

1 Eli Dalton-Webb
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5 *Plaintiff*
6

7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

8
9 **IN AND FOR THE COUNTY OF MARICOPA**

12 Eli Dalton-Webb, 13 14 Plaintiff 15 16 v. 17 18 INDUSTRIAL COMMISSION, et al., 19 20 Defendants, 21	Case No. CV2025-035545 Assigned to: Hon. Michael Mandell Plaintiff's Reply to Defendant's Response to Plaintiff's Petition for Order to Show Cause
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22 **PROCEDURAL HISTORY**

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24 Plaintiff, on 1 October 2025, filed a complaint and petition order to show
25 cause. On 10 December 2025 this Court held an oral hearing, and in that hearing, the
26 Court determined that it was more appropriate for legal arguments to be in writing
27 and then to hold an oral hearing for argument, and ordered the Industrial Commission
28 to respond to Plaintiff's petition for order to show cause and for Plaintiff to reply to
29 the response. Plaintiff hereby replies to the Defendant's Response to the Plaintiff's
30 Petition for Order to Show Cause.
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39 **CLAIMS DIVISION**

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41 Plaintiff disagrees with the Defendant's use of "adjudicate". A Google search
42 of "define adjudicate" gives the definition of "make a formal judgment or decision
43 about a problem or disputed matter.". By the Defendant's own response, Ruby Tate
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1 **DOES** adjudicate workman’s compensation matters, so it is not true that only
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3 administrative law judges adjudicate matters. It doesn’t matter whether or not Ruby
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5 Tate’s adjudication is final—even the ALJ’s final adjudication isn’t even final,
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7 because it can be appealed to the Arizona Court of Appeals and Supreme Court.
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10 The Industrial Commission leaves the public completely in the dark when it
11 comes to the claims division. Firstly, on their website, it only lists “Ruby Tate” as the
12 only person in the Claims Division (see <https://www.azica.gov/claims-division>).
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14 Secondly, nowhere in the Arizona Administrative Code does it describe how bad faith
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16 and/or unfair claims are adjudicated. R20-5-163 in subsection A and B describes what
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18 bad faith is, subsection C describes who to **FILE** complaints with, subsection D
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20 describes the **CONTENTS** of the complaints, subsections E/F/H describes the
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22 **SERVICE** of the complaints/responses, subsection G prescribes a required for the
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24 **DEFENDANT TO RESPOND**, subsection I prescribes a **CONSEQUENCE FOR**
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26 **NON-RESPONSE**, and subsection J prescribes “**THE COMMISSION**” “shall enter
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28 an **AWARD**”. Nowhere in R20-5-163 does it provide **WHO** decides on bad faith
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30 complaints, except in subsection J, but even then, it still doesn’t say who decides on
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32 bad faith complaints. (emphasis added) Who is “the commission”? Is it the janitor
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34 who is employed by the commission? Is it the administrative law judge? Is it the 5
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36 appointed commission politicians (within the meaning of A.R.S. § 23-101(B))? If it is
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38 the 5 appointed politicians, where’s the documentation that shows that the claims
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40 division has authority to adjudicate bad faith complaints? Nowhere in the
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42 administrative code does it give the workman any comfort of knowing **WHO** is
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1 deciding on the bad faith complaint. It wasn't until the Defendant's response that the
2
3 Plaintiff even began to understand any of this.
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5 We know in the Arizona Superior Court that "the court" decides on claims
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7 before it. Litigants are blind to who the ***SPECIFIC*** human being is "the court" before
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9 the initial complaint is filed, but there are multiple levels of transparency at least that
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11 the Industrial Commission is lacking. Firstly, we know that "the court" will always be
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13 a human judge (and we know the process for how to become a judge—election,
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15 appointment, etc), not the security guard, not the janitor. The Administrative Code
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17 doesn't even mention that the "claims division" adjudicates bad faith claims, and it
