

From: kraskedi@comcast.net <kraskedi@comcast.net>

Sent: Monday, July 25, 2022 8:57 AM

To: Conway, Sen. Steve <Steve.Conway@leg.wa.gov>

Subject: BILL 5336

CAUTION: External email.

Dear Senator Conway,

After reading proposed Bill 5336 and seeing Candice Bock's name under the Bill I emailed the attached message to her. She informed me that I should email you directly. My message is about adding some items that would add more integrity and uniformity to disability boards. It would also prevent problems as I had with the King County disability board.

Thank you for your interest in LEOFF1.

Sincerely Dick Kraske kraskedi@comcast.net 206-361-2543

CAUTION: This email originated from outside of the Legislature. Do not click links or open attachments unless you recognize the sender and know the content is safe.

7-25-2022

Dear Mrs. Bock,

My name is Dick Kraske. I am an 86-year-old retiree having served 29 years with the King County Sheriff's Office and a graduate of the University of Puget Sound with a degree in Public Administration.

I took note of Senator Conway's bill to simplify the schedule for medical benefits for LEOFF1 disability boards and would like to suggest some add-ones, if possible, that would encourage conformance to a uniform standard for additional improvements. My suggestions are the result of a recent experience that I have had with the King County disability board that denied a legitimate medical claim that I submitted for reimbursement.

I was awarded a settlement after falling and breaking my shoulder in September 2019. Medicare paid for the medical expenses and then demanded to be reimbursed for a percentage of the expenses according to Federal law. I paid \$6545.95 out of pocket to Medicare and then requested reimbursement from King County according to RCW 41.26.030, (19),(i),(A) for LEOFF1. When I asked for the reason for the denial that I appealed I was told that there were not enough votes on the vote for approval. The vote was 2 to 2, a tie. King County violates the law by having four members on its board when according to RCW 41.26.110 there are supposed to be five. All other boards in the state have 5 members. There is nothing in any of the laws for LEOFF1 that addresses tie votes. Some boards cite Robert's Rules in their rules and regulations however King County does not. Roberts Rules state that a tie vote results in the dismissal of the motion making it null and void thereby disqualifying the vote. The legal advisor for the board did not mention Roberts Rules in her research about tie votes before unilaterally and arbitrarily stating the denial. She is not the Chairman or a voting member of the board.

SUGGESTION: Encourage all disability boards to include the protocol for using Robert's Rules of Order in their rules and regulations. This would simplify those legal complexities that occur after finding no solution in the laws.

There are no penalties for noncompliance with LEOFF1 laws except one, fraud. A law is only as good as the ability to enforce it. King County violated the five-person board law and continues to do so.

SUGGESTION: Create penalties for non-compliance with LEOFF1 laws to inform all parties having LEOFF1 issues about the consequences of their decisions.

When I asked the King County disability board the reasons for the denial prior to the vote they refused to answer on the advice of their legal counselor from the King County Prosecutor's Office while she prepared for a lawsuit. I had no intention of filing a lawsuit then or now when all I wanted was a simple answer. According to the documents in a FOIA that I filed she advised the board staff to discourage any contact with me saying that anything said can be used in a lawsuit. Essentially I was deprived of the rights accorded to all of the other LEOFF1 members that have access to the board at all times.

SUGGESTION: If the board makes an adverse benefit determination on review, the board will render a written opinion, using language calculated to be understood by the claimant, that sets forth the specific reasons for the denial. Makes specific references to pertinent Plan provisions on which the denial is based, cite all laws that applies and includes a statement of

the claimant's right to bring a civil action following the adverse benefit determination on such a review. The opinion shall also include a statement that the claimant is entitled to receive, upon request and free of charge, reasonable access to, and copies of, all documents, records and other information which was relied upon by the board in making its decision, was submitted, considered or generated in the course of the board making its decision, or demonstrates compliance by the board with the law and its administrative processes and safeguards.

The short version of this would be: After granting or denying a disability claim allowance the board must enter a written decision and order that include: Appropriate findings of fact supported by credible evidence sufficient to sustain the decision, and conclusions of law.

Hopefully no other jurisdiction will have a similar experience as the one that I had. However, considering the changes in administrations that bring new staff with new ideas and different opinions the potential is there for it to happen.

I commend Senator Conway for his interest in LEOFF1 and appreciation for your time to review this.

Sincerely,

Dick Kraske

kraskedi@comcast.net

206-361-2543