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**SUPREME COURT OF THE STATE OF WASHINGTON**

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HINDA ABDI,

Petitioner,

v.

WASHINGTON STATE DEPARTMENT OF LABOR AND  
INDUSTRIES,

Respondent.

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**DEPARTMENT OF LABOR AND INDUSTRIES'  
ANSWER TO ABDI'S PETITION FOR REVIEW**

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## TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	ISSUES PRESENTED.....	2
	1. When a worker files an application to reopen a claim, can a worker argue that a condition that has been segregated from a claim was caused by the injury?.....	2
	2. Did Abdi seek to reopen her claim based on a different mental health condition than the one that was denied through a final and unappealed order? .....	2
III.	STATEMENT OF THE CASE.....	2
	A. Overview of Industrial Insurance.....	2
	B. Abdi Injured Her Right Shoulder and Thumb in 2012 .....	3
	C. Abdi Unsuccessfully Appealed the Orders Denying Responsibility for Her Mental Health Conditions and Closing Her Claim and They Became Final and Binding.....	4
	D. The Department Denied Abdi’s Application To Reopen Her Claim, and the Board, Superior Court, and Court of Appeals Affirmed.....	4
IV.	ARGUMENT .....	6
	A. Res Judicata Precluded Abdi From Reopening the Claim Based on the Segregated Medical Conditions Consistent with Longstanding Case Law.....	7
	B. Abdi Shows No Conflict Between the Court of Appeals’ Well-Reasoned Decision and Other Appellate Case Law, Nor Even a Conflict with the Board’s Application of the Principles of Res Judicata To Reopening Appeals in Its Decisions.....	12

C.	Abdi Waived the Argument That the Depressive Disorder That Was Segregated From Her Claim Is Different From the Depressive Disorder That Her Expert Testified To; But in Any Event the Argument Fails.....	18
V.	CONCLUSION .....	20

## TABLE OF AUTHORITIES

### Cases

<i>Abdi v. Dep't of Labor &amp; Indus.</i> , No. 80149-0-I (slip op.) (Wash. Ct. Apps., June 15, 2020).....	6, 7
<i>Brown v. Bd. of Indus. Ins. Apps.</i> , 11 Wn. App. 790, 525 P.2d 274 (1974).....	1, 7, 8, 13
<i>Christensen v. Grant County Hosp. Dist. No. 1</i> , 152 Wn.2d 299, 96 P.3d 957 (2004).....	10, 11
<i>Cowiche Canyon Conservancy v. Bosely</i> , 118 Wn.2d 801, 828 P.2d 549 (1992).....	12, 18
<i>Dep't of Labor &amp; Indus. v. Field's Corp.</i> , 112 Wn. App. 450, 45 P.3d 1121 (2002).....	17
<i>Grimes v. Lakeside Indus.</i> , 78 Wn. App. 554, 897 P.2d 431 (1995).....	3
<i>In re Coleman</i> , No. 14 C0102, 2015 WL6876976 (Wash. Bd. Indus. Ins. App., Oct. 12, 2015) .....	15, 16
<i>In re Elsey</i> , No. 13 21591, 2015 WL 1955818 at*4 (Wash. Bd. Indus. Ins. App. March 2015).....	13, 14
<i>In re Erben</i> , No. 04 1666, 2005 WL 3802566 (Wash. Bd. Indus. Ins. App. December 2005).....	13
<i>In re Nuanez</i> , No. 13 12100, 2014 WL 6230594 (Wash. Bd. Indus. Ins. App. September 2014).....	13
<i>Karlson v. Dep't of Labor &amp; Indus.</i> , 26 Wn.2d 310, 173 P.2d 1001 (1946).....	7

