Supreme Court No. 95252-3

Court of Appeals Division II No. 48927-9-11

THE SUPREME COURT OF THE STATE OF WASHINGTON

RICHARD BOYD, *Petitioner*,

v.

CITY OF OLYMPIA & WASHINGTON DEPARTMENT OF LABOR & INDUSTRIES, *Respondents*.

ANSWER OF CITY OF OLYMPIA TO PETITION FOR REVIEW

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WASHINGTON RULES OF APPELLATE PROCEDURE

I. RESTATEMENT OF THE CASE

Petitioner's Statement of the Case is misleading. It is so because at times he cites to documents not in evidence and omits key facts in evidence inconsistent with his narrative. If the paragraphs of his Statement of the Case are numbered, they number 26. Paragraphs 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, and 16 cite in part to documents in evidence. But some parts of some of those paragraphs add conclusions of fact or law not supported by the record. Those paragraphs are as follows:

¶2. The second and third sentences are not supported by a reference to evidence.

¶3. The second sentence is misleading. First, the letter represented by CABR 84 is irrelevant here; it concerns the disputed PPD award. Second, it is clear from the context of the letter from SIE's counsel in light of Dr. Green's chart note (CABR 85) that Dr. Green's chart note was likely to be construed as a protest as to the dispute over the PPD rating, and nothing else, with Dr. Green recommending a third IME to break the tie over the two conflicting IME's as to the PPD rating. See CABR 87. The Department order was reconsidered and an order was then issued requiring Petitioner to reimburse the SIE for an overpayment of a PPD award.

¶6. The third sentence is misleading. Dr. Roa's chart note should be read in the context of Dr. Green's September 24, 2013 chart note, wherein he notes he is referring Petitioner to his partner (Dr. Roa) regarding Petitioner's new symptoms involving the greater trochanteric bursa and the psoas bursa, new symptoms that Dr. Green believes "are unlikely to be related [to] Petitioner's previously [*sic*] work-related problem." CABR 582. Petitioner's remark "... that his left hip was not 'stable'' is misleading. Dr. Roa's chart note does not use the phrase "left hip not stable." Petitioner apparently has inserted his conclusion for what Dr. Roa wrote. Moreover, Petitioner does not have a generic "left hip" condition; he has a *specific* condition involving two specific anatomical parts—*viz.*, his left trochanteric bursa and his psoas bursa. Petitioner's apparent effort to create ambiguity by ignoring the distinction between Petitioner's left hip condition from his work-related event and his pain from trochanteric bursitis and/or psoas bursitis is disingenuous in light of Dr. Green's chart note. The issue is whether these specific conditions are related to the industrial event. There is no evidence in the record that they are. There is solid evidence that they are not.

¶7. This paragraph is misleading. Petitioner's chief complaint (CC) is "ongoing L hip, referral by Dr. Green." CABR 588. This remark considered in light of Dr. Green's September 23, 2013 chart note does not

provide notice of a continuing problem from a work-related injury. It provides notice of continuing [new] pain in the area which Dr. Green has identified as the trochanteric bursitis and/or psoas bursitis and which Dr. Green has determined "are unlikely to be related [to] Petitioner's previously [*sic*] work-related problem." CABR 582.

¶8. The second sentence of this paragraph is a bald conclusion of law and not supported by the evidence.

¶12. The second sentence of this paragraph is misleading. It is a conclusion of fact based on what Petitioner believes the Department or its agent knew. In fact, what the Department knew was that Petitioner's recent complaints were new symptoms and that Dr. Green's September 24, 2013 chart note indicated he did not believe those new symptoms were related to the industrial event, and that he was referring Petitioner to Dr. Roa to treat the greater trochanteric bursa and the psoas bursa, which he believed were the source of the new symptoms. CABR 582.

¶13. Again, Petitioner is playing the ambiguity he is creating between hip issues stemming from the industrial event and the new symptoms which Dr. Green has identified as from the trochanteric bursa and the psoas bursa, which are unrelated to the industrial event and for which he has requested Dr. Roa provide treatment.

¶14. See response above under paragraph 13.

Paragraphs 17, 20, 21, 22, 23, 24, 25 and 26 cite to documents not in evidence.

