

Gibson, Ahmad

BOARD

Conduct of litigants

Inciteful and harassing language is not protected speech and its use during litigation may lead to sanctions or cessation of proceeding. ...*In re Ahmad Gibson*, BIA Dec., 13 22860 (2017)

Scroll down for order.

**BEFORE THE BOARD OF INDUSTRIAL INSURANCE APPEALS
STATE OF WASHINGTON**

1 **IN RE: AHMAD R. GIBSON**

) **DOCKET NO. 13 22860**

)
) **ORDER VACATING PROPOSED DECISION**
) **AND ORDER AND REMANDING THE APPEAL**
) **FOR FURTHER PROCEEDINGS**

4 **CLAIM NO. AS-60384**

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6 The Department denied Mr. Gibson's claim for benefits. Our industrial appeals judge
7 dismissed his appeal because Mr. Gibson failed to attend a hearing on September 5, 2014.
8 Subsequent to that hearing the appeal was placed in stay status as an accommodation to Mr. Gibson.
9 The stay granted in this matter expired on September 16, 2016. Rather than dismissing for the failure
10 to appear in 2014, the appeal should have been rescheduled for further proceedings. The Proposed
11 Decision and Order of September 27, 2016, is vacated and this appeal is **REMANDED FOR**
12 **FURTHER PROCEEDINGS.**

ORDER

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14 This appeal is remanded to the hearings process, as provided by WAC 263-12-145(4), for
15 further proceedings as indicated here.

16 This matter has been before the Board for an extended period of time. A stay of proceedings
17 was granted to Mr. Gibson until September 16, 2016. The stay period has expired. Previously
18 Mr. Gibson has submitted multiple requests for continuances of scheduled conferences and hearings.
19 He has cited medical issues as the basis for the continuances in each case. The parties are advised
20 that further requests for continuances for **all hearings and conferences** due to medical disability
21 must be supported by properly executed written declarations or oral testimony under oath by medical
22 experts qualified to assess Mr. Gibson's mental and physical disability.

23 Further, Mr. Gibson has requested continuances based on a desire to seek legal
24 representation. Because this appeal was granted by the Board in 2013 and because Mr. Gibson has
25 represented that he has previously made efforts to seek legal representation regarding this appeal,
26 he has had ample time to make such arrangements. No further continuances should be granted on
27 this basis.

28 Finally, throughout the proceedings and communications Mr. Gibson and other parties will
29 discontinue using unprotected, inciting, and offensive speech which tends to harass us or other
30 parties. Prior communications from Mr. Gibson contain language that include harassing personal
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1 attacks and are offensive. Harassing speech is not protected speech.¹ We, nor the parties appearing
2 before us, will be subjected to offensive and unwarranted communication forced on us in a manner
3 that can't be ignored. We demand civility and respect in all forms of communication. **Continued use**
4 **of offensive harassing speech will not be tolerated and may lead to sanctions and/or cessation**
5 **of the proceedings.**

6 Unless the matter is settled or dismissed, the industrial appeals judge will issue a new
7 Proposed Decision and Order. The new order will contain findings and conclusions as to each
8 contested issue of fact and law. Any party aggrieved by the new Proposed Decision and Order may
9 petition the Board for review, as provided by RCW 51.52.104. This order vacating is not a final
10 Decision and Order of the Board within the meaning of RCW 51.52.110.

11 Dated: January 23, 2017.

12 BOARD OF INDUSTRIAL INSURANCE APPEALS

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16 FRANK E. FENNERTY, JR., Member

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18 JACK S. ENG, Member

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¹ *State v. Alexander*, 76 Wn. App. 830 (1995).

1 **Addendum to Decision and Order**
2 **In re Ahmad R. Gibson**
3 **Docket No. 13 22860**
4 **Claim No. AS-60384**

5 **Appearances**

6 Claimant, Ahmad R. Gibson, Pro Se

7 Employer, Kitsap Home Rental Services, by Lewis Brisbois Bisgaard & Smith, LLP, per
8 Benjamin J. Stone

9 Department of Labor and Industries, by The Office of the Attorney General, per Lucretia F.
10 Greer

11 **Department Order(s) Under Appeal**

12 In Docket No. 13 22860, the claimant, Ahmad R. Gibson, filed an appeal with the Board of
13 Industrial Insurance Appeals on October 9, 2013, from an order of the Department of Labor and
14 Industries dated October 3, 2013. In this order, the Department denied Mr. Gibson's claim for
15 benefits.

16 **Petition for Review**

17 As provided by RCW 51.52.104 and RCW 51.52.106, this matter is before the Board for review
18 and decision. The claimant filed a timely Petition for Review of Proposed Decision and Order issued
19 on September 29, 2016. On January 12, 2017, the employer filed a response to the claimant's
20 Petition for Review.
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