<i>Karniss v. Dep't of Labor &amp; Indus.</i> , 39 Wn.2d 899, 239 P.2d 555 (1952).....	13
<i>Le Bire v. Dep't of Labor &amp; Indus.</i> , 14 Wn.2d 407, 128 P.2d 308 (1942).....	1, 7, 8
<i>Leuluaialii v. Dep't of Labor &amp; Indus.</i> , 169 Wn. App. 672, 279 P.3d 515 (2012).....	11
<i>Magee v. Rite Aid</i> , 167 Wn. App. 60, 277 P.3d 1 (2012).....	19
<i>Marley v. Dep't of Labor &amp; Indus.</i> , 125 Wn.2d 533, 886 P.3d 189 (1994).....	9, 19
<i>Phillips v. Dep't of Labor &amp; Indus.</i> , 49 Wn.2d 195, 298 P.2d 1117 (1956).....	3
<i>State v O'Hara</i> , 167 Wn.2d 91, 217 P.3d 756 (2009).....	11
<i>State v. Dupard</i> , 93 Wn.2d 268, 609 P.2d 961 (1993).....	9
<i>Weaver v. City of Everett</i> , 194 Wn.2d 464, 450 P.3d 177, 182-84, (2019) .....	10, 11, 15, 17

**Statutes**

RCW 51.28.010 .....	2
RCW 51.32.055(1).....	2
RCW 51.32.160 .....	2
RCW 51.36.010 .....	2
RCW 51.52.104 .....	6, 11
RCW 51.52.115 .....	18

RCW 51.52.160 ..... 13

**Rules**

RAP 10.3..... 18

RAP 2.5..... 11

## I. INTRODUCTION

The garden-variety application of res judicata under worker's compensation case law to Hinda Abdi's appeal does not merit this Court's review. Longstanding case law applies res judicata from segregation orders in worker's compensation cases to subsequent appeals involving applications to reopen a claim. *See Le Bire v. Dep't of Labor & Indus.*, 14 Wn.2d 407, 414-17, 128 P.2d 308 (1942); *Brown v. Bd. of Indus. Ins. Apps.*, 11 Wn. App. 790, 794-95, 525 P.2d 274 (1974). Hinda Abdi raised her claim that she had mental health conditions caused by her industrial injury in a prior appeal. Because there is a final decision from the prior appeal that determined that Abdi's mental health conditions were not caused by her injury, she cannot argue that those conditions were caused by the injury now.

Abdi argues that this longstanding case law is "outdated" but fails to show it is erroneous or harmful. She raises for the first time in her petition the argument that the Department segregated a different mental health condition than the one at issue here. But she waived this argument and it fails in any event. And though Abdi argues that there are decisions from the Board of Industrial Insurance Appeals (Board) that conflict with the appellate case law, the Board decisions Abdi points to do not support this assertion, so are no aid here. No conflict with case law or issue of

substantial public interest is presented by a well-reasoned Court of Appeals decision applying the principles of *Le Bire* and *Brown* to the facts of Abdi's case. This Court should deny review.

## **II. ISSUES PRESENTED**

- 1. When a worker files an application to reopen a claim, can a worker argue that a condition that has been segregated from a claim was caused by the injury?**
- 2. Did Abdi seek to reopen her claim based on a different mental health condition than the one that was denied through a final and unappealed order?**

## **III. STATEMENT OF THE CASE**

### **A. Overview of Industrial Insurance**

When a worker is injured, the worker applies for workers' compensation benefits by filing a claim. RCW 51.28.010. If the claim is allowed, the Department provides the worker with proper and necessary medical treatment for conditions proximately caused by the injury. RCW 51.36.010. Once the worker has received all proper and necessary medical treatment for the conditions caused by the injury, the Department determines whether the worker has a permanent disability as a result of the injury and closes the claim (with a disability award if appropriate). RCW 51.32.055(1).

Once a claim has been closed, the worker may seek to reopen it. RCW 51.32.160. To reopen a claim, the worker must prove (1) their



conditions worsened, (2) the original industrial injury caused the condition to worsen, (3) the worsening warrants more treatment or disability beyond what the Department already provided, and (4) the worsening occurred between two terminal dates. *Phillips v. Dep't of Labor & Indus.*, 49 Wn.2d 195, 197, 298 P.2d 1117 (1956). In this case, the “terminal dates” are the date the claim was closed (September 9, 2014) and the date the Department denied the worker’s request to reopen the claim (November 14, 2016). AR 569; *Grimes v. Lakeside Indus.*, 78 Wn. App. 554, 561, 897 P.2d 431 (1995).