¶17. Petitioner's Notice of Appeal includes reference to alleged hearsay reports or statements by Drs. Zoltani and Kretschmer. Again, those alleged references are double hearsay. They are not in evidence merely because Petitioner included them in his Notice of Appeal. Moreover, these references by these two physicians predate Dr. Green's September 24, 2013 chart note wherein he states that Petitioner's current complaints are unrelated to his industrial event or his previous hip surgery. See below.

Petitioner omits the following important narrative. On September 24, 2013, Dr. Green noted that Petitioner had new symptoms in the area of his left psoas and left greater trochanteric bursae, and that he was referring him to Dr. Roa for ultrasound-guided steroid injections of both the left psoas and the greater trochanteric bursa. CABR 582-586. Dr. Green noted that "these are some new symptoms of his hips that are unlikely to be related [to] his previously [*sic*] work-related problem". *Id.* On January 15, 2014, Dr. Green issued a letter <u>again</u> stating that the new

left hip symptoms for which he was referring Petitioner to Dr. Roa was unrelated to the industrial injury. CABR 330; 526-527.[1]

On February 13, 2014, Dr. Roa, after providing Petitioner with ultrasound-guided steroid injections into the anterolateral hip in the specific areas of the trochanter bursa and the psoas bursa, diagnosed Petitioner with trochanteric bursitis, finding no medical evidence of psoas bursitis. CABR 590-591.

In sum, no medical evidence exists in the record that the industrial event caused Petitioner's trochanteric bursitis. But there is medical evidence in the record that Petitioner's trochanteric bursitis was not caused by the industrial event. Petitioner's treating surgeon, Dr. Green, provided that medical evidence. CABR 100 (330), 370, 475, 526-527 & 582.

All this evidence was known to the Respondent's third party administrator, Carrie Fleischman, when she received Dr. Roa's February 13, 2014 chart note on February 24, 2014. CABR 352-354.

II. ARGUMENT IN ANSWER TO PETITION FOR REVIEW

A. *Boyd* Not Inconsistent with Supreme Court Precedent

Synopsis

Part A

1. Petitioner argues erroneously that his interpretation of RCW 51.52.050 is more liberal than the Court of Appeal's

[1] Dr. Green's Declaration is CABR 526-527. It would not be considered under the *Boyd* criteria as to what constitutes a protest.

interpretation of that statute. 2. Under Petitioner's interpretation, only Dr. Roa's chart note is admissible evidence on the issue about whether or not it is a protest.

3. Respondent answers that the Court of Appeals' interpretation is more liberal than Petitioner's interpretation. 4. Respondent further answers that by the terms of Dr. Roa's chart note creates no issue of fact that it is a protest.

Part B

5. Petitioner then argues erroneously that if the Court adheres to the Court of Appeal's interpretation, which allows extrinsic evidence in addition to Dr. Roa's chart note, then that extrinsic evidence creates an issue of fact about whether Dr. Roa's chart note is a protest. 6. Petitioner then argues erroneously that if under the Court of Appeal's interpretation, that extrinsic evidence does not create an issue of fact about whether or not Dr. Roa's chart note is a protest, then the Court should admit proffered extrinsic evidence excluded in the lower tribunals. Petitioner argues erroneously that if that added extrinsic proffered evidence is admitted, it creates an issue of fact about whether or not Dr. Roa's chart note is a protest.

7. Respondent answers that the Court should not admit a proffer of evidence excluded in the tribunals below. 8. Respondent further answers that if the Department considers Petitioner's proffer of additional extrinsic evidence in addition to Dr. Roa's chart note and the existing evidence, then that proffered evidence does not create an issue of material fact that Dr. Roa's chart note is a protest.

Part A

1. *Petitioner's Argument.* Following RAP 13.4(b), Petitioner first argues that the Court of Appeals' decision in *Boyd v. City of Olympia*, 2017 Wash. App. LEXIS 2431 (October 24, 2017) conflicts with the Supreme Court's decision in *Spivey v. City of Bellevue*, 187 Wn.2d 716,

726, 389 P.3d 504 (2017). Superficially, Petitioner's argument is that the Court of Appeals, in reaching its decision in *Boyd*, did not liberally construe RCW 51.52.050(2)(a) in accordance with RCW 51.12.010. That is, Petitioner argues that his proposed legal criteria about what constitutes a protest is a more liberal interpretation of RCW 51.52050 than the Court of Appeal's interpretation of that statute. See also RCW 51.52.050(1).

