

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

**IN RE: MARC S. DENBO**

**Docket No. 25 13319**

**Claim No.: ZB60927**

**DECISION AND ORDER**

In 2023, Marc Denbo suffered an industrial injury while working for Tradesman International, LLC (Tradesman). On November 18, 2024, the Department denied responsibility under the claim for post-traumatic stress disorder. On March 4, 2025, the Department affirmed the November 18, 2024 order. Tradesman contends the Department lacked authority to issue the March 4, 2025 order because the November 18, 2024 order was final and binding. The Department contends there was a timely protest to the November 18, 2024 order, so the March 4, 2025 order was legal.

Tradesman moved for summary judgment. After reviewing the motion for summary judgment and the Department's response, our industrial appeals judge issued a Proposed Decision and Order in which he reversed the March 4, 2025 order and remanded because the Department lacked authority to issue the March 4, 2025 order, because the issue of post-traumatic stress disorder is currently on appeal at this Board under a different docket number.

The Department filed a Petition for Review. The Department argues that Tradesman's motion for summary judgment should've been denied because there was a timely protest to the November 18, 2024 order. Therefore, the March 4, 2025 order was proper. After careful consideration of the record and the law, we agree with our hearings judge. We issue this Decision and Order to clarify a few matters as indicated below. The Department order dated March 4, 2025 is **REVERSED AND REMANDED** with direction to issue an order and vacate the November 18, 2024 order.

**DISCUSSION**

We must first address the issue of jurisdiction. The parties did not stipulate to facts supporting our jurisdiction. And the Proposed Decision and Order did not fully address our jurisdiction. We have reviewed the Department claim file to determine the history of this claim and our jurisdiction.<sup>1</sup> On June 14, 2023, Mr. Denbo filed an application for benefits for his June 6, 2023 industrial injury. On July 21, 2023 the Department issued an order in which it allowed this claim. On March 4, 2025, the Department issued the order on appeal. On March 4, 2025, Mr. Denbo filed a protest to the March

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<sup>1</sup> See, *In re Mildred Holzerland*, BIIA Dec., 15,729 (1965).

1 4, 2025 order, which the Department forwarded to the Board as a direct appeal. Based on this review,  
2 we hold that we have jurisdiction over the parties and subject matter of this appeal.

3 Next, we must address some of the history of this claim. This claim has nine pending appeals  
4 and a couple of those appeals have led to some confusion around the issue of post-traumatic stress  
5 disorder (PTSD). To help untangle this matter and clarify our decision, we have reviewed the  
6 Department and Board records and will take judicial notice of actions taken on this claim.<sup>2</sup> The parties  
7 summary judgment pleadings, Department record, and Board record show the following relevant  
8 facts.  
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12 On June 3, 2024, the Department issued an order in which it accepted responsibility under the  
13 claim for PTSD and major depressive disorder. On June 5, 2024, Tradesman protested the June 3,  
14 2024 order.  
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17 On November 15, 2024, the Department issued a letter in which it stated that major depressive  
18 disorder and PTSD were going to be denied under separate cover. On November 15, 2024, the  
19 Department also issued an order in which it denied major depressive disorder. This order did not  
20 address PTSD.  
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23 On November 15, 2024, Mr. Denbo filed an appeal to the Board of Industrial Insurance Appeals  
24 in which he stated, "I'm asking for my [d]iagnosis of major depressive disorder and PTSD to be  
25 allowed . . . ." This appeal was assigned two different docket numbers because it referenced an  
26 order and letter of the same date. The appeal to the letter was assigned Docket No. WC-25-01525.  
27 The appeal to the order was assigned Docket No. 24 22513.  
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30 On November 18, 2024, the Department issued an order in which it noted that it reconsidered  
31 the order dated June 3, 2024, and denied responsibility for the condition diagnosed as PTSD. On  
32 that same day, Mr. Denbo sent a secure message to the Department with the subject noted as "PTSD  
33 final 06-03-2024" and wrote, "I was just curious how the acceptance of PTSD and major depressive  
34 disorder was accepted 6-3-24 and it says this order becomes final 60 days from the date it is  
35 communicated to you it's been more than 60 days I don't understand how things can change legally."  
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39 On February 25, 2025, Mr. Denbo sent a secure message with the subject "Tacoma  
40 psychology letter" and stated "This is the letter I got from Dr. Solick my psychiatrist. I'm trying to find  
41 out where the protest for the denial of the PTSD and would like to have it added back to my claim."  
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<sup>2</sup> *In re CDK Construction Services*, BIIA Dec., 19 W1143 (2021).  
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1 On the same day, Mr. Denbo sent another secure message with the subject "denial of PTSD" and  
2 stated "I want to protest the denial of PTSD."