**B. Abdi Injured Her Right Shoulder and Thumb in 2012**

Abdi’s industrial injury occurred in February 2012. AR 609. While she was working, her chair slipped when she reached for a form. AR 17, 380, 609. Abi fell and hurt her right shoulder, elbow, wrist, and hand. AR 17, 380, 609. Abdi filed a claim for benefits, the Department allowed the claim, and the Department accepted the shoulder, elbow, wrist and thumb conditions and provided treatment for those conditions. *See* AR 380. After treatment concluded the Department closed the claim. AR 17, 467. The Department also issued orders denying responsibility for mental health conditions that had been raised. *See* AR 17, 467.

**C. Abdi Unsuccessfully Appealed the Orders Denying Responsibility for Her Mental Health Conditions and Closing Her Claim and They Became Final and Binding**

Abdi unsuccessfully appealed the three Department orders that the Department issued in 2012: one that denied responsibility for a depressive disorder, one that denied responsibility for a pain disorder, and one that closed her claim effective 2012. AR 17, 467.<sup>1</sup> The Board dismissed those appeals, finding that Abdi failed to present any evidence that either of the two mental health conditions were related to her injury or that her claim should remain open for further treatment. AR 17, 467. Abdi did not appeal the Board's decision in these prior appeals to superior court. AR 380.

**D. The Department Denied Abdi's Application To Reopen Her Claim, and the Board, Superior Court, and Court of Appeals Affirmed**

In 2016, Abdi applied to reopen the claim, alleging that her depression was related to her 2012 injury and that it worsened. AR 569. The Department denied the reopening application in November 2016 because Abdi's depression was previously denied by a final and binding order. *See* AR 467, 569. Abdi appealed the Department's order to the Board. AR 467, 569.

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<sup>1</sup> The record does not contain a copy of the Department orders that denied responsibility for the mental health conditions or the Department's closing order, though it does contain a copy of the Board decisions issued in response to the appeal from those three orders. *See* AR 17-26, 467.

At the Board, Abdi presented medical testimony to support her claim. Abdi presented Dr. Holly Holbrooks-Kuratek, MD, a psychiatrist who started treating Abdi in August 2016. AR 613. Dr. Holbrooks-Kuratek said Abdi had depression that waxed and waned, but that it worsened beginning in April 2015 through the following year. AR 622-23. The doctor referred to Abdi's condition as "a consistent pattern of depression" which she attributed to the injury, and later referred to it as "persistent depressive disorder." AR 629. She did not reference an ICD-9 diagnosis code when she testified, nor express any opinion about whether Abdi had a pain disorder related to the injury or whether the pain disorder worsened after Abdi's claim closed in 2014. Abdi also presented Benjamin Balderson, PhD, a clinical psychologist who treated Abdi, who provided testimony similar to Dr. Holbrooks-Kuratek's, and who likewise did not reference an ICD-9 code when testifying. *See* AR 633, 642-43.

Ms. Abdi called two medical doctors to testify regarding medical problems in her right shoulder and right thumb. AR 655-56, 681-82. Neither testified that Abdi's shoulder and thumb conditions worsened as a proximate result of her industrial injury. AR 663-64, 692-93.

The Board judge issued a proposed decision and order that dismissed Abdi's appeal, concluding that she failed to present a prima facie case that would support reopening the claim. AR 380-91 Abdi filed a

petition for review under RCW 51.52.104 with the Board, but the Board denied review. AR 6, 11-26.

Abdi appealed the Board's decision to superior court, but the superior court affirmed, concluding that the Board properly dismissed Abdi's case for failure to make a prima facie case. CP 1-7, 246-49.