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19 doesn't outline how a human becomes a member of the "claims division" (assuming
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21 everyone in the "claims division" has the power to adjudicate bad faith claims).
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24 Secondly, the courts publish who the judges are (
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26 <https://www.azcourts.gov/MeetTheJustices/> and
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28 <https://www.superiorcourt.maricopa.gov/JudicialBiographies/index.asp>). Courts even
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30 go as far to give judge biographies—like this Court announcing that Hon. Mandell
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32 graduated from Arizona State University. Nowhere on the commission's website does
33
34 it list who all the claims division adjudicators are ([https://www.azica.gov/claims-](https://www.azica.gov/claims-division)
35
36 [division](https://www.azica.gov/claims-division)).
37
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39 Thirdly, the commission does not appear to assign anyone in the claims
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41 division to adjudicate claims. We know with "the courts" that a judge is almost
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43 always assigned to a human very shortly after the initial complaint is filed—
44
45 oftentimes the clerk will just tell the litigant before they leave the clerk counter who
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1 the judge is. If there are long delays in adjudication, we know exactly which judge to
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3 blame for the long adjudication time. A litigant never files an initial complaint with
4
5 the clerk and 2 months later doesn't know which judge it is assigned to. The
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7 commission doesn't have that transparency as to assign a bad faith complaint to a
8
9 claims division human adjudicator shortly after a bad faith complaint is filed. This
10
11 violates the "make certain" clause of Article 18 § 8 of the Arizona Constitution
12
13 because the workman is uncertain as to WHO is adjudicating his workman's
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15 compensation claim.
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18 Fourthly, upon information and belief, Ruby Tate is the only person whose
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20 name appears on the bad faith award documents from the commission from the
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22 claims division. The Defendant has not described how bad faith claims are
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24 adjudicated inside the claims division and has not revealed who is inside the claims
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26 division. The Plaintiff, in his own experience, has filed a bad faith complaint, and it
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28 was Ruby Tate (the top person in the claims division) that adjudicated the bad faith
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30 complaint, and no deputy to Ruby Tate was mentioned (see Exhibit 9). It's really hard
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32 to believe that there is a large enough workload to demand 18 administrative law
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34 judges¹ and enough demand that these ALJ's are so busy that it take 100 days to give
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36 workmen hearings (as argued in Complaint, and shown in Exhibits 4 and 5 of
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38 Complaint, of an example where it took 100 days to get a hearing), that ONE
39
40 SINGLE PERSON, Ruby Tate, is in charge of investigating EVERY SINGLE
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42 COMPLAINT. Either: (1) the Defendant Industrial Commission is lying to workman
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47 1 <https://www.azica.gov/administrative-law-judge-alj-personnel-phone-list>
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1 that Ruby Tate adjudicated their bad faith claim and Ruby Tate has deputies to assist
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3 Ruby Tate in investigating and adjudicating bad faith and/or unfair claims handling
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5 practices; or (2) Ruby Tate is doing very little investigation and is rubber stamping
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7 most controversies before the claims division. Both are very concerning; or (3) the
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9 Plaintiff hit the lottery and got the claims division manager to adjudicate his claim.
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11 If Ruby Tate has deputies, then there is a complete lack of transparency in the
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13 Industrial Commission. That means that if anyone in corrupt inside the claims
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15 division (such as rubber-stamping investigations in favor of insurance companies),
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17 there are no records that would lead back to the claims division adjudicator for the
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19 public to then petition the government (as is their right under Article 2 § 5 of the
