

## **Lowry, Ryan**

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### **APPEALABLE ORDERS**

#### **Oral decisions**

A decision of the Department must be in writing before it can be appealed to the Board.  
*...In re Ryan Lowry, BIIA Dec., 91 C061 (1991)*

Scroll down for order.

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

1     **IN RE: RYAN K. LOWRY**                             )     **DOCKET NO. 91 C061**  
2   )  
3   )     **ORDER DENYING APPEAL AND DIRECTING**  
4   )     **DEPARTMENT TO ENTER DETERMINATIVE**  
5     **CLAIM NO. VA-00025**                             )     **ORDER**  
6

7             An appeal was filed by the claimant's mother on February 28, 1991 from a decision of the  
8 Department of Labor and Industries to refuse to pay for the cost of group home care. The  
9 claimant's mother alleges that, as a result of the criminal act, such care is necessary.

10            From a review of the Department record in this matter it appears that no written order or  
11 decision has been made by the Department denying payment for group home care. The notice of  
12 appeal concedes this, indicating that the "decision" to deny payment for such care was  
13 communicated orally by the claims adjudicator.

14            We do not think the legislature contemplated that oral decisions of Department employees  
15 would be appealable to the Board. Both RCW 51.52.050 and 51.52.060 contemplate that any  
16 "order, decision, or award" of the Department would be capable of being copied and mailed. This  
17 indicates that the decision of the Department must be in writing. Further, appeals from "oral"  
18 decisions would be rife with ambiguity. There would be questions as to whether or when such a  
19 decision was made. The nature and scope of the decision itself would no doubt become a  
20 contested issue of fact.

21            The appeal filed by the claimant's mother is therefore denied. However, it is clear that a  
22 dispute has arisen concerning the claimant's entitlement to benefits under the Crime Victims  
23 Compensation Act. Pursuant to RCW 51.32.055(6) the Department is directed to resolve the  
24 dispute and enter an order, appealable to the Board, which determines the claimant's entitlement to  
25 group home care. The denial of this appeal is without prejudice to the right of the claimant's mother  
26 to appeal such further order.

27            It is ORDERED.

28            Dated this 20<sup>th</sup> day of March, 1991.

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30  
31   BOARD OF INDUSTRIAL INSURANCE APPEALS  
32   /s/ \_\_\_\_\_  
33   SARA T. HARMON                                     CHAIRPERSON  
34   /s/ \_\_\_\_\_  
35   FRANK E. FENNERTY, JR.                             MEMBER  
36   /s/ \_\_\_\_\_  
37   PHILLIP T. BORK                                     MEMBER  
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