Abdi appealed to the Court of Appeals. The Court of Appeals affirmed in an unpublished decision, concluding that Abdi failed to present a prima facie case with regard to her physical injuries, and that res judicata precluded her from arguing that her mental health conditions were related to her injury. *Abdi v. Dep't of Labor & Indus.*, No. 80149-0-I (slip op.) (Wash. Ct. Apps., June 15, 2020). Abdi filed a motion for reconsideration, arguing that Department orders that deny responsibility for a medical condition have no res judicata effect in the context of a reopening application. The motion for reconsideration did not argue that the mental health conditions that the Department segregated were different from the mental health conditions that Abdi contended had worsened. The Court of Appeals denied the motion.

Abdi then filed a petition for review.

#### **IV. ARGUMENT**

The Court of Appeals applied longstanding principles of res judicata to Abdi's appeal to have her worker's compensation claim

reopened. Abdi shows no error or harm in the Court’s analysis nor any conflict with prior appellate decisions. This Court need not grant review to resolve an alleged conflict between the case law and the Board’s decisions regarding res judicata because the case law confirms workers cannot reopen claims based on segregated conditions and Abdi fails to show that the Board’s decisions conflict with this. The Court of Appeals correctly affirmed the superior court. *Abdi v. Dep’t of Labor & Indus.*, No. 80149-0-I, slip op. 1 (Wash. Ct. App., June 15, 2020). Abdi’s belated claim that there is no final order denying responsibility for a depressive disorder need not be considered, and in any event it fails.

**A. Res Judicata Precluded Abdi From Reopening the Claim Based on the Segregated Medical Conditions Consistent with Longstanding Case Law**

A worker cannot reopen a claim based on an allegation that a condition that the Department has segregated from the claim worsened after the claim was closed. *See Le Bire v. Dep’t of Labor & Indus.*, 14 Wn.2d 407, 414-17, 128 P.2d 308 (1942); *Brown v. Bd. of Indus. Ins. Apps.*, 11 Wn. App. 790, 794-95, 525 P.2d 274 (1974); *see also Karlson v. Dep’t of Labor & Indus.*, 26 Wn.2d 310, 329-31, 173 P.2d 1001 (1946). And as Abdi effectively concedes, no appellate case has held otherwise: Abdi dismisses this case law as “outdated,” but does not claim that there is newer case law that overruled it. Pet. at 4.

In *Le Bire*, this Court recognized that res judicata prevents a worker from having a claim reopened based on a segregated condition. *Le Bire*, 14 Wn.2d at 414-17. In that case, the Department closed a worker's claim with a permanent partial disability award for a left knee injury and also segregated the worker's "proliferative arthritis" from the claim. *Id.* at 410. This order became final. *Id.* The worker's health later deteriorated, and the worker sought to have the claim reopened based on the previously segregated arthritic condition. *See id.* at 412-13. The *Le Bire* Court determined that res judicata precluded the worker from arguing that the injury caused the arthritic condition, and denied the worker's reopening application. *Le Bire*, 14 Wn.2d at 419-20. As *Le Bire* held, a segregation order is a determination that the condition was not caused by the injury, which prevents the worker from having the claim reopened based on a subsequent worsening of that condition. *Le Bire*, 14 Wn.2d at 418-19.

*Brown* similarly concluded that the segregation of a medical condition from a claim prevents a worker from reopening the claim based on a worsening of that condition. *Brown*, 11 Wn. App. at 794-95. As *Brown* explains, a claim can only be reopened based on the worsening of a condition that is related to the injury, so a claim cannot be reopened based on a segregated condition; as such conditions are not related to the injury.

*See id.* And while it is true that a segregated condition might later worsen after that order was issued, such a worsening would be irrelevant, since it would not establish that the conditions *covered under the claim* had worsened.

Res judicata and collateral estoppel preclude Abdi from relitigating the same issue decided in her prior appeal. The Board issued a final decision that determined that Abdi's depression and pain disorder conditions were not proximately caused by the injury. AR 17-26, 380-91, 467. Because Abdi did not appeal this decision, it is final and binding on the parties to that appeal, including both Abdi and the Department. *Marley v. Dep't of Labor & Indus.*, 125 Wn.2d 533, 537-38, 886 P.3d 189 (1994). Abdi's failure to appeal that decision precludes her from attempting to attack it in the current appeal because that decision became res judicata. *See Marley*, 125 Wn.2d at 537-38.