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21 Arizona Constitution) to get rid of that corrupt person.
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24 Plaintiff has a cause of action against the Defendant Industrial Commission
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26 because the Industrial Commission has an obligation pursuant to A.R.S. § 39-
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28 121.01(B) to create records related to their duties, which includes writing down
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30 WHO (the specific human being, not the vague “the industrial commission”)
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32 adjudicated bad faith complaints. This is also supported by Article 2 § 5 of the
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34 Arizona Constitution, because The People have a right to know who in government
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36 makes decisions and we have a right to petition the government to get rid of corrupt
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38 people. If the corrupt decision-makers anonymize themselves behind anonymous “the
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40 commission” and “the claims division” or even “the manager” (if the deputies are the
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42 real decision-makers, but the names of the deputies are hidden by Ruby Tate signing
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44 every document from the claims division), we no longer have a right to petition the
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1 government for a redress of grievances. As argued in the complaint, Article 2 § 11
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3 mandates open justice, which includes that the adjudicators of claims identify
4
5 themselves publicly.
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7 **CLAIM NUMBERS BEING CONFIDENTIAL INFORMATION**
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10 It appears that the Industrial Commission has designed their whole system
11 without any thought towards transparency under Title 39 or Article 2 § 11 of the
12 Arizona Constitution. They want to withhold literally every document from The
13 Public because they intentionally put a confidential piece of information on every
14 document. The document could otherwise not be confidential, but because they put
15 one single piece of confidential information on the document, that means the public
16 has zero right to see the rest of it. Case law requires that, under public records law,
17 the government use the least restrictive means and to explore alternatives. This
18 typically looks like blacking out documents and releasing them. The Industrial
19 Commission refuses to do this. As evidenced by the Plaintiff's complaint, very little
20 in those workman's compensation claim files are confidential.
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33 As far as the ICA claim numbers being confidential, this is a serious flaw that
34 the Industrial Commission needs to rectify, because transparency is important, and
35 ICA claim numbers are the cornerstone reference point to workman's compensation
36 controversies. If there are truly certain parts of the claim files that are confidential,
37 they need to use something other than an ICA claim number to verify someone's
38 identity. The public interest in transparency and accountable government outweighs
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1 the Industrial Commission's arbitrary desire for using claim numbers to verify
2 someone's identity in order to give them unlimited access to a claim file.
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5 **ALLEGED GIVING OF ALL RECORDS**
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7 Defendant Industrial Commission alleges that "ICA produced all documents
8 and information required to be disclosed under the applicable law". The Defendant,
9 inter alia, has not produced an index of withheld records. This was requested, as
10 detailed in Exhibit 3 of the Complaint, Page 4, Item #22. The Defendant has not
11 produced an index, in violation of A.R.S. § 39-121.01 There is no **STATUTE** that
12 expressly makes the information requested privileged or confidential (the
13 administrative code is not considered for A.R.S. § 39-121.01(D)(2) purposes).
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22 The Industrial Commission paints a vague picture to this Court that 100% of
23 all claim files are confidential, gives this Court and Plaintiff zero documents or
24 indexes of records. Yet the Plaintiff has shown exhibits to this Court of mostly non-
25 confidential claim files. If this Court expects the Plaintiff to prove to this Court why
26 the documents should not be released, it goes against well-established case law that
27 the Defendant, not the Plaintiff, has the burden of proof. The Defendant holds all the
28 information, not the Plaintiff, and also the presumption is of openness, with proof that
29 it is not. "Arizona imposes a presumption in favor of disclosure; to defend a refusal to
30 release a public record, the government must demonstrate that the policy in favor of
31 public disclosure and access is outweighed by considerations of [']confidentiality,
32 privacy, or the best interests of the state.[']" (A.H. Belo Corp. v. Mesa Police Dep't,
33 202 Ariz. 184)
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ORDER OF LAW