But upon analysis, Petitioner's argument is more about shifting the burden of proof to the Respondents. Petitioner's argument is without merit.

Lambert Test. Before the Court of Appeals' decision in *Boyd*, the Board of Industrial Insurance Appeals had provided legal criteria for what constitutes a protest in *In re Mike Lambert*, BIIA Dec. 91 0107 (1991). Those criteria are as follows:

> (1) it is written;
> (2) it is received by the Department (or its agents) within the statutory appeal period; and
> (3) it is "reasonably calculated" to notify the Department that the party submitting the document is requesting action inconsistent with the decision of the Department. [Hereinafter referred to as "*Lambert* criterion (3)".]

In re Mike Lambert, BIIA Dec. 91 0107 (1991) at page 1, lines 41-45.

Petitioner generally endorsed these legal criteria in the Court of Appeals. Appellant's Opening Brief in Court of Appeals at pages 16-17;

Boyd, 2017 Wash. App. LEXIS 2431 at pages 12-13. In the Court of Appeals, the dispute between Petitioner and Respondents arose over the interpretation of *Lambert* criterion (3).

2. As to *Lambert* criterion (3), Petitioner interpreted it as requiring that the Department or its agent only consider as evidence (3.1) the order at issue and (3.2) the document asserted to be the protest. Petitioner argued that a liberal interpretation of RCW 51.52.050(2)(a) would require that the Department or its agent consider no evidence extrinsic to that purported protest document. On this interpretation, the Department or its agent would need to interpret the purported protest document behind a veil of ignorance, ignoring any objective relevant extrinsic evidence of which it knew that would help it better understand the purported protest document in light of the Department order at issue.

Boyd Test. In *Boyd*, the Court of Appeals generally adopted the *Lambert* standard subject to certain modifications to *Lambert* criterion (3). *Boyd*, 2017 Wash. App. LEXIS 2431 at page 14. The Court of Appeals' interpretation can be charitably paraphrased as follows:

> (3) the document reasonably notifies the Department, given the objective facts then known to the Department or its agent [or that become known to the Department or its agent before expiration of the statutory appeal

> period][2], that statements in the purported protest document can be interpreted in context as conflicting with the Department's decision/order. [Hereinafter referred to as "*Boyd* criterion (3)".]

As to *Boyd* criterion (3), the Court of Appeals interpreted it as requiring that the Department or its agent consider as evidence (3.1) the order at issue, (3.2) the document asserted to be the protest and (3.3) any objective extrinsic evidence then known to the Department or its agent [or that becomes known to the Department or its agent before expiration of the statutory appeal period] relevant to the issue addressed in the purported protest document. *Boyd*, 2017 Wash. App. LEXIS 2431 at page 16.

The Court of Appeals rejected an interpretation of *Lambert* criterion (3) that would allow the Department or its agent to consider either extrinsic evidence developed after the expiration of the statutory appeal period or *extrinsic* evidence of the intent of the author of the purported protest document as to whether he or she considered that document a protest. *Boyd*, 2017 Wash. App. LEXIS 2431 at pages 15-16. (If the author of the purported protest document said in that document that

[2] The Court of Appeals did not decide whether extrinsic evidence obtained by the Department or its agent after receipt of the purported protest document but within the statutory appeal period should be considered. *Boyd*, 2017 Wash. App. LEXIS 2431 at page 16, n. 5. But it is reasonable to believe that the Department or its agent should consider such information.

it was or was not a protest, that statement would be *intrinsic* evidence relevant as to whether or not the document was a protest.)

Under this *Boyd* test, the Department or its agent could not consider a supplemental document from the author of the purported protest document provided within the statutory appeal period to the extent that the author either affirmed or disaffirmed that the initial document is a protest. Presumably, if the second document is a protest in its own right and expresses the author's intent that it is a protest, then the initial purported protest document would become inconsequential. If the second or supplemental document is not a protest in its own right and if in this second document the author disavows that the first document is a protest, then under the *Boyd* criteria that expression of intent would be irrelevant in interpreting the first document. *Id.*

A Legal Rule. It is unclear why Petitioner would object *as a rule* to *Boyd* criterion (3) allowing the Department to consider said extrinsic evidence. This is so because Petitioner's suggested interpretation of *Lambert* criterion (3) seems necessarily neither more narrow nor more liberal than *Boyd* criterion (3). *As a rule*, excluding consideration of such extrinsic evidence could just as likely prejudice the worker as assist the worker in seeking to establish a protest.

