

SUPREME COURT OF WASHINGTON

Crown, Cork & Seal v. Smith, 171 Wash. 2d 866

259 P.3d 151 (2011) · No. No. 83854-2 · Decided June 23, 2011

SUMMARY

The Supreme Court of Washington considered whether an employee's preexisting wrist condition constituted a "previous bodily disability" under RCW 51.16.120(1), thereby qualifying the employer for second injury fund coverage. The court held that such a disability must be an objectively injured state that either effectively impacts workplace performance or materially diminishes the employee's ability to perform routine activities of daily living. Because Crown, Cork & Seal did not establish that Sylvia Smith's wrist condition met this standard before her later industrial leg injury, the court affirmed the denial of second injury fund coverage.

CASE DETAILS

COURT	Supreme Court of Washington
WRITING FOR THE COURT	C. Johnson, J.; Barbara A. Madsen, Chief Justice; Gerry L. Alexander, Justice; Tom Chambers, Justice; Susan Owens, Justice; Mary E. Fairhurst, Justice; James M. Johnson, Justice; Debra L. Stephens, Justice; Stephen J. Dwyer, Justice Pro Tem
JURISDICTION	Washington
DECIDED	June 23, 2011
DOCKET	No. 83854-2
DISPOSITION	affirmed
PROCEDURAL POSTURE	Crown, a self-insured employer, sought second injury fund coverage under Washington's Industrial Insurance Act after the Department of Labor and Industries denied coverage. The Board of Industrial Insurance Appeals affirmed the denial, the superior court reversed, and the Court of Appeals reversed the superior court. The Washington Supreme Court affirmed the Court of Appeals.
STANDARD OF REVIEW	Questions of law are reviewed de novo. The court also addressed whether the Court of Appeals properly applied the legal standard to the factual findings developed below.
PRECEDENTIAL VALUE	binding

PARTIES

Crown, Cork & Seal v. Sylvia Smith, Department of Labor and Industries

TOPICS

workers compensation

administrative law

statutory interpretation

judicial review of agency action

PRACTICE AREAS

workers compensation

administrative law

statutory interpretation

QUESTIONS PRESENTED

1. What constitutes a "previous bodily disability" under RCW 51.16.120(1) for purposes of second injury fund coverage?
2. Whether Smith's preexisting wrist condition constituted a previous bodily disability that, combined with her later industrial leg injury, entitled Crown to second injury fund coverage.

HOLDINGS

1. A previous bodily disability is an objectively injured state, rather than a transitory condition, that either effectively impacts an employee's workplace performance or materially diminishes the employee's functional ability to perform the essential routine activities of daily living.
2. Crown was not entitled to second injury fund coverage because it failed to prove that Smith's preexisting wrist condition effectively impaired her workplace performance or materially diminished her ability to perform essential activities of daily living at the time of the 1997 industrial injury.

KEY QUOTATIONS

"we hold that a "previous bodily disability" is an objectively injured state—rather than a transitory condition — that either effectively impacts an employee's performance in the workplace or materially diminishes the employee's functional ability to perform the essential activities associated with daily living." (259 P.3d at 156)

"In sum, the employer seeking second injury fund coverage under RCW 51.16.120(1) bears the burden of establishing that its employee had a "previous bodily disability."" (259 P.3d at 157)

"A previously injured employee who retains the ability to perform all ordinary life activities—including but not limited to work activities—does not have a "previous bodily disability."" (259 P.3d at 158)

FACTUAL BACKGROUND

Sylvia Smith worked for Crown as a bagger for approximately 17 years, performing repetitive, physically demanding tasks during lengthy shifts. In 1994 she experienced wrist pain and swelling, received wrist splints, and improved without substantial work restrictions or continuing active treatment. In 1997, a forklift fractured her right leg; after that injury, she experienced hand complaints and ultimately failed to complete vocational retraining. The evidence did not establish that her preexisting wrist condition materially impaired her work performance or substantially limited her ordinary daily activities at the time of the 1997 injury.

PROCEDURAL HISTORY

The Department of Labor and Industries determined that Smith was permanently and totally disabled following a work-related leg injury and denied Crown second injury fund coverage. The Board of Industrial Insurance Appeals affirmed. The superior court reversed, finding that Smith's preexisting carpal tunnel conditions constituted a previous bodily disability. The Court of Appeals reversed the superior court, and the Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Cockle v. Dep't of Labor & Indus., 142 Wash. 2d 801, 807, 16 P.3d 583 (2001)
- Stuckey v. Dep't of Labor & Indus., 129 Wash. 2d 289, 295, 916 P.2d 399 (1996)
- Jussila v. Dep't of Labor & Indus., 59 Wash. 2d 772, 778-79, 370 P.2d 582 (1962)
- Seattle Sch. Dist. No. 1 v. Dep't of Labor & Indus., 116 Wash. 2d 352, 357, 804 P.2d 621 (1991)
- Henson v. Dep't of Labor & Indus., 15 Wash. 2d 384, 391, 130 P.2d 885 (1942)
- Donald W. Lyle, Inc. v. Dep't of Labor & Indus., 66 Wash. 2d 745, 746, 748, 405 P.2d 251 (1965)
- Rothschild Int'l Stevedoring Co. v. Dep't of Labor & Indus., 3 Wash. App. 967, 968, 478 P.2d 759 (1970)
- Puget Sound Energy, Inc. v. Lee, 149 Wash. App. 866, 888-89, 205 P.3d 979 (2009)
- Jensen v. Dep't of Ecology, 102 Wash. 2d 109, 113, 685 P.2d 1068 (1984)
- Ruse v. Dep't of Labor & Indus., 138 Wash. 2d 1, 5, 977 P.2d 570 (1999)
- Young v. Dep't of Labor & Indus., 81 Wash. App. 123, 128, 913 P.2d 402 (1996)