

Bond Case Briefs

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EMPLOYMENT - ALASKA

Adamson v. Municipality of Anchorage

Supreme Court of Alaska - August 29, 2014 - P.3d - 2014 WL 4258361

Firefighter, who developed prostate cancer, filed a workers' compensation claim under a new statute creating a presumption that certain diseases in firefighters, including prostate cancer, were work related when specific conditions were met. The Workers' Compensation Board decided that the firefighter was eligible for benefits, and appeal was taken. The Workers' Compensation Appeals Commission agreed that the firefighter had attached the presumption, but reversed the Board's decision disallowing the expert testimony. Both parties petitioned for review.

The Supreme Court of Alaska held that:

- In order to give effect to the legislature's intent that prior toxic exposures were covered by statutory presumption of compensability and to avoid an unrealistic result, firefighter could attach the presumption through substantial compliance with statute;
- Firefighter produced sufficient evidence that he had substantially complied with the statutory requirements for medical examinations;
- Statute does not require a firefighter to show exposure to a carcinogen that has been shown to cause a specific cancer;
- Firefighter is free to retain and use an expert, but firefighter is not required to do so pursuant to statute;
- Substantial evidence supported the Workers' Compensation Board's decision that firefighter attached the presumption in statute; and
- Evidence rebutting statutory presumption that firefighter's cancer is compensable under workers' compensation law must be personal to firefighter.