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Stimac named DLI workers' compensation assistant commissioner

Jessica Stimac has been named the Department of Labor and Industry's (DLI's) assistant commissioner for workers' compensation. Stimac has 20 years of workers' compensation experience, both in the public and private sectors. In her new role, she oversees the DLI Workers' Compensation Division, the Office of Workers' Compensation Ombudsman and the Office of General Counsel.

Prior to her work as assistant commissioner, Stimac served as chief general counsel of the agency, leading DLI's Office of General Counsel since 2018. Before leading the Office of General Counsel, Stimac was a Workers' Compensation Division director from 2012 to 2018, a supervisor in the Special Compensation Fund from 2010 to 2012, and a mediator in the Alternative Dispute Resolution unit from 2006 to 2010. Before joining DLI, Stimac worked as a litigator, practicing in the area of workers' compensation.

Stimac earned a bachelor of science degree from the University of Notre Dame and her law degree from the University of St. Thomas School of Law.



Assistant Commissioner Jessica Stimac

April DelCastillo promoted to supervisory position

April DelCastillo has been promoted to a supervisory position, overseeing the Compliance, Records and Training (CRT) unit's front-end team. In this role she supervises CRT's copy file review, claim coding, claim shells, data entry and senior research functions. She is also involved in the ongoing work with Work Comp Campus, as the CRT user acceptance tester regarding claim shells.

Previously, DelCastillo was on the claim shell team, managing the claim shell queue to ensure the integrity of reporting data is in accordance to Minnesota Statutes § 176.231, subdivision 1(b)(1). She also worked with internal and external customers, answering questions and providing guidance about reporting in a timely manner.

Before joining DLI in 2018, DelCastillo had worked in the private sector for a Fortune 500 company since 2009, with nine years of that experience focused on analyzing and decision-making of highly confidential information and working with external and internal customers to meet end-goals.

Workers' Compensation Summit tentatively scheduled for late October

The Department of Labor and Industry (DLI) is starting to plan for its biennial Workers' Compensation Summit tentatively scheduled for late October 2024. DLI looks forward to this event to engage with the workers' compensation community and learn from one another. A save-the-date message will be sent via the [workers'-compensation-related email lists](#) after the location is secured.

If you have an idea for a topic you would like to hear about or have information you would like to share at the summit, email Michelle Doheny, Business Technology Office director, at michelle.doheny@state.mn.us.

The summit is geared toward all workers' compensation stakeholders, including attorneys, employers, insurers, medical providers, rehabilitation providers, employee representatives, public officials and others.

Save the dates: PTSD study informational meetings

The Department of Labor and Industry (DLI) has partnered with the Midwest Center for Occupational Health and Safety at the University of Minnesota to conduct a legislatively mandated study about work-related post-traumatic stress disorder (PTSD).

DLI is hosting two informational meetings about the PTSD study to update stakeholders about the scope and status of the study. The presentation-style meetings will be led by the University of Minnesota research team. The meetings are open to the public and are offered virtually only:

- Wednesday, April 24, 9:30 a.m.; and
- Monday, April 29, 2 p.m.

Attendees are encouraged to submit questions in advance of the meetings by email to ptsdstudy.dli@state.mn.us. There will also be an opportunity to submit questions during the meetings.

For more information about the meetings or to sign up for updates about the PTSD study, visit the [Post-traumatic stress disorder study webpage](#) or email ptsdstudy.dli@state.mn.us.



Mileage rate increases for 2024



The standard IRS mileage rate for the business use of an employee's personal vehicle for 2024 increased Jan. 1:

- *from 65.5 cent a mile,*
- *to 67 cents a mile.*

POSTCARD

No P.O. box: Use street address when sending mail to VRU

The Minnesota Department of Labor and Industry's Vocational Rehabilitation unit (VRU) closed its P.O. box in June 2023.

All mail for the St. Paul VRU office should be sent to:

Minnesota Department of Labor and Industry, VRU
443 Lafayette Road N.
St. Paul, MN 55155.

Addresses for VRU offices in Greater Minnesota remain unchanged.



Review board, panel seek members, alternates

Medical Services Review Board

The Medical Services Review Board (MSRB) currently has openings for:

- one employer representative (four-year term);
- one hospital representative (four-year term);
- one physician representative alternate (annual term);
- one employee representative alternate (annual term); and
- one hospital representative alternate (annual term).