Under the law of collateral estoppel, "when an issue of ultimate fact has once been determined by a valid and final judgment, that issue cannot be litigated between the same parties in any future lawsuit." *See State v. Dupard*, 93 Wn.2d 268, 273, 609 P.2d 961 (1993) (internal citation omitted). The elements of collateral estoppel are:

- (1) an issue decided in the earlier proceeding was identical to an issue presented in the later proceeding;

- (2) the earlier proceeding ended in a judgment on the merits;
- (3) the party against whom collateral estoppel is asserted was a party to, or in privity with a party to, the earlier proceeding; and
- (4) application of collateral estoppel does not work an injustice on the party against whom it is applied.

*Weaver v. City of Everett*, 194 Wn.2d 464, 473-74, 450 P.3d 177, 182-84, (2019); *Christensen v. Grant County Hosp. Dist. No. 1*, 152 Wn.2d 299, 306, 96 P.3d 957 (2004). All the elements are met here.

The first element is met, as the Board's previous decision decided an issue that is identical to an issue that Abdi attempts to raise in the current appeal: whether her depression and pain disorder were proximately caused by her industrial injury.<sup>2</sup> The second element is also met: the Board issued a final decision based on the evidence presented in the case, so it made a decision on the merits. The third element is met, as Abdi was a party to both the prior appeal and the current appeal. And the fourth element is met because Abdi cannot show that applying collateral estoppel would work an injustice as she had a full and fair opportunity in the prior Board proceeding to show that her depression and pain disorder were

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<sup>2</sup> Abdi contends that the condition that the Department segregated in the prior appeal was different from the one at issue here (Pet. at 3), but Abdi waived this argument and, as the Department explains below, the argument fails in any event.



caused by her injury in the prior appeal, yet she failed to convince the Board that those conditions were related to the injury.

Finally, applying the principles of collateral estoppel to Abdi's case works no injustice. The inquiry as to whether applying collateral estoppel would work an injustice is primarily concerned with procedural, not substantive, justice. *Weaver*, 194 Wn.2d at 474; *Christensen*, 152 Wn.2d at 309. No injustice exists here because she had the opportunity to fully litigate the issue in the prior appeal. There is an exception when disparity between the relief sought in the two appeals is so great that a party would have been unlikely to have fully litigated the issue in the prior appeal. *See Weaver*, 194 Wn.2d at 474. But here, unlike in *Weaver*, there is no reason to believe that Abdi was not fully motivated in the prior case to litigate whether the depression or the pain disorder were related to her injury, nor is there any substantial disparity of relief in the two cases of a kind making it inappropriate to apply collateral estoppel. And Abdi has never claimed that that exception applies here, nor does she raise it in the petition, so she has waived that as an issue. *See RCW 51.52.104*; *RAP 2.5*; *Leuluaialii v. Dep't of Labor & Indus.*, 169 Wn. App. 672, 684, 279 P.3d 515 (2012) (party waives argument if it was not raised in a petition for review to the Board); *State v O'Hara*, 167 Wn.2d 91, 97-98, 217 P.3d 756 (2009) (appellate courts need not consider arguments made for the first

time at superior court); *Cowiche Canyon Conservancy v. Bosely*, 118 Wn.2d 801, 809, 828 P.2d 549 (1992) (court does not consider argument raised for the first time in a reply brief).

