37</u>	<u>\$7,849.37</u>	<u>8</u>
Jacqueline Russell	Board Member	Board Hearings	8/3-4/88	Anchorage	\$260.00	\$126.00	\$386.00	
		Board Hearings	8/30-31/88	Anchorage	\$260.00	\$53.00	\$313.00	
		Board Meeting	8/14-16/88	Anchorage	\$390.00	\$53.00	\$443.00	
		Board Meeting			<u>\$910.00</u>	<u>\$232.00</u>	<u>\$1,142.00</u>	<u>3</u>

FY 89 (7/1/88 - 6/30/89) WORKERS COMPENSATION DIVISION

<u>TRAVELER</u>	<u>TITLE</u>	<u>PURPOSE OF TRIP</u>	<u>DATE OF TRAVEL</u>	<u>DESTINATION</u>	<u>COST PER DIEM</u>	<u>COST TRANS</u>	<u>TOTAL COST</u>	<u>TOTAL TRIPS</u>		
Douglas Saltzman	Reemployment Benefits Admin.	Meet with Director	1/23-25/89	Juneau	\$191.00	\$366.00	\$557.00			
		Meet with Director	6/20-21/89	Juneau	\$111.00	\$366.00	\$477.00			
					<u>\$302.00</u>	<u>\$732.00</u>	<u>\$1,034.00</u>	<u>2</u>		
Donald Scott	Board Member	Board Hearings, Discuss Cases	6/2, 7, 14, 29/89	N/A	\$650.00	\$0.00	\$650.00			
		Board Hearings, Discuss Cases	4/5, 12, 18, 24-25/89	N/A	\$650.00	\$0.00	\$650.00			
		Board Hearings, Discuss Cases	3/10, 15, 22, 24, 31/89	N/A	\$650.00	\$0.00	\$650.00			
		Board Hearings, Discuss Cases	2/10, 15, 17, 23/89	N/A	\$520.00	\$0.00	\$520.00			
		Board Hearings, Discuss Cases	1/25-27, 31/89	N/A	\$520.00	\$0.00	\$520.00			
		Board Hearings, Discuss Cases	12/2, 15-16, 23, 29-30/88	N/A	\$780.00	\$0.00	\$780.00			
		Board Meeting	10/19/88	N/A	\$130.00	\$0.00	\$130.00			
		Board Hearings, Discuss Cases, met with Blue Cross, Int. RBA Candidate	11/1, 10-11, 29/88	N/A	\$520.00	\$0.00	\$520.00			
		Board Hearings, Discuss Cases	9/13, 28-30/88	N/A	\$520.00	\$0.00	\$520.00			
		Board Hearing, Board Meeting	8/5, 15/88	N/A	\$260.00	\$0.00	\$260.00			
		Board Hearings, Discuss Cases	7/6-8, 22, 29/88	N/A	\$650.00	\$0.00	\$650.00			
		Board Hearings, Discuss Cases and Board Meeting	6/2, 8-10, 13, 15, 21-24, 28/88	N/A	\$1,430.00	\$0.00	\$1,430.00			
						<u>\$7,280.00</u>	<u>\$0.00</u>	<u>\$7,280.00</u>	<u>12</u>	
		Darrell Smith	Board Member	Board Hearings, Discuss Cases	6/14, 17, 23/89	N/A	\$390.00	\$0.00	\$390.00	
				Board Hearings, Discuss Cases	5/3-5, 10, 12, 17-19, 24, 31/89	N/A	\$1,300.00	\$0.00	\$1,300.00	
Board Hearings, Discuss Cases	4/18, 25/89			N/A	\$260.00	\$0.00	\$260.00			
Board Hearings, Discuss Cases	3/22, 31/89			N/A	\$260.00	\$0.00	\$260.00			
Board Hearings, Discuss Cases	2/8-10, 17, 22-24/89			N/A	\$910.00	\$0.00	\$910.00			
Board Hearings, Discuss Cases and Board Meetings	12/2, 9, 13-16/89			N/A	\$780.00	\$0.00	\$780.00			
Board Hearings, Meet with Blue Cross, Int. RBA Candidate	11/8-11, 29/88			N/A	\$650.00	\$0.00	\$650.00			
Board Hearings, Discuss Cases, Board Meeting	10/6, 19, 21, 26-27/88			N/A	\$650.00	\$0.00	\$650.00			
Board Hearings, Discuss Cases	9/2, 14-16, 23/88			N/A	\$650.00	\$0.00	\$650.00			
						<u>\$5,850.00</u>	<u>\$0.00</u>	<u>\$5,850.00</u>	<u>8</u>	
Steve Thompson	Board Member	Board Hearings, Sign D&O's	7/5, 26/88	N/A	\$280.00	\$0.00	\$280.00			
		Board Hearings	8/9, 22, 23/88	N/A	\$420.00	\$0.00	\$420.00			
		Board Meeting	8/15-16/88	Anchorage	\$260.00	\$237.00	\$497.00			
		Board Hearings	9/6, 20/88	N/A	\$280.00	\$0.00	\$280.00			
		Board Meeting	10/19/88	Anchorage	\$130.00	\$240.00	\$370.00			
		Board Hearings	6/6, 20/89	N/A	\$280.00	\$0.00	\$280.00			
		Board Hearings	5/9-10, 23/89	N/A	\$420.00	\$0.00	\$420.00			
		Board Hearings, Sign D&O's	4/11, 25/89, 2/16, 21, 24, 3/1, 3, 30,							

