

SANCTIONS

Discovery

When industrial appeals judges order sanctions, they must incorporate the sanctions ruling and make findings of fact and conclusions of law regarding the sanctions in a proposed decision and order so the decision is capable of review on appeal.*In re Richard Curran, BIIA Dec., 24 10578 (2025)*

Scroll down for order.

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

IN RE: RICHARD W. CURRAN

Docket No. 24 10578

Claim No. BH42029

DECISION AND ORDER

In 2021, Richard W. Curran sustained a spiral fracture of his right humerus when he fell into a trench while working as a pipefitter for InfraSource Services LLC (InfraSource), a State Fund employer. After his claim was allowed, the Department of Labor and Industries issued an order accepting responsibility for the mental health condition diagnosed as adjustment disorder with mixed anxiety and depressed mood. InfraSource appealed this order, which Mr. Curran and the Department (initially) defended. After the parties rested, our industrial appeals judge issued a Proposed Decision and Order that affirmed the order on appeal. InfraSource filed a timely Petition for Review that raised a single limited issue: InfraSource asked us to adopt an interlocutory order granting a motion that awarded InfraSource \$1,691 in costs to be paid by Mr. Curran's counsel, Scott F. Goodrich, for his failure to timely answer discovery. Based on the record presented, we adopt the \$1,691 award and mark for identification three unnumbered exhibits that were offered by the parties and rejected by our judge, but we otherwise adopt our judge's reasoning, Findings of Fact, and Conclusions of Law. The Department order dated December 19, 2023, accepting responsibility for the mental health condition diagnosed as adjustment disorder with mixed anxiety and depressed mood is **AFFIRMED**.

DECISION

On February 2, 2024, InfraSource Services LLC appealed a Department of Labor and Industries' order dated December 19, 2023. In this order, the Department accepted responsibility for the condition diagnosed as adjustment disorder with mixed anxiety and depressed mood. This order is correct and is affirmed.

FINDINGS OF FACT

1. On April 2, 2024, an industrial appeals judge certified that the parties agreed to include the Jurisdictional History in the Board record solely for jurisdictional purposes.
2. On December 22, 2021, while working as a pipefitter for InfraSource Services LLC, Richard Curran fell into a trench and sustained a spiral fracture of his right humerus.
3. The December 22, 2021 industrial injury proximately caused the condition diagnosed as adjustment disorder with mixed anxiety and depressed mood.
4. On February 12, 2025, an industrial appeals judge issued an interlocutory order granting a motion that awarded InfraSource \$1,691, to be paid by

1 Mr. Curran's counsel, Scott F. Goodrich, for costs that InfraSource
2 incurred in bringing a motion to compel discovery that Mr. Goodrich failed
3 to timely answer.

- 4 5. On April 11, 2025, Mr. Goodrich filed a letter with the Board in which he
5 stated that he did not challenge the \$1,691 costs award.

6 **CONCLUSIONS OF LAW**

- 7 1. The Board of Industrial Insurance Appeals has jurisdiction over the parties
8 and subject matter in these appeals.
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10 2. Mr. Goodrich shall pay \$1,691 to InfraSource within 30 days of the date
11 that this Decision and Order becomes final.
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13 3. The December 19, 2023 Department order is correct and is affirmed.

14 Dated: November 12, 2025.

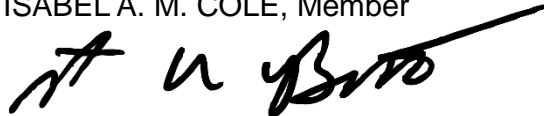
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Addendum to Decision and Order
In re: Richard W. Curran
Docket No. 24 10578
Claim No. BH42029

Appearances

Claimant, Richard Curran, by Washington Law Center, per Scott F. Goodrich
Employer, InfraSource Services LLC, by SBH Legal, per Omeed Ghaffari
Department of Labor and Industries, by Office of the Attorney General, per John S. Barnes and Kathryn Mullen

Petition for Review

As provided by RCW 51.52.104 and RCW 51.52.106, this matter is before the Board for review and decision. The employer filed a timely Petition for Review of a Proposed Decision and Order issued on August 21, 2025, in which the industrial appeals judge affirmed the Department order dated December 19, 2023.

Evidentiary Rulings

The Board has reviewed the evidentiary rulings in the record of proceedings and finds that no prejudicial error was committed. The rulings, except as noted below, are affirmed.

Other Procedural Rulings

The February 1, 2023 Department order offered into evidence by InfraSource is marked for identification as Exhibit 2 and rejected, per ER 901.

The February 2, 2023 Department order offered into evidence by InfraSource is marked for identification as Exhibit 3 and rejected, per ER 901.

The December 19, 2023 Department order on appeal offered into evidence by Mr. Curran is marked for identification as Exhibit 4 and rejected as cumulative, per ER 403, given that it is already part of the Board's record per WAC 263-12-135.