**B. Abdi Shows No Conflict Between the Court of Appeals' Well-Reasoned Decision and Other Appellate Case Law, Nor Even a Conflict with the Board's Application of the Principles of Res Judicata To Reopening Appeals in Its Decisions**

Abdi does not even attempt to show a conflict between the decision here and other appellate decisions applying res judicata and collateral estoppel. And none exists. Rather than argue that there is a conflict between the appellate courts with regard to this issue, Abdi urges the Court to grant review to resolve a purported conflict between the Board's decisions and the appellate case law. Pet. at 4-5. But there is no authority for the idea that this Court needs to resolve conflicts between administrative decisions and appellate decisions. And such a rule would not make sense, because, where an administrative decision conflicts with a published appellate decision, the appellate decision controls. There is no need for the Court to take review to "resolve" any purported conflict between the Board and appellate court decisions.

But in any event, the Board cases Abdi relies on—which were not even designated significant by the Board—do not support Abdi's

argument. Pet. at 6-7.<sup>3</sup> Contrary to Abdi's argument, the Board's *Elsey* decision did not conclude that segregation orders have no res judicata effect *at all* in the context of reopening applications. Pet. at 6-7. Rather, *Elsey* suggests in dicta that there might be limited circumstances where a worker could seek to reopen a claim based on a segregated condition. *In re Elsey*, No. 13 21591, 2015 WL 1955818 at\*4 (Wash. Bd. Indus. Ins. App. March 2015).<sup>4</sup> But this dicta does not help Abdi, because Abdi did not offer the evidence that would have been needed to prevail under *Elsey*.<sup>5</sup>

In *Elsey*, the Board recognized that a final segregation order “limited” the worker’s ability to seek a reopening of the claim based on the segregated condition, but the decision provides little guidance on what arguments are foreclosed by res judicata in such a situation and what arguments are still viable. *See Elsey*, 2015 WL 1955818 at 3-4. In that

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<sup>3</sup> Under RCW 51.52.160, the Board designates certain of its decisions as “significant.” These are cases containing analysis that the Board finds particularly helpful to litigants.

<sup>4</sup> *Elsey* in turn cites *In re Erben*, No. 04 1666, 2005 WL 3802566 (Wash. Bd. Indus. Ins. App. December 2005) and *In re Nuanez*, No. 13 12100, 2014 WL 6230594 (Wash. Bd. Indus. Ins. App. September 2014).

<sup>5</sup> Abdi also incorrectly suggests that *Elsey* based its dicta regarding segregated conditions and reopening requests on *Karniss v. Dep’t of Labor & Indus.*, 39 Wn.2d 899, 900-01, 239 P.2d 555 (1952), which recognized that decisions to close a worker’s claim are res judicata with regard to the worker’s condition at the time of the closing order, but are not res judicata as to whether the worker’s condition later worsened. Pet. at 6. But *Elsey* does not cite *Karniss*, nor does *Elsey* even allude to the legal rule that *Karniss* contains. And *Brown* specifically rejected the argument that Abdi seems to be hinting at here. *See Brown*, 11 Wn. App. at 795. *Brown* explains that while closing orders are not res judicata regarding whether a worker’s condition worsened after the closing order was issued, segregation orders are res judicata regarding whether a condition was caused by the injury, and this remains true in a case involving a reopening application. *See id.*

case, the Department allowed the worker's claim for a thoracic condition, but segregated the worker's pre-existing degenerative disc disease in his low back from the claim and the worker did not appeal the segregation order. *Id.* at 1. The worker later sought to reopen the claim based on an alleged aggravation to the worker's degenerative disc disease. *Id.* at 1-3.

The Board recognized that “[o]ur determination regarding whether Mr. Elsey’s industrially related low-back conditions worsened between the terminal dates is *limited* because the [Department] order segregating a lumbar injury with left-leg symptomatology is *res judicata*.” *See Elsey*, 2015 WL 1955818 at 3 (emphasis added). And the Board recognized that the worker cannot “relitigate” the issue of whether the condition segregated by the order “resulted from his industrial injury.” *Id.*

In a passing statement, the Board commented that “[h]ad Mr. Elsey established that the lumbar condition previously segregated in the [Department] order objectively worsened between the terminal dates, and proved the worsening was proximately caused by his industrial injury, his claim could be reopened.” *Id.* Unfortunately, *Elsey* does not explain how a worker can show that the segregated condition worsened during the terminal dates as a result of an injury without violating *res judicata*.