To apply for a position, visit sos.state.mn.us/boards-commissions on the Secretary of State website.

The [Medical Services Review Board](#) is composed of two chiropractic representatives, one hospital representative, one registered nurse, one physical therapist, one occupational therapist, six physicians of different specialties, one employee representative and one employer/insurer representative. Each discipline also has one alternate, except there are three physician alternates.

The board meets quarterly, from 4 to 6 p.m., and advises the Department of Labor and Industry about workers' compensation medical issues; is the liaison between the department and the medical-provider community; and supports and engages in the education of the provider community about workers' compensation.

Rehabilitation Review Panel

The Rehabilitation Review Panel (RRP) has an opening for one union labor representative alternate member, an annual term.

To apply for the position, visit sos.state.mn.us/boards-commissions on the Secretary of State website.

The [Rehabilitation Review Panel](#) is composed of employer, insurer, labor, medical and rehabilitation representatives. The panel:

- advises DLI about workers' compensation vocational rehabilitation issues and rules;
- is a liaison between DLI and interested people about workers' compensation vocational rehabilitation; and
- makes final decisions about certification approval or disciplinary matters of qualified rehabilitation consultants and vendors in conjunction with contested hearings.

RRP meets quarterly, at 1 p.m., at DLI. Meetings are in person, but panel members may participate via Webex, if needed. Members of the public may monitor the meetings in person and via Webex.



Intervention: Providing notice, avoiding delay

By Aaron Frederickson, *Alternative Dispute Resolution*

Failure to place all interested parties on a Notice of Right to Intervene is a common error that delays the ability of the Department of Labor and Industry (DLI) to proceed with a scheduled administrative conference. All interested stakeholders should review their policies and procedures about how their office investigates and notifies all parties to allow an administrative conference to go forward without delay. Being proactive on this issue also avoids frustration for attorneys and the parties they represent.

Pertinent rules and statutes

The proper procedure to place an interested party on notice is in statute and rule. Attorneys and stakeholders should take note of the requirements found in the following:

- Minnesota Statutes § 176.361; and
- Minnesota Rules 1415.1100.

Under this framework, attorneys are equally responsible for placing an interested party on notice. Information required on the Notice of Right to Intervene includes (per Minn. R. 1415.1100), but is not limited to:

- the parties' names and addresses in the proceeding and the attorney's address;
- the name of the potential intervenor's insured, if applicable;
- information concerning the failure of a potential intervenor to file a motion for intervention and applicable timeframes to file a motion to intervene;
- the rights and responsibilities of the interested party and requirements about attendance at the administrative conference; and
- information about where the potential intervenor may obtain a copy of the intervention statute and rule.

Attorneys can be proactive by educating their paralegals and support staff about what needs to be done to ensure proper notice is given. This includes referencing the filing requirements for Work Comp Campus when a case is to be heard at DLI. Including filing procedures for cases at the Office of Administrative Hearings (OAH) in a Notice of Right to Intervene can confuse potential intervenors and result in the cancellation or rescheduling of an administrative conference.

Avoiding delay of an administrative conference

All attorneys appearing at administrative conferences at DLI should be proactive and ensure the Notice of Right to Intervene complies with the most recent statute and rule. Some tips to avoid unnecessary delays and help ensure administrative conferences can progress as scheduled include the following.

- Familiarize yourself and your staff with the statutory and administrative rule requirements concerning the intervention process.
- Work together with opposing counsel; attorneys representing the injured employee and defense interests are equally responsible for ensuring all parties receive notice of their rights.
- Correctly include only DLI case information on the Notice of Right to Intervene. There is no DLI approved form for this notice. Be sure to include DLI case-specific information, including the dispute (DS) number.
- Remember all DLI filings must be completed via Campus. Avoid referencing forms or processes specific to OAH. This is a common error that continues to cause delays.
- File all Notices of Right to Intervene with DLI. Filing this document assists dispute-resolution specialists and other staff members when preparing for an administrative conference. The notices should be filed in the dispute (DS).

Conclusions

A vital part of the intervention process is providing notice to all interested parties in a workers' compensation case. It requires all attorneys to be engaged and to ensure a dispute can be heard at an administrative conference. Failure to place all necessary parties on notice and in the correct format will delay the ability for litigation to proceed. Now is the time to review the rule and statute referenced above on the intervention process and ensure the correct steps are taken when filing the next Notice of Right to Intervene.