3 On March 4, 2025, the Department issued the order on appeal. It affirmed the November 18,  
4 2024 order that denied responsibility for PTSD. On March 4, 2025, Mr. Denbo protested the March  
5 4, 2025 order, and the Department forwarded the protest to this Board as an appeal.  
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8 **Department letters are appealable if they contain a decision.**

9 Tradesman and the Department argue that a Department letter cannot be appealed; only an  
10 order with appeal language can be appealed. As found by our judge, the parties are incorrect.

11 Any action or decision written by the Department can be appealed; statutory appeal language  
12 is only mandatory for the decision to become final and binding.<sup>3</sup> On November 15, 2024, the  
13 Department issued a letter in which it stated the conditions diagnosed as major depressive disorder  
14 and PTSD were to be denied under a separate order. The Department issued an order on the same  
15 day, but it only addressed major depressive disorder. At that time, the only document addressing  
16 PTSD was the November 15, 2024 letter. Mr. Denbo filed an appeal and requested acceptance of  
17 both major depressive disorder and PTSD. His appeal clearly showed he disagreed with the letter  
18 and order.  
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20 Docket No. WC-25-01525 was assigned to his appeal addressing both major depressive  
21 disorder and PTSD as stated in the November 15, 2024 letter; and Docket No. 2422513 was assigned  
22 to his appeal addressing major depressive disorder as stated in the November 15, 2024 order.  
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28 **Further Action After an Appeal**

29 Our hearing judge was also correct when he found the Department did not have jurisdiction to  
30 issue the November 18, 2024 order that denied PTSD, which also meant the Department did not  
31 have authority to affirm the order on March 4, 2025.  
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33 While the Department had authority to further adjudicate other issues on the claim, it lacked  
34 the authority to address the specific issues on appeal.<sup>4</sup> When a decision is on appeal, the  
35 Department's only options are to modify, reverse, change, or hold the decision in abeyance within 60  
36 days of its order; it cannot issue a further order that merely reiterates the decision on appeal.<sup>5</sup>  
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38 Docket No. WC-25-01525 specifically addresses the issues of major depressive disorder and  
39 PTSD as an appeal to the November 15, 2024 letter. The Department order in the present docket  
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45 <sup>3</sup> *In re Maid-For-You*, BIIA Dec., 88 4843(1990).

46 <sup>4</sup> *In re Larry Nelson*, BIIA Dec., 89 0257 (1990).

47 <sup>5</sup> RCW 51.52.060.

1 specifically, and solely, addresses the issue of PTSD. Therefore, the November 18, 2024 and  
2 March 4, 2025 orders are nullities.<sup>6</sup>

3 In addition, Docket No. 24 22513 assigned to the appeal of the November 15, 2024 order  
4 covers major depressive disorder, which is duplicative of Docket No. WC-25-01525. We will issue  
5 an order vacating the order granting appeal under Docket No. 24 22513. As a result, the issues of  
6 major depressive disorder and PTSD will continue on appeal solely under Docket No. WC-25-01525.  
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### 9 **DECISION**

10 In Docket No. 25 13319, the claimant, Marc S. Denbo, filed a timely protest with the Department  
11 of Labor and Industries. The Department forwarded it to the Board of Industrial Insurance Appeals  
12 as an appeal. The claimant appeals a Department order dated March 4, 2025. In this order, the  
13 Department affirmed an order dated November 18, 2024, in which it denied post-traumatic stress  
14 disorder. This order is incorrect and is reversed. This matter is remanded to the Department with  
15 direction to issue an order and vacate the November 18, 2024 order.  
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### 20 **FINDINGS OF FACT**