However, what *Elsey* most likely had in mind is that a worker could seek reopening based on a segregated condition *if* the worker

showed 1) that a new event occurred after the segregation order was issued, 2) the new event was itself related to the injury, and 3) the new event caused the previously unrelated medical condition to worsen. Such an analysis would be consistent with the case law, which recognizes that res judicata does not apply to conditions that did not exist at the time that the previous decision became final. *See Weaver*, 194 Wn.2d at 482.

In any event, *Elsey* does not help Abdi, because Abdi did not present evidence of the kind *Elsey* appears to contemplate. Rather, Abdi did the very thing that *Elsey* expressly recognizes that a worker *cannot* do in a reopening context: she sought to relitigate the correctness of the segregation order, and show that her mental health conditions were directly caused by her industrial injury. Abdi's medical expert made the conclusory remark that Abdi's mental health was directly related to her industrial injury, but did not assert that something had happened after the segregation order was issued that was itself related to the claim and that caused worsening of Abdi's mental health.

The *Coleman* case cited by Abdi similarly does not support her argument that a segregation order has no res judicata effect at all in the context of a reopening application. Pet. at 7; *In re Coleman*, No. 14 C0102, 2015 WL6876976 (Wash. Bd. Indus. Ins. App., Oct. 12, 2015). In that decision, the Board vacated the proposed decision to allow the worker

to present evidence regarding the low back—which had been segregated from the claim—but it did so subject to significant limitations.

Specifically, the Board concluded that it was error to prevent the claimant from presenting the following evidence:

Mr. Coleman was prevented from presenting evidence on whether he had a specific lumbar condition *that arose after the claim was last closed* and that was proximately caused by his assault, and also from litigating whether any preexisting or otherwise unrelated lumbar condition had been aggravated by the assault or its sequellae *after the claim was last closed*.

*See Coleman*, 2015 WL6876976 at \*1 (emphasis added). So the Board did not allow the claimant to relitigate the issue of whether the original injury caused him to develop a low-back condition. Rather, it allowed him to present evidence regarding a *new condition* that arose only *after* the claim had been last closed, or a pre-existing or unrelated condition that somehow became aggravated by the injury *after* the claim had been last closed. This shows that the Board recognized that the segregation order's finality precluded the worker from relitigating the issue of whether the injury directly caused the worker to develop a low-back condition, but did not prevent the worker from showing that a new problem, which could not have been at issue at the time that the segregation order was issued, arose.

Contrary to Abdi's argument, *Coleman* does not show that segregation orders have no res judicata effect, it simply shows that there

are limited circumstances where a worker can still present evidence regarding such a condition, provided that the worker is not relitigating the issue of whether the original injury directly caused that condition to occur. For this reason, *Coleman* does not aid Abdi. Abdi attempted to relitigate the issue of whether her injury directly caused her mental health conditions, rather than attempting to show that a new event occurred, after the claim was last closed, that either caused a new problem or caused a pre-existing problem to worsen.

Review is also unnecessary because the existing case law establishes the parameters of res judicata and the limits on that doctrine. *See Dep't of Labor & Indus. v. Field's Corp.*, 112 Wn. App. 450, 455, 45 P.3d 1121 (2002); *Weaver*, 194 Wn.2d at 194. The case law establishes that an unappealed Department order is res judicata with regard to the issues encompassed within the scope of the order, but is not res judicata with regard to new issues that arose only after the Department issued its order. *Field's Corp.*, 112 Wn. App. at 455; *Weaver*, 194 Wn.2d at 194. And the Board's decisions in *Elsey* and *Coleman* appear to recognize a similar rule: an unappealed segregation order is res judicata as to whether the injury directly caused the segregation condition, but is not res judicata regarding new issues arising only *after* the Department issued the segregation order.