Consider, for example, the following scenario:

(1) The Department allows a claim for a mid-back or thoracic sprain.

(2) The Department receives Dr. X's chart note in which he states that in his opinion claimant's left hip pain is from a pinched nerve root at L5 vertebra (the lumbar region of the back) and that that condition was caused by the industrial event. He further opines that both that condition and the thoracic sprain are now at "maximum medical improvement." See WAC 296-20-01002(3).

(3) The Department then issues an order closing the claim.

(4) Within 60 days of that order, Dr. Y provides the Department with a chart note merely indicating that he just treated the L5 nerve root with an epidural steroid injection.

If the Department could consider item (2), then receipt of item (4) would put it on notice that Dr. Y's treatment is inconsistent with item (3). If the Department could not consider item (2) (as it could not under Petitioner's interpretation), then receipt of item (4) would not put it on notice that Dr. Y's treatment is inconsistent with item (3), and the worker would be disadvantaged.

3. Indeed, as a legal rule, *Boyd* criterion (3) is likely more helpful to workers than Petitioner's interpretation of *Lambert* criterion (3). Simply, *Boyd* criterion (3) enlarges the universe of evidence available to

interpret the purported protest document, thereby turning a class of documents into protests which might not be otherwise considered protests if considered in isolation.

It is trivial to say that whether *any* interpretation of RCW 51.52.050(2)(a) as to criterion (3) results in a document being adjudged a protest or not depends on the facts of each case. Obviously, any such legal interpretation does not become legally narrow under one factual situation and legally liberal under another. The legal test is a *rule* established before the facts arise.

Even so, it is granted that various legal tests can impose various burdens of proof on the worker. As a rule, however, the burden of proof is greater under Petitioner's interpretation of *Lambert* criterion (3) than under *Boyd* criterion (3) because Petitioner's interpretation narrows the possible relevant evidence of a protest.

Ad Hoc Rule. Apparently, Petitioner advocates for his interpretation of *Lambert* criterion (3) because he realizes that the objective extrinsic evidence undermines his contention that Dr. Roa's chart note creates an issue of fact that it is a protest. That is, in essence, he is advocating that the legal test for a protest be fashioned on a case-by-case basis to fit the facts most favorable to the worker. See Petitioner's

Petition for Review at page 14. That is a legal rule only in a trivial sense. In substance, his approach would be strictly *ad hoc*.

Shifting Burden of Proof. Upon analysis, Petitioner is not arguing for a liberal interpretation of the law (*viz.*, RCW 51.52.050(2)(a)). Instead, he is arguing for a liberal interpretation of the facts. By a liberal interpretation of the facts, he apparently means that when the evidence is ambiguous, the worker should be given the benefit of the doubt—that is, the evidence should be interpreted in a way that results in the purported protest document being a protest. What is apparent is that Petitioner is essentially arguing that the burden of proof (or burden of disproof) should be shifted to the Department or its agent.

Yet the burden of proof is on Petitioner; he must provide evidence to satisfy the legal criteria. RCW 51.52.050(2)(a); *Olympia Brewing Co. v. Dep't of Labor & Indus.*, 34 Wn.2d 498, 504, 208 P.2d 1181 (1949), *overruled on other grounds* in *Windust v. Dep't of Labor & Indus.*, 52 Wn.2d 33, 323 P.2d 241 (1958); *Jenkins v. Dep't of Labor & Indus.*, 85 Wn. App. 7, 14, 931 P.2d 907 (1996).

4. By itself, Dr. Roa's chart note is not a protest. To be a protest here[3], it must recommend action inconsistent with the Department's

[3] Obviously, a protest may cover any number of topics subject to a Department order. In this case, it concerns a closing order.

closing order. More specifically here, it must identify a new medical condition related to the industrial event or it must identify current treatment of a medical condition, new or old, related to the industrial event or it must recommend further medical treatment of a condition, new or old, related to the industrial event.

