

SUPREME COURT OF WASHINGTON

Boeing Co. v. Doss

183 Wash. 2d 54 (2015) · Decided April 16, 2015

SUMMARY

The Washington Supreme Court held that a self-insured employer is not entitled to second injury fund relief for a worker's postpension medical costs under RCW 51.16.120(1). The court concluded that the statute limits second injury fund relief to specified accident or pension costs and does not relieve a self-insured employer of responsibility for authorized postpension medical treatment. The court reversed the Court of Appeals.

CASE DETAILS

COURT	Supreme Court of Washington
WRITING FOR THE COURT	Stephens, J.; Madsen, C.J.; Johnson, J.; Owens, J.; Fairhurst, J.; Wiggins, J.; González, J.; Gordon McCloud, J.; Yu, J.
JURISDICTION	Washington
DECIDED	April 16, 2015
DISPOSITION	reversed
PROCEDURAL POSTURE	The Department of Labor and Industries petitioned for review after the Court of Appeals affirmed a superior court decision reversing the Board of Industrial Insurance Appeals and holding that Boeing's postpension medical treatment costs were payable from the second injury fund.
STANDARD OF REVIEW	De novo review of statutory interpretation and the legal conclusions concerning entitlement to second injury fund relief.
PRECEDENTIAL VALUE	Published Washington Supreme Court opinion; binding precedent in Washington.
PARTIES	Washington State Department of Labor and Industries v. The Boeing Company

TOPICS

[workers compensation](#)[statutory interpretation](#)[plain meaning rule](#)[administrative law](#)

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether RCW 51.16.120(1) permits a self-insured employer to charge a worker's postpension medical treatment costs to the second injury fund.
2. Whether the inclusion of medical costs in calculations used to assess self-insured employers for the second injury fund creates an entitlement to second injury fund relief for postpension medical treatment.
3. Whether denying a self-insured employer second injury fund relief for postpension medical costs creates an unfair disparity compared with state fund employers.

HOLDINGS

1. RCW 51.16.120(1) does not permit a self-insured employer to charge postpension medical treatment costs to the second injury fund. The provision applies only to accident costs associated with the pension reserve, not medical costs.
2. The term "only" limits the employer's contribution to the pension reserve to the workplace-related portion of the accident cost; it does not eliminate the employer's separate responsibility for authorized medical costs.
3. Medical costs' inclusion in calculations used to assess self-insured employers does not make those costs covered by the second injury fund under RCW 51.16.120(1), and denying such coverage to self-insured employers does not create an unfair greater burden.

KEY QUOTATIONS

"We hold that the plain language of the governing statutes does not allow a charge to the second injury fund for postpension medical treatment under RCW 51.16.120(1)." (183 Wash. 2d at 54)

"The plain language of RCW 51.44.040 and RCW 51.16.120 indicates that the second injury fund is not intended to relieve Boeing from paying Doss's postpension medical costs under RCW 51.16.120(1)." (183 Wash. 2d at 70)

FACTUAL BACKGROUND

Patricia Doss suffered chemical exposure during her employment with Boeing, permanently aggravating preexisting asthma. The combined effects of her preexisting asthma, workplace injury, and a right knee injury rendered her permanently totally disabled, and the Department awarded her a pension. Boeing received second injury fund relief for the pension but challenged its separate obligation to pay authorized postpension medical treatment for Doss's asthma.

PROCEDURAL HISTORY

The Department directed Boeing, a self-insured employer, to pay Patricia Doss's authorized postpension medical treatment. The Board affirmed, but the superior court reversed. The Court of Appeals affirmed the superior court,

and the Washington Supreme Court granted the Department's petition for review and reversed the Court of Appeals.

DISPOSITION

reversed

CASES CITED

- Tomlinson v. Puget Sound Freight Lines, Inc., 166 Wn.2d 105, 117, 206 P.3d 657 (2009)
- Dennis v. Dep't of Labor & Indus., 109 Wn.2d 467, 471, 745 P.2d 1295 (1987)
- WR Enters., Inc. v. Dep't of Labor & Indus., 147 Wn.2d 213, 217, 53 P.3d 504 (2002)
- Johnson v. Tradewell Stores, Inc., 95 Wn.2d 739, 742, 630 P.2d 441 (1981)
- Crown, Cork & Seal v. Smith, 171 Wn.2d 866, 873, 259 P.3d 151 (2011)
- Jussila v. Dep't of Labor & Indus., 59 Wn.2d 772, 777-78, 370 P.2d 582 (1962)
- Ellis v. Dep't of Labor & Indus., 88 Wn.2d 844, 851, 567 P.2d 224 (1977)
- Boeing Co. v. Doss, 180 Wn. App. 427, 321 P.3d 1270 (2014)
- Boeing Co. v. Dep't of Labor & Indus., 181 Wn.2d 1001, 332 P.3d 984 (2014)

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