

Van Demark, R. J.

PROPERTY DAMAGE AS A RESULT OF "INDUSTRIAL ACCIDENT" (RCW 51.36.020)

Eyeglasses

Damage to eyeglasses is compensable only if the damage was incidental to an accident involving the worker's person. The eyeglasses must have been serving as a body substitute, performing a bodily function, i.e., the worker must have been wearing them at the time the damage occurred, in order for the coverage of RCW 51.36.020 to apply.

...In re R. J. Van Demark, BIIA Dec., 43,729 (1974)

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BEFORE THE BOARD OF INDUSTRIAL INSURANCE APPEALS
STATE OF WASHINGTON

1 IN RE: R. J. VAN DEMARK) DOCKET NO. 43,729
2)
3 CLAIM NO. G 6524754) ORDER DENYING APPEAL
4

5 Appeal filed by the claimant, R. J. Van Demark, on February 20, 1974, from an order of the
6 Department of Labor and Industries dated January 18, 1974, rejecting this claim for breakage of
7 eyeglasses. Appeal **DENIED**.
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9
10 **DECISION**

11 The record shows that the claimant was reaching over a cabinet to work on a light fixture. The
12 awkward position in which he was working caused pressure to be exerted on his eyeglasses which he
13 was carrying in his left pocket, with resulting breakage of the glass frames. The claimant has noted in
14 his notice of appeal that it was necessary for him to carry his glasses on his person while working so
15 as to be able, from time to time, to read work requests, job orders, name plates and the like.
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18 The Department's denial was premised on the grounds that the claimant's eyeglasses were not
19 damaged as a result of an "industrial accident." We agree.
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21 The provision for eyeglasses is contained in RCW 51.36.020, which reads in material
22 part as follows:
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24 "Every workman whose injury results in the loss of one or more limbs or
25 eyes shall be provided with proper artificial substitutes and every
26 workman, who suffers an injury to an eye producing an error of
27 refraction, shall be once provided, ... proper and properly equipped
28 lenses to correct such error of refraction and his disability rating shall be
29 based upon the loss of sight before correction. Every workman, whose
30 accident results in damage to or destruction of an artificial limb, eye or
31 tooth, shall have same repaired or replaced ... Every workman whose
32 eyeglasses or lenses are damaged, destroyed, or lost as a result of an
33 industrial accident shall have the same restored or replaced." (Emphasis
34 supplied)
35

36 What we have here is a case of accidental damage of eyeglasses occurring on the job, but this
37 damage was not incidental to an accident involving the claimant's person - a fact which we feel must
38 be present before it can be said that such damage was the "result of an industrial accident."
39

40 The statutorily prescribed artificial appliances, to wit, eyeglasses, false limbs, eyes and teeth
41 are body substitutes that perform a bodily function and are thus covered - not as property, but as
42 ingredients of the body, so to speak, and it is only when they are damaged while serving in this latter
43 capacity that the coverage provisions of the Act apply.
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1 Since Mr. Van Demark was not wearing his glasses at the time they were damaged, so that the
2 damage did not result while the eyeglasses were a part of his functioning body during his work activity,
3 we believe the Department of Labor and Industries was legally correct in denying responsibility for
4 their breakage.
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7 The appeal filed herein by the claimant on February 20, 1974, must be denied.
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9 It is so ORDERED.
10

11 Dated this 15th day of March, 1974.
12

13 BOARD OF INDUSTRIAL INSURANCE APPEALS

14
15 /s/ _____
16 PHILLIP T. BORK Chairman

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18 /s/ _____
19 R.M. GILMORE Member
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