FY 89 (7/1/88 - 6/30/89) WORKERS COMPENSATION DIVISION

<u>TRAVELER</u>	<u>TITLE</u>	<u>PURPOSE OF TRIP</u>	<u>DATE OF TRAVEL</u>	<u>DESTINATION</u>	<u>COST PER DIEM</u>	<u>COST TRANS</u>	<u>TOTAL COST</u>	<u>TOTAL TRIPS</u>
		Board Hearings	4/21/89	N/A	\$420.00	\$0.00	\$420.00	
		Board Hearings	3/28/89	N/A	\$140.00	\$0.00	\$140.00	
		Board Hearings	2/14, 28/89	N/A	\$280.00	\$0.00	\$280.00	
		Board Hearings, sign D&O's	1/17, 28/89	N/A	\$280.00	\$0.00	\$280.00	
		Board Hearings	12/13, 20/88	N/A	\$280.00	\$0.00	\$280.00	
		Board Hearings	11/1, 8, 22/88	N/A	\$420.00	\$0.00	\$420.00	
		Board Hearings	10/4, 20/88	N/A	\$420.00	\$0.00	\$420.00	
					<u>\$4,310.00</u>	<u>\$477.00</u>	<u>\$4,787.00</u>	<u>14</u>
T.J. Thrasher	Board Member	Board Hearings, Discuss Cases, met with Blue Cross, Int. RBA Candidates	11/2-4, 10-11/88	N/A	\$650.00	\$0.00	\$650.00	
		Board Hearings, Discuss Cases	9/1, 13, 18/88	N/A	\$390.00	\$0.00	\$390.00	
		Board Hearings, Discuss Cases	10/6, 13-14, 21/88	N/A	\$520.00	\$0.00	\$520.00	
		Board Hearings	7/12/88	N/A	\$130.00	\$0.00	\$130.00	
		Board Hearings, Board Meetings	8/15-19, 22/88	N/A	\$780.00	\$0.00	\$780.00	
		Board Meeting	6/21/88	N/A	\$130.00	\$0.00	\$130.00	
		Board Hearings	7/12/88	N/A	\$130.00	\$0.00	\$130.00	
					<u>\$2,730.00</u>	<u>\$0.00</u>	<u>\$2,730.00</u>	<u>7</u>
Deborah Togerson	Acting Rehab. Admin.	Rehab. Conferences	7/14-15/88	Fairbanks	\$135.00	\$246.00	\$381.00	
		Rehab. Conference	8/11-12/88	Fairbanks	\$135.00	\$242.00	\$377.00	
		Rehab. Conference	9/8-9/88	Fairbanks	\$135.00	\$238.00	\$371.00	
		Rehab. Conference	11/3-4/88	Fairbanks	\$135.00	\$241.00	\$376.00	
		Rehab. Conference	1/12/89	Fairbanks	\$15.00	\$232.00	\$247.00	
		Rehab. Conferences	12/20-21/88	Fairbanks	\$135.00	\$232.00	\$367.00	
		Rehab. Conference	2/17/89	Fairbanks	\$15.00	\$238.00	\$253.00	
		Rehab. Conference	4/13/89	Fairbanks	\$15.00	\$238.00	\$253.00	
		Rehab. Conference	6/8/89	Fairbanks	\$15.00	\$238.00	\$253.00	
					<u>\$735.00</u>	<u>\$2,143.00</u>	<u>\$2,878.00</u>	<u>9</u>
Mark Togerson	Hearing Officer	Training at Judicial College	9/18-23/88	Reno, NV	\$835.00	\$612.89	\$1,547.89	1
William Walters	Hearing Officer	Chair public hearing conferences	8/2/88	Anchorage	\$31.00	\$685.00	\$716.00	
		Chair Board Hearings	8/5/88	Juneau	\$31.00	\$686.00	\$717.00	
		Board Meeting	8/15-16/88	Anchorage	\$140.00	\$250.00	\$390.00	
		Board Hearings	9/14/88	Anchorage	\$31.00	\$252.00	\$283.00	
		Board Meeting	10/19-20/88	Anchorage	\$31.00	\$251.00	\$282.00	
		Board Hearings	10/13-14/88	Anchorage	\$160.00	\$250.00	\$410.00	
		Board Meeting	12/2/88	Anchorage	\$31.00	\$242.00	\$273.00	
		Speak to Factory Trawlers/Floating Processors Seminars	1/30-31/89	Seattle	\$160.00	\$890.74	\$1,050.74	
		Public Hearings on Regulations	6/8-13/89	Juneau & Anch	\$480.00	\$370.00	\$850.00	
					<u>\$1,095.00</u>	<u>\$3,876.74</u>	<u>\$4,971.74</u>	<u>9</u>
Judy Webb	Analyst Programmer V	Computer system	12/31/88-1/6/89	Anchorage	\$486.00	\$325.00	\$811.00	1
Richard Whitbeck	Board Member	Board Hearings, Discuss Cases	6/1, 5, 18, 30/89	N/A	\$520.00	\$0.00	\$520.00	
		Board Hearings, Discuss Cases	5/5, 18-19, 25/89	N/A	\$520.00	\$0.00	\$520.00	

