

From: Curtis Wright <cwright98371@yahoo.com>
Sent: Sunday, April 6, 2025 5:29 PM
To: Sadler, Tammy (LEOFF) <tammy.sadler@leoff.wa.gov>
Subject: Suggested Labor and Industries legislation

External Email

Tammy,

I am Curtis Wright. I was Catastrophically Disabled per LEOFF 2 in 2011. Also in 2011, disabled per US Social Security. I have been trying for years to Labor and Industry (L and I) benefits without success. I have PTSD and back/shoulder injuries from my 22 years in law enforcement. My last eight years I worked as a Sheriff's Detective and worked numerous homicide cases.

When they passed the PTSD bill a few years ago in WA State, they only allowed more recent retirees with L and I coverage. I was found in 2011, I think it was, per an L and I Court Order to have multiple exposure PTSD. The old law (during that time frame, only allowed for one incident PTSD coverage). It did NOT cover multiple exposure PTSD. When WA State changed the law, they only allowed for more recent retirees to get L and I benefits.

SUGGESTION:

Make the Employers pay for the injuries to all Catastrophically Disabled LEOFF member, granting all those found Catastrophically Disabled to automatically get full L and I benefits.

OR:

Make all those with PTSD from the previous years be eligible for full L and I benefits.

The attached is a document that shows how few LEOFF 2 members are/were granted Catastrophic LEOFF disability benefits.

My medical expenses are significant. Two years ago, I had my second back surgery and I have a claim pending in Court but have serious doubts I can win against the employer's lying attorneys in Court. The completely lied about my shoulder injury and WA State supports the lying because it saves them money. My previous employer has paid about \$200,000 to their lying attorney's office. Pierce County, my previous employer will not provide a total amount paid. I do have a total paid to that law firm from 201 to 2020, if you want, I can send you that information from Pierce County. Pierce County has basically refused to provide me any further information and have repeatedly sent me the same information over and over again. The L and I system is badly broken.

I walk with a cane and broke my ankle in Jan of this year. I have a video of this fall from my CCTV cameras at my condo. I live in Las Vegas, but it was icy that day and I slipped on the ice. I can send you that video if you like. (I cannot watch the video which caused numerous fractures in my right ankle.) I have accidently seen part of it though. I still have screws and a plate in my right ankle and plan on getting two of the long screws removed as suggested by my ankle surgeon. I walk with a cane due to injuries from my lower back work injuries. I have tried to have attorneys work on my L and I cases and the one that handled my 2010 work injury said it would cost too much and take years. He was correct. I have spent over \$40,000 because I know they lied and not the L and I Court, nor Pierce County Superior Court seems to even care. The Pierce County Judge is paid by the my same previous employer I used to work for, so I doubt I will have any chance of winning my case.

Thank you,

Curtis Wright

If you have any questions, please email me or call me on my cell 253-606-1522

[042518.7 PTSDBenefits edbrief.pdf](#)



April 25, 2018

Posttraumatic Stress Disorder

EDUCATIONAL BRIEFING

By Steve Nelsen

Executive Director

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ISSUE STATEMENT

Legislation enacted in 2018 changed eligibility for workers' compensation and LEOFF Plan 2 benefits related to Posttraumatic Stress Disorder (PTSD).

OVERVIEW

This report will provide information on what LEOFF Plan 2 benefits are available to members suffering from PTSD, how eligibility for those benefits has changed due to the new legislation and the processes for establishing eligibility. This report will also identify questions that have arisen since the legislation was enacted.

BACKGROUND AND POLICY ISSUES

What is PTSD?

Posttraumatic Stress Disorder is a trauma and stressor-related mental disorder resulting from exposure to one or more traumatic events involving death or serious injury¹. The exposure may occur from:

1. Directly experiencing the traumatic event (e.g. suffering a gunshot wound);
2. Witnessing, in person, the event as it occurs to others;
3. Learning that the traumatic event occurred to a close friend or family member; or,
4. Experiencing repeated or extreme exposure to aversive details of the traumatic event (e.g. first responders collecting human remains).

PTSD is characterized by:

1. Recurrent, involuntary and distressing memories or dreams of the traumatic event, flashbacks, intense or prolonged psychological distress or marked psychological reactions to cues that resemble an aspect of the traumatic event;
2. Persistent avoidance of stimuli associated with the traumatic event;

¹ *Diagnostic and Statistics Manual of Mental Disorders, 5th Edition (DSM-5)*

3. Negative alterations in thoughts or mood associated with the traumatic event;
4. Marked alterations in reactivity associated with the traumatic event beginning or worsening after the traumatic event occurred (e.g. irritable behavior, unprovoked angry outbursts, reckless or self-destructive behavior, hypervigilance, exaggerated startle response, problems with concentration, and sleep disturbance).
5. Duration of symptoms 1-4 for more than one month;
6. The symptoms cause clinically significant distress or impairment in social, occupational or other important areas of functioning;
7. The symptoms are not attributable to the psychological effects of drugs, alcohol, medication or another medical condition.

How are PTSD claims covered by workers' compensation?