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3 The Industrial Commission must overcome each level of law. If one level of
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5 law supersedes the lower level, the higher level overcomes the lower level. The levels
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7 of law, in order: (1) the USA Constitution; (2) federal statutes (although questionable
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9 because of the 10th amendment); (3) the Arizona Constitution; (4) because Article 18
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11 § 8 of the Arizona Constitution states “The legislature shall enact a workmen's
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13 compensation law...”, laws passed by the Arizona legislature; (5) the Arizona
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15 Administrative Code.
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18 The Industrial Commission must overcome the Article 2 § 5, 6, and 11
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20 arguments (right to petition the government to get rid of corrupt adjudicators, right
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22 for the press to report on corrupt adjudicators, the public’s right to open justice) as
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24 well as Article 18 § 8 arguments (a “certain”, “just and humane” workman’s
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26 compensation). Even if state statute says the opposite of the Arizona Constitution, the
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28 state statutes are ignored.
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31 The Industrial Commission must then overcome the arguments: (1) that the
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33 legislature (not the executive department) has authority to make law (Article 3 and
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35 Article 18 § 8 of the Arizona Constitution); (2) overcome Title 23 and Title 39
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37 arguments. Although the Industrial Commission cites various statutes, none of those
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39 statutes expressly make workman’s compensation proceedings (written or oral)
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41 confidential. Because of Title 39, that means these records are public because no
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43 **STATUTE** makes them not.
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1 The Industrial Commission must then overcome the Arizona Administrative
2 Code. Plaintiff admits that R20-5-108 makes commission files confidential. However,
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4 the Industrial Commission must successfully argue that they are complying with the
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6 Arizona Constitution, and state law, before they may excuse themselves from public
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8 records, open justice, and other laws.
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11 **PROTECTING THE EMPLOYERS AND INSURANCE COMPANIES**
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14 Plaintiff asserts that this Court is NOT permitted to consider the employers and
15 insurance companies. Article 18 § 8 only provides consideration for workman, and
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17 when the interests of the workman conflict with the interests of the interests of the
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19 employers, insurance companies, and the commission, the interests of the workman
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21 prevail. The Court should also consider the historical 1925 amendment of Article 18
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23 § 8, where the workman previously had the right to sue in court under ordinary injury
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25 law, and it was only because of the wording (“...for the relief and protection of such
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27 workmen...”) that the voters voted “yes” to get rid of this right to sue. The
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29 commission alleges that this Court should consider the interests of the employers and
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31 insurance companies, and the Plaintiff asserts that this Court should put very little
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33 weight on their interests. Plaintiff admits that literal banking information that could
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35 be used to steal from bank accounts probably should be withheld from public record.
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37 However, Plaintiff seriously doubts that an employer would give the commission or a
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39 workman that information anyway.
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44 **EXECUTIVE DEPARTMENT NEVER TASKED WITH WORKMAN’S**
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46 **COMPENSATION**
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1 Plaintiff also would like to point out that the State of Arizona is violating
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3 Article 3, Article 6 § 14 of the Arizona Constitution. Nowhere in Article 18 § 8 of the
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5 Arizona Constitution does it permit the legislature to place workman’s compensation
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7 controversies in the hands of the executive department instead of the judicial
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9 department. Article 6 § 14, for example, gives jurisdiction to the superior court over
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11 “Other cases in which the demand or value of property in controversy amounts to one
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13 thousand dollars or more, exclusive of interest and costs.”. If the legislature wanted to
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15 streamline the workman’s compensation process, they could create special divisions
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17 of the superior court or create its own court, get rid of filing fees for workman’s
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19 compensation cases, and encourage the Supreme Court to create procedural rules for
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21 workman’s compensation.
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24 The Plaintiff’s right to observe open justice in the superior court over
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26 workman’s compensation claims in which the amount in controversy exceeds
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28 \$10,000 is being violated.
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30 **ALLEGED SLOWING DOWN OF THE COMMISSION**

