

SUPREME COURT OF ALASKA

Bailey v. Texas Instruments, Inc.

111 P.3d 321 (Alaska 2005) · No. S-11293 · Decided April 22, 2005

SUMMARY

The Supreme Court of Alaska held that the two-year hearing-request deadline under AS 23.30.110(c) applies to workers' compensation medical-benefit claims and is constitutionally valid. It affirmed dismissal of Bailey's 1997 and 1999 claims because he failed to timely request a hearing, but reversed dismissal of his 2001 claim because it concerned medical expenses incurred after the earlier claims and was independently timely.

CASE DETAILS

COURT	Supreme Court of Alaska
WRITING FOR THE COURT	Bryner, Chief Justice; Matthews, Justice; Eastaugh, Justice; Fabe, Justice; Carpeneti, Justice
JURISDICTION	Alaska
DECIDED	April 22, 2005
DOCKET	S-11293
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Bailey appealed the Alaska Workers' Compensation Board's dismissal of his medical-benefit claims. The superior court affirmed the board's decision, and the Alaska Supreme Court independently reviewed the administrative decision.
STANDARD OF REVIEW	The court independently reviewed and directly scrutinized the merits of the board's administrative decision. It applied the substitution-of-judgment standard to questions of statutory interpretation, statute-of-limitations application, statutory meaning, and constitutional validity, and substantial-evidence review to factual questions concerning whether the employer acted in good faith in controverting the claims.
PRECEDENTIAL VALUE	Published Alaska Supreme Court opinion; precedential.
PARTIES	Walter H. Bailey v. Texas Instruments, Inc., formerly Geophysical Services, Inc., Continental Insurance Co.

TOPICS

workers compensation

administrative law

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PRACTICE AREAS

workers compensation

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QUESTIONS PRESENTED

1. Whether AS 23.30.110(c)'s two-year deadline for requesting a hearing applied to Bailey's medical-benefit claims.
2. Whether Bailey's 1999 and 2001 claims merged with his 1997 claim for statute-of-limitations purposes.
3. Whether Bailey's 1997 and 1999 claims were untimely under AS 23.30.110(c).
4. Whether Bailey's 2001 claim was timely because it sought compensation for medical expenses incurred after the earlier claims.
5. Whether AS 23.30.110(c), as applied to Bailey's claims, violated substantive due process, procedural due process, or equal protection.
6. Whether Geophysical's controversions were made in bad faith.

HOLDINGS

1. AS 23.30.110(c)'s two-year deadline for requesting a hearing governs Bailey's medical-benefit claims and is constitutionally valid as applied to them.
2. The 1997 and 1999 claims were properly dismissed as untimely because Bailey did not request a hearing within two years after the applicable controversion dates.
3. The 2001 claim was independent of the 1997 and 1999 claims and was not time-barred because it sought compensation for medical expenses incurred after the earlier claims and Bailey requested a hearing within two years after its controversion.
4. The dismissal of Bailey's 1997 and 1999 claims did not preclude him from bringing future claims for narcotics or benzodiazepines based on subsequent medical care and expenses.
5. AS 23.30.110(c), as applied to Bailey, did not violate substantive due process, procedural due process, or equal protection, and Geophysical had a sufficient good-faith basis for its controversions.

KEY QUOTATIONS

“Bailey's 2001 claim sought compensation for later medical services than his earlier claims and could not have been filed with those claims, so it was subject to its own statute of limitations.” (322)

“We thus hold that subsection .110(c) governs Bailey's medical claims and is constitutionally valid as applied to these claims.” (326)

FACTUAL BACKGROUND

Walter Bailey injured his lower back in 1981 while working for Geophysical Services, Inc., and retained the right to seek future medical benefits under a 1988 settlement. After Geophysical controverted claims for

prescription medications in 1997, Bailey filed additional claims in 1999 and 2001. The 2001 claim sought reimbursement for medical expenses incurred after the 1997 claim, and Bailey requested a hearing in July 2002, less than two years after the 2001 controversy.

PROCEDURAL HISTORY

Bailey filed workers' compensation claims in 1997, 1999, and 2001 for medications and medical services related to a 1981 back injury. The board treated the later claims as merged with the 1997 claim and dismissed all three as untimely under AS 23.30.110(c). The superior court affirmed, concluding that Bailey had waived several arguments and that they lacked merit. The Supreme Court affirmed dismissal of the 1997 and 1999 claims, reversed dismissal of the 2001 claim, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded for further proceedings on Bailey's 2001 medical-benefit claim.

CASES CITED

- Alyeska Pipeline Serv. Co. v. DeShong, 77 P.3d 1227, 1231 (Alaska 2003)
- Law Offices of Steven D. Smith, P.C. v. Borg-Warner Sec. Corp., 993 P.2d 436, 443 (Alaska 1999)
- Holding v. Municipality of Anchorage, 63 P.3d 248, 250 (Alaska 2003)
- Northern Alaska Envtl. Ctr. v. State, Dep't of Natural Res., 2 P.3d 629, 633 (Alaska 2000)
- Williams v. Abood, 53 P.3d 134, 146-47 (Alaska 2002)
- Dougan v. Aurora Elec. Inc., 50 P.3d 789, 793, 795 (Alaska 2002)
- Grove v. Alaska Constr. & Erectors, 948 P.2d 454, 456 (Alaska 1997)
- Robertson v. American Mechanical, Inc., 54 P.3d 777 (Alaska 2002)
- Jonathan v. Doyon Drilling, Inc., 890 P.2d 1121 (Alaska 1995)
- Harp v. ARCO Alaska, Inc., 831 P.2d 352, 358 (Alaska 1992)

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