Under the state's industrial insurance laws, a worker who, in the course of employment, is injured or suffers disability from an occupational disease is entitled to certain benefits. Claims based on mental conditions or mental disabilities caused by stress are specifically excluded in statute from the definition of an occupational disease. Examples of stress-related conditions that are not covered by workers' compensation include:

- Change of employment duties;
- Conflicts with a supervisor;
- Actual or perceived threat of loss of a job, demotion, or disciplinary action;
- Relationships with supervisors, coworkers, or the public;
- Specific or general job dissatisfaction,
- Work load pressures;
- Subjective perceptions of employment conditions or environment;
- Loss of job or demotion for whatever reason;
- Fear of exposure to chemicals, radiation biohazards, or other perceived hazards;
- Objective or subjective stresses of employment;
- Personnel decisions; and,
- Actual, perceived, or anticipated financial reversals or difficulties occurring to the businesses of self-employed individuals or corporate officers.

How did 2018 legislation affect PTSD claims?

PTSD resulting from exposure to a single traumatic event, or a single traumatic event within a series of exposures, has always been considered an occupational disease.

SSB 6214 changes the eligibility criteria for workers' compensation benefits for certain law enforcement officers, fire fighters, and emergency medical technicians (EMTS) to match the

DSM-5 definition of PTSD. Specifically, this change means that a series of exposures to traumatic events can now be the basis for a workers' compensation claim.

A rebuttable presumption exists that PTSD resulting from repeated exposures is an occupational disease for these law enforcement officers, fire fighters and EMTs if:

1. The member has had a prior psychological exam ruling out PTSD and the disorder develops after the person has served at least ten years; or,
2. The employer has not provided a psychological exam.

How are PTSD claims covered by LEOFF Plan 2?

The Law Enforcement Officers' and Fire Fighters' (LEOFF) Plan 2 retirement system provides payment of certain benefits when a member suffers a duty-related death or disability. Eligibility for these payments is determined by the Department of Retirement Systems (DRS).

Is the PTSD duty-related?

The terms "duty-related" in LEOFF Plan 2 and "in the course of employment" in workers' compensation are considered by courts to mean the same thing. So, if a workers' compensation claim for PTSD is approved by the Department of Labor & Industries (LNI), then DRS will consider applications for LEOFF 2 benefits from the same event as duty-related unless there is additional information. If there was no prior workers' compensation claim, DRS will determine if PTSD is duty-related by applying the same criteria that LNI would use to evaluate a claim.

What duty-related benefits are provided by LEOFF 2?

LEOFF Plan 2 provides:

1. Temporary Disability Service Credit – A member who does not receive LEOFF 2 service credit while they are off work due to a duty-related injury can apply to receive credit for that time. A member whose PTSD is so severe that they need to take a leave of absence to receive treatment would be eligible for this benefit.
2. Disability Retirement – A member who is injured in the line of duty such that they can no longer return to LEOFF covered employment is eligible to receive the pension they have earned without a reduction for early retirement. A member whose PTSD is so severe that they must change careers can be eligible for duty-related disability retirement.
3. Catastrophic Disability Retirement – A member who is injured in the line of duty so severely that they are incapable of any substantial gainful employment is eligible for a benefit equal to 70% of their final average salary off-set by any workers' compensation benefits or social security disability benefits that the member is receiving for the same injury up to a total of 100% of the member's final average salary. If a members' PTSD completely disables them, they may be eligible for a catastrophic duty-related retirement.

4. Death Benefits – A lump sum benefit, the **member’s earned pension**, reimbursement for some medical insurance premiums and eligibility for in-state tuition waivers is provided to surviving spouses and **children** of a member who is killed in the line of duty. The death of a member who commits suicide due to PTSD can be considered in the course of employment for workers’ compensation and duty-related benefits for LEOFF Plan 2.

How many PTSD-related claims are expected for LEOFF Plan 2?

The current edition of the Diagnostic and Statistics Manual of Mental Disorders predicts that 8.7% of all people in the U.S. who live until age 75 will experience PTSD to some extent. Rates of PTSD are higher among veterans and others whose vocation increases the risk of traumatic exposure including law enforcement officers, firefighters and emergency medical technicians. PTSD is a treatable condition and the severity of the condition varies among individuals. The fact that a person experiences PTSD does not mean that they will miss work or become disabled.

The Office of the State Actuary (OSA) researched the prevalence of PTSD among law enforcement officers, fire fighters and emergency medical technicians as part of their fiscal note for SSB 6214 in 2018. They found the prevalence of PTSD for firefighters varied among data sources from 3.9% to 22%.

DRS has tracked whether PTSD is the underlying basis for disability requests since 2013. DRS has approved 19 duty-related PTSD claims through 2017. 6 claims were denied. 5 Non-duty PTSD claims were approved over this same time period and 2 of those were denied.

OSA assumed 2 additional PTSD-related disabilities per year as a result of SSB 6214 and that all non-duty PTSD disability claims would now be considered duty-related for an additional 1 disability per year.

OSA assumed 2 additional duty-related suicide fatalities per year. These deaths would previously have been considered non-duty related.

Expected Annual Disability Retirements		
	Current Law	Estimated Cost
Duty	34	37
Catastrophic	4	4
Occupational	30	33
Non-Duty	5	4
Total	39	41

Expected Annual Deaths		
	Current Law	Estimated Cost
Duty	6	8
Non-Duty	21	19
Total	27	27



Posttraumatic Stress Disorder

Educational Briefing – April 25, 2018

What is PTSD?

- Definition
- Causes
- Symptoms

PTSD – Worker's Compensation

- Allowable claims
- Changes from the 2018 legislation

PTSD – LEOFF Plan 2

- “Duty-related” death and disability benefits
- How prevalent is PTSD?
- Estimated effect of 2018 legislation on claims and cost of the plan



Thank You

Steve Nelsen

Executive Director

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