Ask the ADR and Work Comp Campus pro

DLI's Alternative Dispute Resolution unit answers frequently asked questions

By Brian Mak, Donna Olson, Melissa Parish and Patti Provencher, Alternative Dispute Resolution

Editor's note: The Alternative Dispute Resolution (ADR) unit at the Minnesota Department of Labor and Industry (DLI) seeks early intervention in workers' compensation disputes through conferences and mediations. It handles calls from the Workers' Compensation Division Help Desk and responds to questions from all stakeholders.

Q. When I am requesting a mediation service from the Alternative Dispute Resolution (ADR) unit, how do I handle the "Poll" section?

A. The Department of Labor and Industry (DLI) recommends users do not use the "Poll" function because the mediation coordinator works directly with the parties to identify a mediator they would like to use and the appropriate dates. After a request for mediation has been submitted and the user is taken to the "Poll" section, there is no need to enter anything; simply return to the "Dashboard" or close the screen. For questions about mediation scheduling, email mediation.dli@state.mn.us.



Q. When I request certification, do the changes to Minnesota Statutes section 176.081 mean ADR will not take action until after 30 days have passed?

A. No, ADR continues to review the requests for certification upon receipt and makes determinations as soon as possible. The revisions to Minn. Stat. section 176.081 merely provide additional instructions for what should happen if 30 days have passed and a certification determination has not been made, or if 45 days have passed from the request for a second opinion on surgery and a determination has not been made.

Q. We have an attorney leaving our firm. What should we do?

A. For Work Comp Campus needs, it is best to get one-on-one help with such changes. Contact the Workers' Compensation Division Help Desk at 651-284-5005 (press 3), 800-342-5354 (press 3) or helpdesk.dli@state.mn.us to be routed to a Campus group management expert for assistance with the necessary changes.

Q. I am trying to file a dispute and Campus tells me there may be a duplicate dispute in the system. How do I continue?

A. The notice does not stop the process; if a dispute has not already been filed, the user may proceed. The alert is simply letting the user know *some* dispute has previously been filed on that claim.

Q. I want to file a response to a dispute, but there is no drop-down menu where I can select "Response."

A. In the same way a Medical Response would only be filed after a Medical Request or Rehabilitation Request were filed in Campus, a response is only filed after a Request for Assistance – Conference (RFA) is filed. If the

employee's attorney has not filed an RFA webform, but only a Request for Certification webform, then a formal response would be premature. To alert ADR to a position about the matter at the certification stage, call or email the arbitrator. A letter can also be uploaded to the dispute.

Note: One exception is when a paper Medical Request or Rehabilitation Request is filed by a pro se employee. In those cases, ADR will upload the paper document to a new dispute and the responding party will need to upload a paper Medical Response or Rehabilitation Response.

Q. **A dispute was created on a claim and I had already filed a Notice of Appearance for the insurer on that claim, yet I do not have user access to the dispute. Why?**

A. The party who initiated the dispute may not have included the insurer as a party to the dispute when they were creating the RFA webform. If so, the filer may need to amend their dispute to include and serve the client, which will then give the user access as the client's attorney. Call the help desk for assistance.

It is important a user initiating a dispute clicks or adds all necessary parties as parties to the dispute or those parties will not be made part of the dispute. Simply identifying the proper claim does not automatically bring the necessary parties into the new dispute.

Q. **Why does DLI sometimes tell me I need to re-do my request for certification?**

A. Minnesota Statutes section 176.081, subdivision 1, now requires requests for certification to be served on the employer or insurer and the attorney representing the employer or insurer, if any, and the request must contain the name of the employer and its insurer, the date of the injury and a description of the benefits claimed. If any of these requirements are not met, DLI may not certify the dispute and may require the requesting party to re-file. At the same time, the arbitrator will always look for an opportunity to help the parties resolve the matter.



New video available: Uploading a document into Work Comp Campus

The basics of uploading a document to Work Comp Campus are all covered in a new instructional video created to bring clarity to the process. The video begins with steps to prepare for the upload, followed by an actual step-by-step demonstration of the process. The results are an uploaded document with a brief, helpful description.

Uploading a file to Work Comp Campus is available on the [Work Comp Campus training webpage](#) and on the [Work Comp Campus instructional videos playlist](#) on the Department of Labor and Industry's YouTube channel.