**C. Abdi Waived the Argument That the Depressive Disorder That Was Segregated From Her Claim Is Different From the Depressive Disorder That Her Expert Testified To; But in Any Event the Argument Fails**

This Court should not consider Abdi's argument that the Department segregated a different medical condition than the one that is at issue in her reopening application, as Abdi raised it for the first time in the petition for review. Pet. at 9-10; *see Bosely*, 118 Wn.2d at 809. But even if the Court considers it, the argument fails.

Abdi's argument that the Department's segregation order did not deny responsibility for her depressive disorder is based on information not contained in the record and it cannot be considered here for that reason. *See* RAP 10.3 (factual assertions must be based on citation to the record); RCW 51.52.115 (court makes decision on appeal based only on evidence in the Board record). The record contains a copy of the Board orders issued in regard to the Department order segregating depression from the claim, but does not contain a copy of the Department's segregation order itself. *See* AR 17, 467. The Board's decisions reference the Department denying responsibility for a "depressive disorder." *See* AR 17-26, 467. Abdi's expert variously referred to Abdi's mental health problem as "a consistent pattern of depression" or a "persistent depressive disorder," both of which fall within the scope of the phrase "depressive disorder."



And contrary to Abdi's suggestion, the record does not show that either the Department's segregation order or Abdi's witnesses in this case used an ICD-9 code to describe Abdi's mental health condition. *See* AR 17-26, 467, 629.

Furthermore, Abdi's argument fails in any event because the Board issued a final and unappealed decision that determined that Abdi did not have a depressive disorder as a result of her injury. AR 17-26. The Board did not narrowly limit the scope of its decision to a "depressive disorder not otherwise specified," instead broadly addressing the issue of whether Abdi had a depressive disorder or pain disorder. *See* AR 17-26. Since Abdi did not appeal the Board's order, the Board's determination that Abdi did not have a depressive disorder is final and binding and cannot be collaterally attacked in this appeal. *Marley*, 125 Wn.2d at 537-38. This is true even assuming for the sake of argument that the Board's order was broader in scope than the Department's segregation order. *See Magee v. Rite Aid*, 167 Wn. App. 60, 73-76, 277 P.3d 1 (2012) (unappealed Board order entitled to res judicata effect even assuming it exceeded scope of review of the Department order under appeal). If Abdi believed the Board erred (either by exceeding its scope of review or on the merits), she could have appealed its decision, but Abdi did not do so.

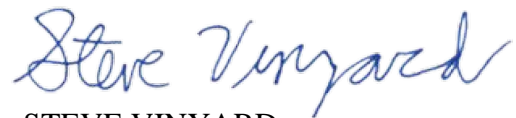
Abdi waived the argument that she suffered from a different mental health condition than the one the Department segregated from her claim by not raising it below. But even if the Court considers it, it fails.

**V. CONCLUSION**

Res judicata precluded Abdi from seeking to have her claim reopened based on a condition that had been segregated from her claim. Abdi does not show otherwise and fails to establish any basis for this Court's review. The petition should be denied.

RESPECTFULLY SUBMITTED this 21<sup>st</sup> day of October 2020.

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NO. 98933-8

**SUPREME COURT  
OF THE STATE OF WASHINGTON**

HINDA ABDI,

Appellant,

v.

WASHINGTON STATE  
DEPARTMENT OF LABOR  
AND INDUSTRIES,

Respondent.

DECLARATION OF  
SERVICE

The undersigned, under penalty of perjury pursuant to the laws of the state of Washington, declares that on the below date, I served the Department of Labor and Industries' Answer to Abdi's Petition for Review and this Declaration of Service in the below described manner:

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Susan L. Carlson  
Supreme Court Clerk  
Washington State Supreme Court

**E-Mail via Washington State Appellate Courts Portal:**

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Evan Hejmanowski, AAG  
Office of the Attorney General  
evan.hejmanowski@atg.wa.gov

DATED this 21<sup>st</sup> day of October, 2020, at Olympia, Washington.



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**ATTORNEY GENERALS' OFFICE, L&I DIVISION, OLYMPIA**

**October 21, 2020 - 10:29 AM**

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