

Lowry, Ryan

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)

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**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 20th day of March, 1991.

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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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