Work Comp Campus troubleshooting: Clear browser history, cache

If a user has trouble accessing Work Comp Campus or receives an error while using the system, the most common troubleshooting action is to have them clear their browser history, also known as the browser cache. Campus is a web-based application, which means the browser history stores files (such as images, logos and fonts) from the website.

- See [How to clear your web browser cache on any platform](#) to learn how to complete the process.

Stay in the know: Subscribe for news from DLI

Did you know the Department of Labor and Industry offers more than two dozen email lists you can subscribe to receive news targeted to specific groups? (If you are reading this, you are probably on the *COMPACT* email list.)

Lists related to workers' compensation news include the following:

- Adjusters updates
- Employer updates
- Rehabilitation providers updates
- Attorney updates
- Medical providers updates
- Trading partner updates



Other email lists are available for:

- Agency news
- Construction codes, licensing and building trades
- Minnesota OSHA and workplace safety
- Apprenticeship, dual-training and Youth Skills Training
- Labor standards, worker rights, wage and hour
- Rulemaking

To learn more about the available email lists, visit dli.mn.gov/about-department/news-and-media/sign-news-department-labor-and-industry.

Translated materials, Language Line available via DLI website

The Department of Labor and Industry (DLI) posts its available translated materials online at dli.mn.gov/about-department/about-dli/translated-materials. It has documents available in Chinese, Hmong, Karen, Somali and Spanish. A few other documents throughout the website are available in additional languages.

Also, the DLI website now provides Google Translate in the upper left corner of each page, allowing visitors to choose the language for the website text.



In addition, DLI has access to Language Line, a free language translation phone service for limited-English speakers. If DLI help is needed, view the contact information at dli.mn.gov/about-department/about-dli/contact-us, call and a DLI employee will get in touch with an interpreter in the needed language.

Workers' compensation claims, costs continue long-term downward trend

By Ender Kavas, Research and Data Analytics

Minnesota's workers' compensation total claim rate and the system cost per \$100 of payroll decreased in 2022, continuing the long-term downward trend in both. Estimates for 2020-2022 were strongly affected by the COVID-19 pandemic.

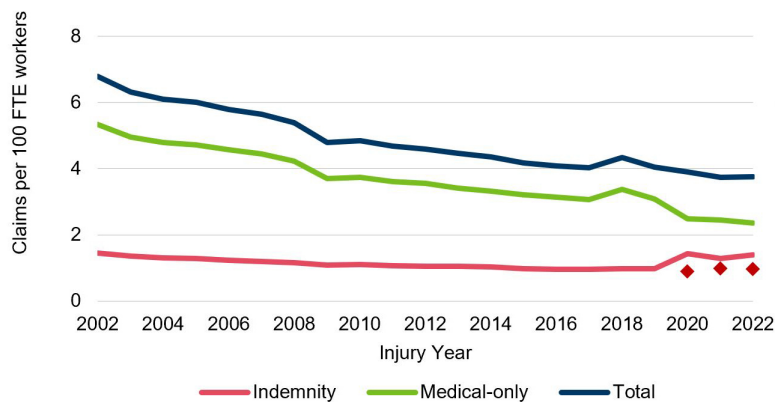
Figure 1 shows the estimated rate of paid claims per 100 full-time-equivalent (FTE) workers from 2002 through 2022. During this period, the total claim rate fell by 45%, from 6.78 to 3.74 per 100 FTE workers, and the indemnity claim rate fell by 3%, from 1.45 to 1.40. (For non-COVID-19 claims in 2022, the indemnity claim rate – 0.95 – was lower.) During the 20-year period, the total claim rate fell at an average annual rate of 2.9%, even though the total claim rate was relatively stable from 2016 through 2019.

However, from 2019 to 2022, there was a 44% increase in the indemnity claim rate, which can be attributed to the influx of COVID-19 claims. There was also a 24% decrease in the medical-only claim rate, resulting in a 7% decrease in the total claim rate during this period. COVID-19 claims accounted for 32% of indemnity claims in 2022, compared to 25% in 2021 and 38% in 2020. While 96% of COVID-19 claims in 2022 were for indemnity benefits, most claims for all other injuries and illnesses were medical-only claims.

Figure 2 shows total workers' compensation system cost per \$100 of covered payroll. The total cost of Minnesota's workers' compensation system was an estimated \$1.67 billion for 2022, or \$0.89 per \$100 of payroll. From 2002 through 2022, system cost fell from \$1.58 to \$0.89 per \$100 of payroll, a drop of 43%. During the long term, system cost per \$100 of payroll follows a cycle of about 10 years.¹ Taking averages over adjacent 10-year periods gives an average annual rate of decline of 3.0%.