On its face, it does not do so. The Court of Appeal's analysis in Boyd was correct. *Boyd*, 2017 Wash. App. LEXIS 2431 at pages 17-19. The essential feature of Dr. Roa's chart note that causes it not to be a protest is that the condition Dr. Roa diagnosed—*viz.*, trochanteric bursitis—is not identified as being causally related to the industrial injury[4]. Nothing in that chart note contradicts the content of Dr. Green's September 24, 2013 chart note wherein he mentions (1) that Petitioner had new symptoms in the area of his left psoas and left greater trochanteric bursae, (2) that he was referring him to Dr. Roa for ultrasound-guided steroid injections of both the left psoas and the greater trochanteric bursa and (3) that "these are some new symptoms of his hips that are unlikely to be related [to] his previously [*sic*] work-related problem". CABR 582-586.

[4] The record does not contain the Department's allowance order indicating what injury the Department attributed to the industrial event. That order would not be automatically included in the record under WAC 263-12-135. To be in evidence, it would need to be introduced into evidence at the Board. None of the parties apparently did that.

Part B

5. *Evidence Does Not Create An Issue of Fact.* So upon analysis of Petitioner's argument, Petitioner does not really seem to dispute *on principle Boyd* criterion (3). Rather, given *Boyd* criterion (3), he disputes the legal conclusion that no genuine issue of material fact exists that Dr. Roa's chart note is not a protest--that is, that the allowed industrial injury was not at "maximum medical improvement" when the claim closed.

Petitioner's argument is without merit. More specifically, the extrinsic evidence clarifies that what Dr. Roa was treating—*viz.*, trochanteric bursitis--was not causally related to the industrial event. Specifically, on September 24, 2013, Dr. Green noted that Petitioner had "new symptoms" in the area of his left psoas and left greater trochanteric bursa, and that he was referring him to Dr. Roa for ultrasound-guided steroid injections of both the left psoas and greater trochanteric bursa. CABR 582-586. Dr. Green noted that "these are some new symptoms of his hips that are unlikely to be related [to] his previously [*sic*] work-related problem." *Id.* This chart note was provided to the Department or its agent before the Department issued its January 27, 2014 closing order. CABR 352-354. On January 15, 2014, in a concurrence letter which Dr. Green sent to the Department, he again opined that the new hip symptoms, which Dr. Roa was to later treat, were unrelated to the industrial event. CABR

330; 369-371. This concurrence letter was provided to the Department or its agent before the Department issued its January 27, 2014 closing order.

On February 13, 2014, Dr. Roa, after providing Petitioner with ultrasound-guided steroid injections into the anterolateral hip in the specific areas of the trochanter bursa and the psoas bursa, diagnosed Petitioner with trochanteric bursitis, finding no medical evidence of psoas bursitis. CABR 590-591. Importantly, Dr. Roa did not note or in any way opine that Petitioner's trochanteric bursitis was related to the industrial event.

6. *Attempts to Enlarge the Evidence.* Petitioner's Petition is inconsistent with his interpretation of *Lambert* criterion (3)—*viz.*, limiting the evidence to Dr. Roa's chart note. That is, in his Petition, he seeks to enlarge the evidence of his medical status as it existed before Dr. Roa's February 13, 2014 chart note and as known to the Department or its agent. He even seeks to include in evidence a variety of excluded documents. Presumably, he is adopting this tactic as a default position should the Court affirm *Boyd* criterion (3). His attempt to enlarge the evidentiary record is also a concession that the existing evidence fails to establish an issue of material fact that Dr. Roa's chart note is a protest.

7. That excluded proffer of hearsay evidence should not be admitted for the reasons the Court of Appeals provided. *Boyd*, 2017

Wash. App. LEXIS 2431 at pages 16-17. Nor does it satisfy the requirements of RAP 9.11, for admitting new evidence are not satisfied here. Petitioner advances no argument as to satisfaction of the six necessary requirements of this RAP.

8. That excluded proffer of evidence, if admitted, would not create an issue of fact that Dr. Roa's chart note is a protest. The following exhibits refer to a subset of Petitioner's submissions with his Petition for Review at the Board.

Exhibit A—Page 3 of Dr. Wohn's May 14, 2010 chart note does not indicate that Dr. Roa's diagnosis and treatment of trochanteric bursitis was causally related to the industrial event. CABR 71 & 139.

Exhibit B—Dr. Green's July 1, 2011 Operative Report. CABR 73 & 141. It contains essentially the same information provided in Dr. Roa's history in his February 13, 2014 chart note. CABR 589. Moreover, it predates Dr. Green's September 24, 2013 chart note. CABR 582.

