

LEOFF I EMPLOYERS PUT ON NOTICE THAT FAILURE TO PAY BOARD APPROVED HEALTHCARE EXPENSES WILL NOT BE TOLERATED.

The case of *Elvis T. Swisher v. City of Moses Lake* has just been brought to a successful conclusion by attorney Joe Fischnaller, who represented Elvis Swisher; and the Court's holding may well be of great importance to you and to all LEOFF I members, both active and retired, across the State. Although Joe donated a portion of his time for this litigation, the case was primarily funded by the LEOFF I Coalition.

The plaintiff, Elvis T. Swisher, is the retired Chief of the Moses Lake Fire Department, and a LEOFF I member who incurred certain dental expenses which were approved by the Grant County Disability Board for reimbursement by his previous LEOFF I employer, the City of Moses Lake. The Grant County Disability Board, like many Boards across the State, has a rule that provides a limited dental benefit for the LEOFF I members under its jurisdiction. The City, however, defied the Board approval Order and refused to reimburse Chief Swisher for the dental expenses that he had incurred.

Joe Fischnaller was retained to represent Elvis Swisher and to correct this injustice by making the City comply with the LEOFF Act (Chapter 41.26 RCW). Joe brought suit against the City of Moses Lake, and was successful on all issues presented to the Court.

The Court's award against the City of Moses Lake requires the City to pay not only the original dental bills, together with interest at 12 % per annum from the date of the Board's approval of the bills, but all Court costs, filing fees, and service of process charges, as well. In addition, the Court issued an injunction against the City requiring it to promptly pay all future healthcare expenses that are approved by the Grant County Disability Board and not appealed by the City. Their failure to do so in the future would be contempt of Court and could result in severe fines and/or jail time for those City officials refusing to pay approved bills for LEOFF I members.

In addition to all of this, the Court awarded \$6,425.00 in attorney's fees against the City. This is particularly important because it puts all LEOFF I employers across the State on notice that their defiance of Board Orders to pay health care bills for LEOFF I members will not be tolerated, and that any such defiance will likely require them to pay not only the approved bill, but all Court costs, and the LEOFF I member's attorney's fees, as well.

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