- 21 1. Marc Denbo filed an application for benefits with the Department of Labor  
22 and Industries on June 14, 2023, alleging he sustained an industrial injury  
23 on June 6, 2023, during the course of his employment with Tradesman  
24 International, LLC. The Department allowed the claim and paid benefits.  
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26 On November 18, 2024, the Department issued an order in which it  
27 denied responsibility for the condition diagnosed as post-traumatic stress  
28 disorder. On November 18, 2024, Mr. Denbo sent a secure message that  
29 the Department considered a protest to the November 18, 2024 order.  
30 On March 4, 2025, the Department issued an order in which it affirmed  
31 the order dated November 18, 2024, which denied responsibility for the  
32 condition diagnosed as post-traumatic stress disorder. Mr. Denbo filed a  
33 protest from this decision on March 4, 2025, and the Department  
34 forwarded the protest as an appeal to the Board of Industrial Insurance  
35 Appeals. The Board issued an order on March 25, 2025, granting the  
36 appeal under Docket No. 25 13319.
- 37 2. On November 15, 2024, the Department issued a letter in which it stated  
38 that it would deny the conditions diagnosed as major depressive disorder  
39 and post-traumatic stress disorder.
- 40 3. On November 15, 2024, Mr. Denbo filed an appeal with this Board and  
41 stated that he wanted both major depressive disorder and post-traumatic  
42 stress disorder allowed on his claim. This appeal was granted and  
43 assigned Docket No. WC-25-01525.  
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46 <sup>6</sup> *In re Richard Wagner*, BIIA Dec., 88 0962 (1988)  
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- 1 4. On November 18, 2024, the Department issued an order in which it  
2 denied responsibility for the condition diagnosed as post-traumatic stress  
3 disorder. No other issues were addressed in the order.
- 4 5. On November 18, 2024, Mr. Denbo sent a secure message to the  
5 Department, and the Department considered this message a protest to  
6 the November 18, 2024 order.
- 7 6. On March 4, 2025, the Department issued an order in which it affirmed  
8 the order dated November 18, 2024.
- 9 7. The pleadings and evidence submitted by the parties demonstrate that  
10 there is no genuine issue as to any material fact.

#### 11 **CONCLUSIONS OF LAW**

- 13 1. The Board of Industrial Insurance Appeals has jurisdiction over the parties  
14 and subject matter in this appeal.
- 15 2. The appeal may be decided as a matter of law as contemplated by CR 56.
- 16 3. The Department did not have the authority to adjudicate the issue of  
17 post-traumatic stress disorder in the November 18, 2024 order because  
18 the issue of post-traumatic stress disorder was already under appeal  
19 before this Board. RCW 51.52.060.
- 20 4. The Department did not have the authority to affirm the November 18,  
21 2024 order in the March 4, 2025 order because the issue of post-traumatic  
22 stress disorder was already under appeal before this Board.  
23 RCW 51.52.060
- 24 5. The Department order dated March 4, 2025, is reversed and the  
25 Department is directed to cancel its order dated November 18, 2024.

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6. By separate order, we will issue an order vacating the order granting appeal under Docket No. 24 22513. The question of whether Mr. Denbo developed major depressive disorder and PTSD as a proximate cause of his industrial injury will continue on appeal under Docket No. WC-25-01525.

Dated: November 25, 2025.

BOARD OF INDUSTRIAL INSURANCE APPEALS



HOLLY A. KESSLER, Chairperson



ISABEL A. M. COLE, Member



ROBERT A. BATTLES, Member

**Addendum to Decision and Order**  
**In re: Marc S. Denbo**  
**Docket No. 25 13319**  
**Claim No: ZB60927**

**Appearances**

Claimant, Marc S. Denbo, Self-Represented

Employer, Tradesman International, LLC, by Javelin Law, PLLC, per Madison Musgrave

Department of Labor and Industries, by Office of the Attorney General, per Rachel M. Van-Strayhorn

**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 July 23, 2025, in which the industrial appeals judge reversed the Department order dated March 4, 2025.

**Evidentiary Rulings**

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