Exhibit C—Page 1 of Dr. Green's October 25, 2011 chart note does not indicate that Dr. Roa's diagnosis and treatment of trochanteric bursitis were causally related to the industrial event. CABR 75 & 143. This document states that Petitioner's left hip symptoms (*viz.*, increased pain and stiffness) were "different from his preoperative pain in a different location and different character." It reinforces Dr. Green's later statement

in his September 24, 2013 chart note that Petitioner had "some new symptoms of his hips that are unlikely to be related [to] his previously [*sic*] work-related problem." CABR 582.

Exhibit D—Page 1 of Dr. Green January 26, 2012 chart note predates Dr. Green's September 24, 2013 chart note. CABR 77 & 145 & 582.

Exhibit I—Dr. Sherfey's June 7, 2013 report is not an IME (independent medical examination); it is a forensic report commissioned by Petitioner's attorney. CABR 93-98 & 161-166. It does not indicate that Dr. Roa's diagnosis and treatment of trochanteric bursitis was causally related to the industrial event. Moreover, it predates Dr. Green's September 24, 2013 chart note.

Dr. Sherfey's assessment of Petitioner's medical status does not enlarge upon or contradict Dr. Green's September 24, 2013 assessment. Dr. Sherfey assessed (1) left hip femoral acetabular impingement with mild degenerative changes preexisting and not related to the industrial injury and (2) left hip pain due to acetabular labral tearing and exacerbation of preexisting [left hip femoral acetabular] impingement related to the October 22, 2009 claim. These are conditions that Dr. Green surgically repaired in 2010.

Exhibit O—C. Fleischman's November 15, 2013 claim file review note does not indicate that Dr. Roa's diagnosis and treatment of trochanteric bursitis were causally related to the industrial event. CABR 116 & 184.

Exhibit P— Dr. Wohns' January 8, 2010 Activity Prescription Form (APF) does not indicate that Dr. Roa's diagnosis and treatment of trochanteric bursitis was causally related to the industrial event. CABR 118 & 186. Moreover, it predates Dr. Green's September 24, 2013 chart note. CABR 582.

None of these documents post date Dr. Green's September 24, 2013 chart note. None of them relates Petitioner's trochanteric bursitis to the industrial event.

B. *Boyd* Not Inconsistent with Other Court of Appeals' Precedent

Petitioner next argues that the decision of the Court of Appeals conflicts with another decision of the Court of Appeals. This argument is of the same nature as the argument above. Again, for the same reasoning that the argument above is without merit, this argument is without merit.

C. No Articulated Constitutional Challenge

Petitioner next asserts, without argument, that the decision of the Court of Appeals raises a significant question of law under the

Constitution of the State of Washington. Respondent will not respond to a naked assertion unsupported by argument.

D. No Articulated Substantial Public Interest

Petitioner finally asserts, without argument, that the decision of the Court of Appeals involves an issue of substantial public interest that should be determined by the Supreme Court. Respondent asserts that in this matter the public interest does not become substantial unless a conflict develops between the *Boyd* decision and future decisions in either of the two other Divisions of the Court of Appeals.

III. CONCLUSION

For the foregoing reasons, the Supreme Court should deny Petitioner's Petition for Review.

Respectfully submitted this 11th day of December 2017.

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CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing **Answer of City of Olympia to Petition for Review** by emailing the original as follows:

ORIGINAL TO: Susan L. Carlson, Supreme Court Clerk
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I further certify that I served the foregoing **Answer of City of Olympia to Petition for Review** on attorneys of record and other parties by mailing copies on December 11th, 2017, addressed to said persons at their last known addresses as follows:

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WALLACE • KLOR • MANN
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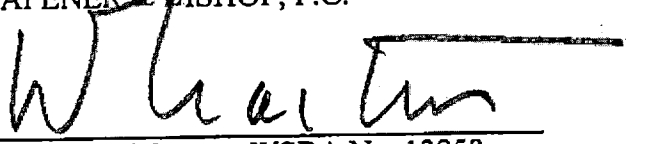

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OFFICE RECEPTIONIST, CLERK

From: Kathleen Blumm <KB@WKMCBLaw.com>
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Dear Clerk,

Attached for filing is ***Answer of City of Olympia to Petition for Review*** in the above-referenced case. The details for this case are as follows:

Case Name: Richard Boyd, Petitioner, v. City of Olympia & Washington Department of Labor & Industries, Respondents
Case No. 95252-3

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