¹This cycle follows a nationwide cycle of alternating "hard" and "soft insurance markets – periods of high and low premiums, respectively, relative to claim costs.

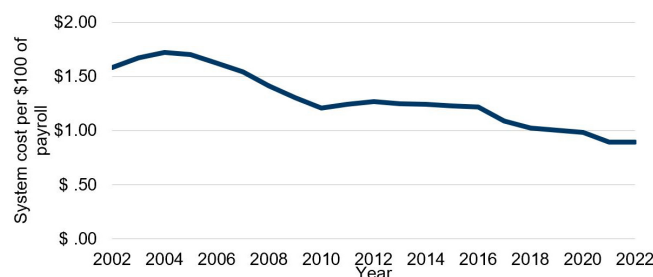
Figure 1. Paid claims per 100 full-time-equivalent workers [1]



| Injury year | Indemnity claims | Medical-only claims | Total claims |
|-------------|------------------|---------------------|--------------|
| 2002 | 1.45 | 5.33 | 6.78 |
| 2019 | .97 | 3.07 | 4.04 |
| 2020 | 1.42 | 2.48 | 3.90 |
| 2021 | 1.29 | 2.45 | 3.74 |
| 2022 | 1.40 | 2.34 | 3.74 |

¹ Developed statistics from DLI data and other sources. Lines show claim rates for all paid claims, including COVID-19 claims. The diamond markers show the indemnity claim rate for only non-COVID-19 paid indemnity claims in 2020, 2021 and 2022.

Figure 2. System cost per \$100 of payroll [1]



| Year | Cost per \$100 of payroll |
|----------|---------------------------|
| 2002 | \$1.58 |
| 2004 | 1.72 |
| 2010 | 1.21 |
| 2012 | 1.27 |
| 2019 [2] | 1.00 |
| 2020 [2] | .98 |
| 2021 [2] | .89 |
| 2022 [2] | .89 |

¹ Data from several sources. Includes insured and self-insured employers.

² Subject to revision.

CompFact: Majority of injured workers with non-COVID-19 paid claims receive \$10,000 or less in indemnity payments

By Hared Mah, Research and Data Analytics

While the annual *Minnesota Workers' Compensation System Report* shows the average values of indemnity benefits paid to injured workers, the range of benefit payments is very wide. Policymakers and the public might be interested in understanding the distribution of paid claims and whether it has remained stable. The two figures below show the trend in the distribution of paid claims by payment group.

Figure 1 shows the percentage of paid claims within payment ranges by year of injury. Four groupings of claims with indemnity benefit payments are shown: claims paid \$1,000 or less; claims paid between \$1,000 and \$5,000; claims paid between \$5,000 and \$10,000; and claims paid more than \$10,000.

The distribution of these claims at these payment thresholds has remained stable over time with minor fluctuations. For instance, the percent of paid claims with \$1,000 or less in payment reached a high of 35% of paid indemnity claims in 2012 and decreased to a low of 31% in 2019. On the other hand, the percent of claims with payment between \$1,000 and \$5,000 largely remained at 30% for the same period. Claims with payments between \$5,000 and \$10,000 were about 11% of the total paid claims from 2011 to 2016, but increased to 12% by 2019. Paid claims with more than \$10,000 in indemnity payments constitute about 26% of total paid claims. The results do not change substantially if the payment reported date is used instead of the injury date. For the 2021 injury year, 63% of paid claims received \$5,000 or less in indemnity benefits, while 75% of paid claims received \$10,000 or less in indemnity payments.