31 The commission is already slow. As argued earlier, it takes the commission
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33 100 days to give workman hearings. If anything, if the commission would speed up
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35 because the corruption of how slow the commission processes workman’s
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37 compensation would be exposed and The People would petition their politicians (as is
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39 their right under Article 2 § 5 of the Arizona Constitution) to make it faster.
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44 **HOLOHAN AND KIRKPATRCIK**

1 Defendant alleges that Holohan and Kirkpatrick state that the Arizona
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3 Supreme Court and Court of Appeals has already decided that workman's
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5 compensation files are not public records. Firstly, Industrial Commission v. Holohan,
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7 397 P.2d 624 explicitly stated "We think the records of the Industrial Commission's
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9 proceedings, orders and awards must be considered as public records.". In this
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11 lawsuit before this Court, the Industrial Commission seeks to make the orders and
12
13 awards confidential because they want to make ALL the files confidential, which
14
15 explicitly violates the very principles the Arizona Supreme Court set out in Holohan.
16
17 Secondly, Holohan only determined that A.R.S. § 39-121 did not make the records
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19 public, but it never even discussed Article 2 § 11 of the Arizona Constitution. Thirdly,
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21 both cases were only about discovery disputes. Plaintiff is in the belief that the
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23 Arizona Supreme Court was primarily considering the discovery dispute, and not
24
25 considering the Title 39 implications, the Article 2 § 11 implications, and other
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27 implications,
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A COPY OF THIS WILL BE SENT TO:

bobby.wren@ritsemalaw.com

darla.banks@ritsemalaw.com

Dated this day, 12 January 2026,

_____/s/_____

Eli Dalton-Webb, *Plaintiff*

Exhibit

9

BEFORE THE INDUSTRIAL COMMISSION OF ARIZONA

ELI DALTON-WEBB

Applicant,

vs.

TRUEBLUE INC

Defendant Employer,

A I U INSURANCE CO

Defendant Insurance Carrier

ICA Claim No. 20232780039

Ins. Claim No. 009793-145538-WC-01

Date of Injury: 09/18/2023

FINDINGS AND AWARD DENYING BAD FAITH AND/OR UNFAIR CLAIM PROCESSING PRACTICES

FINDINGS

A Complaint of Bad Faith and/or Unfair Claim Processing Practices was filed on December 6, 2023 against AIU Insurance Co. to A.A.C. R20-5-163.

The Industrial Commission has conducted an investigation pursuant to A.R.S. 23-930, and fails to find grounds for assessing Bad Faith and/or Unfair Claim Processing Practices as defined by A.A.C. R20-5-163.

AWARD

The Complaint of Bad Faith and/or Unfair Claim Processing Practices filed on December 6, 2023 is denied.

If you do not agree with this award and wish a hearing, then your written request for hearing must be received in either office of The Industrial Commission of Arizona within NINETY (90) DAYS from the date of this award pursuant to A.R.S. 23-941 and 23-947. IF NO SUCH REQUEST FOR HEARING IS RECEIVED WITHIN THAT NINETY (90) DAY PERIOD, THIS AWARD IS FINAL.

By, Ruby Tate

THE INDUSTRIAL COMMISSION COMPLIES WITH THE *AMERICANS WITH DISABILITIES ACT OF 1990*. IF YOU NEED THIS DOCUMENT IN ALTERNATIVE FORMAT CONTACT CLAIMS AT
BF_DEN
BD 07/2010

THE INDUSTRIAL COMMISSION OF ARIZONA



NOTICE OF SERVICE

The attached FINDINGS AND AWARD DENYING BAD FAITH AND/OR UNFAIR CLAIM PROCESSING PRACTICES was placed in, and is now a part of, the Commission file, and a copy thereof was served upon all parties hereinafter named on 03/22/2024 (1) by depositing copies in the United States Mail in postage-prepaid, sealed envelopes addressed to such parties at the addresses shown below; or (2) if parties have waived service by United States Mail and specifically authorized alternative forms of service, by serving copies in the manners specifically authorized (designated below):

Claimant
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5009 E IRONWOOD CIRCLE
SIERRA VISTA, AZ 85650
VIA U.S. Mail

Carrier Attorney
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333 E OSBORN RD STE 150
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Counsel for A I U INSURANCE CO, Carrier