FY 89 (7/1/88 - 6/30/89) WORKERS COMPENSATION DIVISION

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		Board Hearings, Discuss Cases	4/6, 14, 21, 26/89	N/A	\$520.00	\$0.00	\$520.00	
		Board Hearings, Discuss Cases	3/8-9, 27/89	N/A	\$390.00	\$0.00	\$390.00	
		Board Hearings, Discuss Cases	2/8-9, 28/89	N/A	\$390.00	\$0.00	\$390.00	
					<u>\$2,340.00</u>	<u>\$0.00</u>	<u>\$2,340.00</u>	<u>5</u>
			<u>7/1/88-6/30/89 TOTAL</u>		<u>\$62,341.50</u>	<u>\$22,968.55</u>	<u>\$85,310.05</u>	<u>160</u>



# STATE OF ALASKA

## HEARING OFFICER'S MANUAL

*Department of Law*

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SEPTEMBER 1990

2nd Edition

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## FOREWORD

This second edition of the State of Alaska Hearing Officer's Manual modifies the first edition (1982, reprinted in 1985 without change) in three ways: (1) it provides a general update; (2) it adds some case citations; and (3) it adds discussion of hearings not covered by the Administrative Procedure Act (APA), attempting to make the distinction between APA hearings and non-APA hearings clearer.

As with the first edition, this one is intended to serve only as a guide. It is not intended to present an exhaustive treatment of the subject. It does not have the force of law. It is not a formal opinion of the attorney general.

This second edition was drafted in the Department of Law, and drafts were reviewed by several assistant attorneys general and by hearing officers in the Department of Revenue, Department of Commerce and Economic Development, and Commercial Fisheries Entry Commission. The Department of Law especially wishes to thank former Assistant Attorney General Nancy B. Meade for her work on this project.

Suggestions for future editions of this manual are welcome.

September 1990  
Juneau, Alaska

Arthur H. Peterson  
Assistant Attorney General  
Department of Law

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## CHAPTER 1. INTRODUCTION

Government agencies, including the courts and legislature, conduct many different kinds of hearings. The only kind addressed in this manual are the adjudicative hearings conducted by state executive-branch agencies. Thus, when this manual refers to a hearing officer, it is not referring to one appointed by a court, by an officer or committee of the legislature, or by an executive-branch agency when adopting administrative regulations.<sup>1</sup>

This manual has several principal purposes:

1. to acquaint the hearing officer with the general format of administrative hearings,
2. to assist the hearing officer in resolving specific procedural problems that can occur in a hearing,
3. to identify the major Alaska Supreme Court cases that affect the conduct of administrative hearings, and
4. to provide the hearing officer with general principles of law that can assure parties that their hearing rights have been safeguarded and that they have received due process of law.

This manual does not attempt to provide a thorough analysis of all the issues that might confront a hearing officer. In recent years, administrative law issues have received a tremendous amount of attention from the legal commentators, and these issues have been the subject of a rapidly-expanding body of case law. Four basic reference works are the 1981 Revised Model

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<sup>1</sup> Other states and the federal system use the titles administrative law judge, hearing examiner, or referee for those who perform the same functions as the "hearing officer" referred to in this manual.