Figure 1. Distribution of paid claims by payment level and injury year

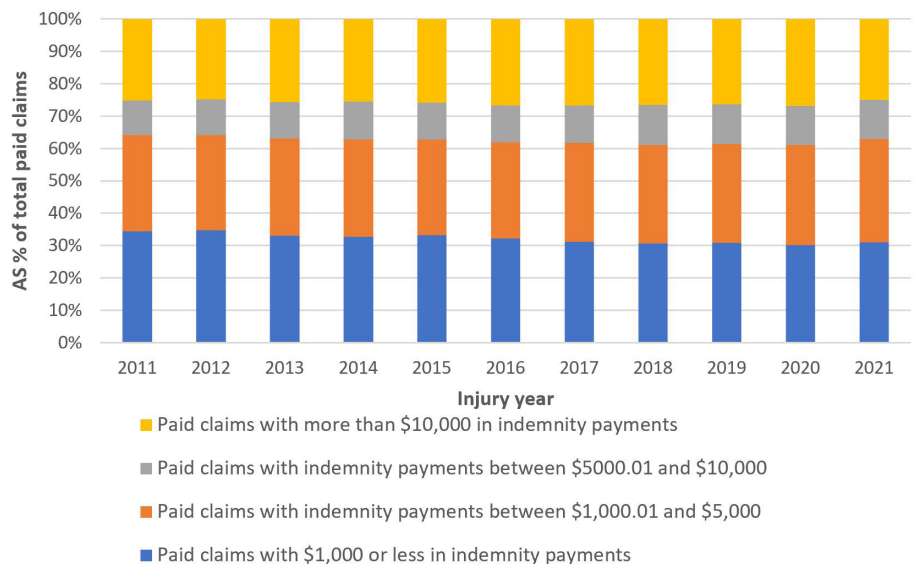
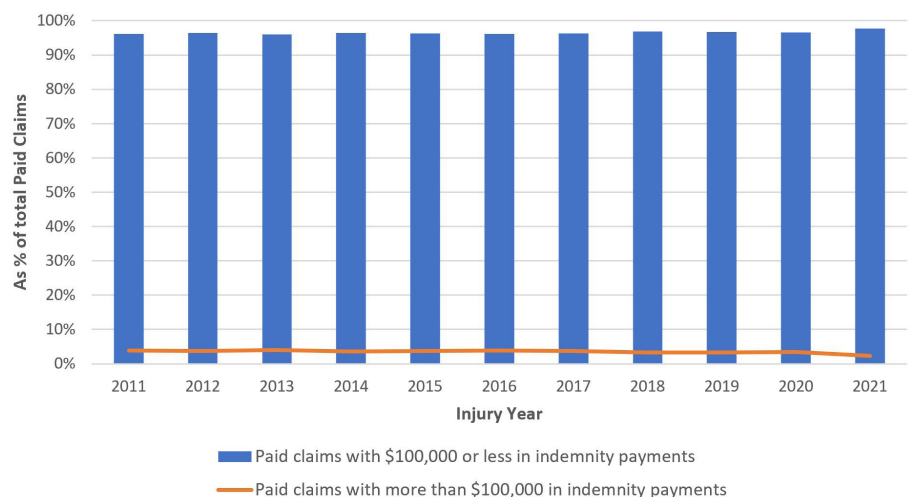


Figure 2 shows the percent of paid claims with less than or equal to \$100,000 and percent of paid claims with more than \$100,000 in indemnity payments. Ninety-six percent of paid claims received less than \$100,000, while about 4% of paid claims received more than \$100,000. The higher payments are generally driven by settlement payments, representing between 62% and 71% of payments of more than \$100,000. The claims analyzed in figures 1 and 2 do not include COVID-19 claims and the indemnity payments were not adjusted for inflation.

Figure 2. Percentage of paid claims with \$100,000 or less in indemnity payments



Workers' compensation events calendar

Note: Event dates may change. Always check the online calendar at www.dli.mn.gov/about-department/about-dli/events-workers-compensation.

March 2024

March 20 **Workers' Compensation Insurers' Task Force**

April 2024

April 4 **Rehabilitation Review Panel**

April 18 **Medical Services Review Board**

April 26 **Training: OSHA recordkeeping basics**

May 2024

May 15 **Workers' Compensation Insurers' Task Force**

Training: OSHA recordkeeping basics offered online in April

The Department of Labor and Industry is offering a free, online introductory-level training seminar about OSHA recordkeeping requirements Friday, April 26, 8:30 to 11:30 a.m. Maintaining an accurate OSHA log of recordable work-related injuries and illnesses is an important skill that benefits employers, workers, safety professionals and government agencies.

