Significant Washington Board Decisions Refresher: **Industrial Injury**

By Sara Wong ■ September 20, 2021

Welcome to our Significant Board of Industrial Insurance Appeals Decisions Refresher series, which focuses on Board decisions that form the fundamentals of claims processing in Washington. The following is one of twelve blogs that will break down some of the most impactful Board significant decisions. Each blog will include key takeaways from referenced Board decisions that affect Washington workers' compensation rules and laws, and ultimately affect how you process your claims.

Washington law defines **industrial injuries** as "a sudden and tangible happening, of a traumatic nature, producing an immediate or prompt result, and occurring from without, and such physical conditions as result therefrom." (RCW 51.08.100). That definition is admittedly a mouthful. Look at these Board significant decisions below to break down what it means!

Washington law defines* industrial injuries *as "a sudden and tangible happening, of a traumatic nature, producing an immediate or prompt result, and occurring from without, and such physical conditions as result therefrom."

Significant Decision #1: In re Kenneth Heimbecker, BIIA Dec., 41, 998 (1975)

- Legal Issue: What is required to establish an "injury" within the meaning of the Industrial Insurance Act, as defined by RCW 51.08.100?
- Key Point: An injury requires (1) a tangible happening or incident and (2) a resulting physical condition that (3) is connected to the event by medical testimony. Not every work incident rises to the level of an industrial injury.

Significant Decision #2: In re Renford Gallier, BIIA Dec., 89 3109 (1990)

- Legal Issue: Does repetitive lifting over a two-hour period satisfy the "sudden and tangible happening" requirement of an industrial injury?
- Key Point: Yes, depending on the factual circumstances. A physical condition stemming from a short period of activity may satisfy the "sudden and tangible happening" requirement for an industrial injury, so long as causation is established.

Continued

Reinisch Wilson Weier PC
LAW OFFICES

OREGON: 10260 SW Greenburg Rd., Suite 1250, Portland, OR 97223 ● T 503-245-1846 / F 503-452-8066
WASHINGTON: 15395 SE 30th Place, Suite 230, Bellevue, WA 98007 ● T 206-622-7940 / F 206-622-5902
www.rwwcomplaw.com

Sara Wong is an attorney at Reinisch Wilson Weier PC. She may be reached at 503.452.7282 or SaraW@rwwcomplaw.com.

Refresher: Industrial injuries (continued)

Significant Decision #3: In re Daniel Ramos, BIIA Dec., 91 6906 (1993)

- Legal Issue: Can termination from employment be construed as an industrial injury to support an industrial mental health condition?
- Key Point: In this case, no: events leading to termination occurred over a six-month period and claimant's termination was not traumatic. As such, it was not sudden or traumatic and thus there was no industrial injury. [Stress claims are not allowed as an occupational disease pursuant to RCW 51.08.142 absent certain circumstances involving firefighters, but stress claims can be allowed as an industrial injury pursuant to WAC 296-14-300(2).]

Significant Decision #4: In re Soledad Pineda, BIIA Dec., 08 19297 (2010)

- Legal Issue: Does an industrial event constitute a "new" industrial injury or is it a continuation from a prior industrial injury?
- Key Point: The focus is on whether a qualifying event (i.e., industrial injury) occurred. The fact that preexisting infirmities were also a cause of the industrial injury does not defeat a claim for benefits.

Significant Decision #5: In re Philip Carstens, Jr., BIIA Dec., 89 0723 (1990)

- Legal Issue: Can a normal bodily function (i.e., eating candy at work and sustaining a tooth injury) qualify as an industrial injury?
- Key Point: Yes. A normal bodily function that does not cause a worker to leave the course of employment can qualify as an industrial injury.

Reach out to the attorneys at Reinisch Wilson Weier if you have any questions about these significant decisions, about what constitutes an industrial injury, or any other workers' compensation matter. ■