

Hanninen, Winfred

OCCUPATIONAL DISEASE (RCW 51.08.140)

Successive insurers

The insurer on the risk for an occupational disease claim (hearing loss) on the date of compensable disability is responsible for the full costs of the claim if the employment at that time continued to be "of a kind" which contributes to hearing loss, whether or not it added any specific percentage amount to the worker's hearing loss. ...*In re Winfred Hanninen, BIIA Dec., 50,653 (1979)*

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1 self-insured employer, or by the Department, i.e., the State Fund, which carried Longview Fibre's
2 industrial insurance coverage prior to January 1, 1974.
3

4 As to issues (1), (2), and (3), we readily answer each question in the affirmative, as did our
5 hearing examiner. The Proposed Decision and Order set forth the reasons for so deciding very
6 fully and logically, and we incorporate all that discussion as our own.
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8 As to issue (4), we likewise concur in the hearing examiner's decision; and conclude that this
9 claim is Longview Fibre Company's responsibility in its self-insured capacity. We note that counsel
10 for the employer included in his Petition for Review a request for oral argument on the issue of
11 responsibility for this claim as between the State Fund and the self-insured employer. We have
12 determined no need for this, inasmuch as this same issue has been previously reviewed and
13 exhaustively discussed by the Board, in the case of Delbert Monroe, docket No. 49,698, our
14 Decision and Order of 7/24/78. We refer to and incorporate our discussion of the issue in that case,
15 and note that it is in basic accord with the examiner's well-reasoned analysis in the instant case.
16 Particularly, we refer to our discussion on pages 6 and 7 of the Monroe case, showing that this
17 employer did not pay any premiums for this type of case while insured with the State Fund prior to
18 becoming self-insured. We adhere to the general principle requiring the insurer on the risk at the
19 date of compensability to bear the monetary responsibility for these long-developing occupational
20 disease claims.
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22 After consideration of the Proposed Decision and Order and the employer's Petition for
23 Review filed thereto, and a careful review of the entire record before us, we are persuaded that the
24 Proposed Decision and Order is supported by the preponderance of the evidence and is correct as
25 a matter of law.
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27 The hearing examiner's proposed findings, conclusions and order are hereby adopted as this
28 Board's findings, conclusions and order and are incorporated herein by this reference.
29

30 It is so ORDERED.
31

32 Dated this 16th day of March, 1979.
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34 BOARD OF INDUSTRIAL INSURANCE APPEALS
35

36 /s/ _____
37 PHILLIP T. BORK Chairman
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39 /s/ _____
40 SAM KINVILLE Member
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