

SUPREME COURT OF WASHINGTON

Willoughby v. Department of Labor & Industries

147 Wn. 2d 725 (2002) · Decided November 14, 2002

SUMMARY

The Washington Supreme Court held that statutory provisions suspending permanent partial disability benefits for incarcerated workers without statutory beneficiaries violated due process and equal protection as applied to the plaintiffs. The court also held that the provisions did not conflict with Washington’s statutory prohibition against forfeiture of prisoners’ property. The superior court’s judgment was affirmed, and the cases were remanded.

CASE DETAILS

COURT	Supreme Court of Washington
WRITING FOR THE COURT	Sanders, J.; Alexander, C.J.; Smith, J.; Johnson, J.; Chambers, J.
JURISDICTION	Washington
DECIDED	November 14, 2002
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Department of Labor & Industries appealed consolidated superior-court judgments declaring statutory restrictions on payment of industrial-insurance permanent partial disability benefits to certain incarcerated workers unconstitutional and inconsistent with Washington's anti-forfeiture statute. The Washington Supreme Court accepted direct review.
STANDARD OF REVIEW	Statutory construction and constitutional challenges are reviewed de novo.
PRECEDENTIAL VALUE	published precedential Washington Supreme Court opinion
PARTIES	Washington State Department of Labor & Industries v. Tony Willoughby, Lennie Cain

TOPICS

- insurance
- statutory interpretation
- procedural due process
- equal protection
- appellate jurisdiction

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether RCW 51.32.040(3)(a) and RCW 72.60.102 conflict with RCW 9.92.110's prohibition against forfeiture of a prisoner's property by reason of conviction.
2. Whether withholding permanent partial disability benefits from incarcerated workers without statutory beneficiaries violates due process.
3. Whether the statutory classification distinguishing incarcerated workers based on the existence of beneficiaries or the likelihood of release violates equal protection.

HOLDINGS

1. RCW 51.32.040(3)(a) and RCW 72.60.102 do not conflict with RCW 9.92.110 because they suspend payment during confinement, rather than impose a forfeiture by reason of the worker's conviction.
2. Applying RCW 51.32.040(3)(a) and RCW 72.60.102 to Willoughby and Cain deprives them of property without due process of law.
3. RCW 51.32.040(3)(a), as applied to prisoners through RCW 72.60.102, violates equal protection.

KEY QUOTATIONS

“According to these statutes, Labor & Industries is required to suspend payment of prisoners’ permanent partial disability benefits for the duration of their imprisonment.” (732)

“We therefore affirm the superior court’s decision that RCW 51.32.040(3)(a), as applied to Willoughby and Cain by RCW 72.60.102, deprives them of property absent that lawful process which is due.” (738)

“We therefore hold RCW 51.32.040(3)(a), as applied to prisoners by 72.60.102, violates equal protection.” (742)

FACTUAL BACKGROUND

Tony Willoughby, serving life without parole and having no spouse or dependents, suffered a work-related injury while employed in a state correctional work program and was awarded \$10,260.81 in permanent partial disability benefits. The Department canceled his benefits because he was incarcerated and had no statutory beneficiaries. Lennie Cain, serving a lengthy prison sentence and likewise having no spouse or dependents, suffered a compensable work-related injury, but the Department closed his claim without determining his permanent partial disability rating. Both challenged the statutory bar on benefits for incarcerated workers without beneficiaries or a realistic prospect of release.

PROCEDURAL HISTORY

Willoughby and Cain separately filed declaratory judgment actions in Walla Walla County Superior Court. The superior court held that RCW 51.32.040(3)(a) and RCW 72.60.102 forfeited prisoners' property, violated due process and equal protection, and conflicted with RCW 9.92.110. The Department appealed; the Court of

Appeals consolidated the matters, stayed the superior-court judgment, and certified the consolidated appeals for direct review. The Supreme Court affirmed and remanded.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The cases were remanded to the superior court for proceedings consistent with the opinion. The prisoners were awarded their costs on appeal.

CASES CITED

- Stuckey v. Dep't of Labor & Indus., 129 Wn.2d 289, 295, 916 P.2d 399 (1996)
- Fusato v. Wash. Interscholastic Activities Ass'n, 93 Wn. App. 762, 767, 970 P.2d 774 (1999)
- Tunstall ex rel. Tunstall v. Bergeson, 141 Wn.2d 201, 210, 5 P.3d 691 (2000), cert. denied, 532 U.S. 920 (2001)
- Tommy P. v. Bd. of County Comm'rs, 97 Wn.2d 385, 391-92, 645 P.2d 697 (1982)
- Meyer v. Univ. of Wash., 105 Wn.2d 847, 853, 719 P.2d 98 (1986)
- In re Marriage of MacDonald, 104 Wn.2d 745, 748, 709 P.2d 1196 (1985)
- Harris v. Dep't of Labor & Indus., 120 Wn.2d 461, 475, 843 P.2d 1056 (1993)
- Godfrey v. State, 84 Wn.2d 959, 963, 530 P.2d 630 (1975)
- Sintra, Inc. v. City of Seattle, 119 Wn.2d 1, 21, 829 P.2d 765 (1992)
- Presbytery of Seattle v. King County, 114 Wn.2d 320, 330, 787 P.2d 907 (1990)
- Orion Corp. v. State, 109 Wn.2d 621, 646-47, 747 P.2d 1062 (1987)
- Lawton v. Steele, 152 U.S. 133, 14 S. Ct. 499, 38 L. Ed. 385 (1894)
- State v. Clausen, 65 Wash. 156, 195-96, 117 P. 1101 (1911)
- McIndoe v. Department of Labor & Indus., 144 Wn.2d 252, 26 P.3d 903 (2001)
- Kostida v. Dep't of Labor & Indus., 139 Wash. 629, 634, 247 P. 1014 (1926)
- Cayce v. Dep't of Labor & Indus., 2 Wn. App. 315, 317, 467 P.2d 879 (1970)
- In re Personal Restraint of Dyer, 143 Wn.2d 384, 396, 20 P.3d 907 (2001)
- Harris v. Dep't of Labor & Indus., 120 Wn.2d 461, 481 n.12, 843 P.2d 1056 (1993)
- Caughey v. Employment Sec. Dep't, 81 Wn.2d 597, 599, 503 P.2d 460 (1972)
- Plyler v. Doe, 457 U.S. 202, 227, 102 S. Ct. 2382, 72 L. Ed. 2d 786 (1982)
- Nicholas v. Riley, 874 F. Supp. 10 (D.D.C.), aff'd (D.C. Cir. 1995)
- DeYoung v. Providence Med. Ctr., 136 Wn.2d 136, 144-45, 960 P.2d 919 (1998)
- Culinary Workers & Bartenders Union, Local No. 596 v. Gateway Cafe, Inc., 91 Wn.2d 353, 368, 588 P.2d 1334, 642 P.2d 403 (1979)
- State v. Hill, 123 Wn.2d 641, 644, 870 P.2d 313 (1994)

- Clark v. Pacificorp, 118 Wn.2d 167, 192 n.13, 822 P.2d 162 (1991)
- Gilbert H. Moen Co. v. Island Steel Erectors, Inc., 128 Wn.2d 745, 912 P.2d 472 (1996)

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