State Administrative Procedure Act, promulgated by the National Conference of Commissioners on Uniform State Laws; Kenneth Culp Davis' Administrative Law Treatise (K. C. Davis Pub. Co., 2d ed. 1978), including his 1989 supplement, Administrative Law of the Eighties; Merritt Ruhlen's Manual for Administrative Law Judges (Administrative Conference of the United States, rev. ed. 1982); and California Administrative Agency Practice (California Continuing Education of the Bar, 1970 with annual supplements).

This manual does not have the force of law, and does not establish any legal duty for any agency of the state government. It is simply a presentation of some recommended procedures.

## CHAPTER 2. SCOPE

This manual is aimed primarily at formal hearing officers appointed under the provisions in the Alaska Administrative Procedure Act, AS 44.62 (the APA), and its citations are only to provisions of that Act. The administrative hearing procedures outlined in the APA are mandatory for those administrative bodies and programs specifically listed in AS 44.62.330(a); in addition, some agencies not listed in that subsection are nonetheless made subject to certain APA hearing procedure provisions by that agency's own statutes or regulations. (See also AS 44.62.330(b).)

Many other Alaskan agencies conduct their adjudications and assign their hearing officers in accordance with some procedure other than the APA. Many of these "non-APA agencies" have chosen a scheme that follows the APA hearing procedure closely. In any case, agencies not subject to the APA hearing procedures are governed by their own procedures, if any, and by the dictates of due process. See Mukluk Freight Lines v. Nabors Alaska Drilling, 516 P.2d 408, 415 (Alaska 1973). Non-APA hearing officers are governed by the agency's own regulations and statutes.

Although only certain agencies are statutorily required to follow the adjudicative provisions of the APA, analogies can be drawn for all agencies. The hearing procedures delineated in the APA and described in this manual embrace generally recognized rudiments of a fair hearing. Therefore, to the extent that they are not contradicted by the non-APA agencies' own statutes, regulations, or internal policies, the APA principles described in this manual can provide guidance for all hearing officers.

### CHAPTER 3. DUE PROCESS AND NON-APA HEARINGS

In all cases, a hearing must meet the minimum requirements of due process. Due process does not require any particular method or procedure. In the most fundamental sense, it guarantees that a party to an administrative hearing be judged by an impartial tribunal. Amerada Hess Pipeline Corp. v. Alaska Public Utilities Commission, 711 P.2d 1170, 1180 (Alaska 1986); Matter of Robson, 575 P.2d 771, 774 (Alaska 1978) ("[a]n impartial tribunal is basic to a guarantee of due process"). Thus, for example, an attorney may not act as an advocate before an administrative agency and also participate in the agency's deliberations. Stigall v. Anchorage Municipality Police and Fire Retirement Bd., 718 P.2d 943, 945 (Alaska 1986); Robson, 575 P.2d at 774.

One related due process concern that might become an issue, particularly with non-APA proceedings, is separation of functions. The issue stems from the fact that non-APA hearing officers are often part of the agency staff. The hearing officer or hearing board, in effect, works for the commissioner, who presumably knows what cases and policies the prosecuting arm of the agency is pursuing.

The Alaska Supreme Court has held that "[t]he combination of investigative and judicial functions within an agency does not violate due process . . ." In re Cornelius, 520 P.2d 76, 84, aff'd on rehearing, 521 P.2d 497 (Alaska 1974); also see Earth Resources Co. v. State Dep't of Revenue, 665 P.2d 960, 962 n 1 (Alaska 1983). Although there might be a combination of these functions within a particular agency, due process does require "some separation between those persons prosecuting the complaint and those adjudicating it; the prosecutor, who has a 'probable partiality,' should not be in a position to influence the decision-makers." In re Walton, 676 P.2d 1078, 1082 (Alaska 1983), appeal

### Chapter 3

dismissed sub nom Walton v. Alaska Bar Ass'n, 469 U.S. 801, 105 S. Ct. 54, 83 L. Ed. 2d 6 (1984). Thus, due process does not forbid, within a single agency, the combination of judging and prosecuting in an administrative proceeding, but, if the record shows bias or prejudice on the part of the administrative body, its decision will not be upheld. See Withrow v. Larkin, 421 U.S. 35, 47, 95 S. Ct. 1456, 1464, 43 L. Ed. 2d 712, 723 (1975). For non-APA hearing officers who are members of the agency staff, it is especially important to observe carefully all established procedures and to be mindful of the tenets of basic fairness, since failure to do so could result in a denial of due process.