Topics

- Recordability of injuries and illnesses
- Privacy cases
- Creating a log summary
- Differences between OSHA cases and workers' compensation claims
- Classifying cases
- How many logs to keep
- Reporting log data to OSHA
- Counting time
- Maintaining logs
- Recording COVID-19 cases

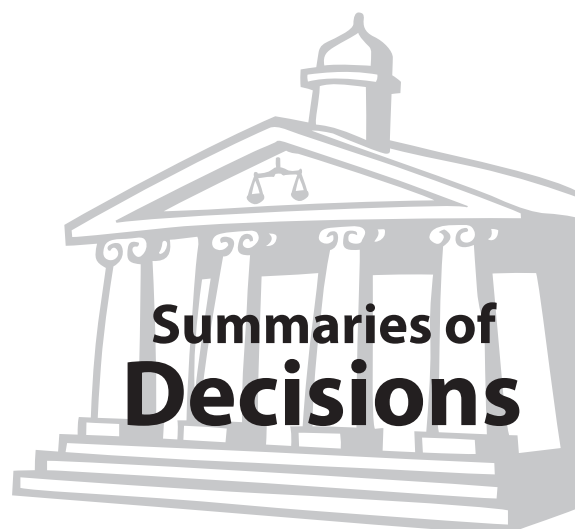
More information

Learn more about the session and register to attend (required) on the [MNOSHA Compliance: Recordkeeping standard webpage](#).

Workers' Compensation Court of Appeals

November 2023 through January 2024

Case summaries published are
those prepared by the WCCA



Chad Olson v. Total Specialty Contracting, Inc., Nov. 9, 2023

Arising Out of and in the Course Of

Where a compensation judge finds that a set of circumstances demonstrated an increased risk of injury to the employee and therefore provided a causal connection between the injury and employment, the judge did not err in finding the injury arose out of and in the course and scope of employment.

Arising Out of and in the Course Of

Employees are covered under the Minnesota Workers' Compensation Act during ingress and egress of the work premises when the employee has proven that the injury occurred at the time the employee was engaged in activities reasonably incidental to the employment at a reasonable time prior to the start of his work day, and the route to the job site was peculiar to the employment.

Affirmed.

Adam Strege v. Com. Drywall, Inc., Nov. 15, 2023

Vacation of Award – Substantial Change in Condition

Where the employee presented no evidence his diagnosed conditions had worsened or he had new diagnoses, his ability to work had substantially changed due to the effects of the work injury, he incurred additional medical treatment expenses, or had any permanent partial disability rating arising from the work injury, he did not establish good cause to vacate an award of benefits.

Vacation of Award

Where there was no evidence that the employee was incompetent to represent himself at the time of the hearing, the employee's petition to vacate his award on grounds that he was subject to impaired judgment at the time of hearing is denied.

Petition denied.

Ann Trebil v. Legacy Assisted Living, Dec. 19, 2023**Substantial Evidence – Expert Medical Opinion**

The compensation judge did not err in relying upon the adequately founded opinion of the employee's treating physician over that of the employer and insurer's medical expert in determining the employee's work injuries resulted in her permanent total disability.

Permanent Total Disability – Substantial Evidence

Substantial evidence, including expert medical opinion, expert vocational opinion, and the employee's testimony supported the finding that the employee is permanently totally disabled.

Permanent Total Disability – Insubstantial Income

Where the employee's wage records were not in evidence, there was insufficient basis for determination that her earnings were insubstantial within the meaning of the permanent total disability statute from the time when her hours were restricted to when she was terminated from her position.

Affirmed in part, vacated in part, and remanded.

Cyril Chandler v. Driveline Specialists, Inc., Dec. 20, 2023**Causation – Substantial Evidence**

Substantial evidence, including expert medical opinion, supports the compensation judge's finding that the employee's work injury was a substantial contributing factor of the employee's left elbow ulnar neuropathy.

Appeals – Practice and Procedure

Where the parties had not expanded the issues to be addressed at the hearing below, the compensation judge did not err by failing to discontinue the employee's vocational rehabilitation services based on issues that were not raised in the initial pleadings.

Affirmed.

Mark Melius v. Acme Tuckpointing and Restoration, Inc., Dec. 22, 2023**Vacation of Award – Substantial Change in Condition**

The employee's petition to set aside and vacate an award on stipulation is granted where the evidence demonstrates a change in his medical condition that clearly was not and could not reasonably have been anticipated at the time of settlement.

Petition granted.

Gerardo Ortega v. Installed Building Solutions, Inc., Jan. 8, 2024**Causation – Substantial Evidence**

Substantial evidence supports the compensation judge's finding that the employee did not sustain a work-related low back injury on March 1, 2021.

Temporary Total Disability – Substantial Evidence
Temporary Partial Disability – Substantial Evidence

Substantial evidence supports the compensation judge's findings that the employee's work injury was not a substantial contributing factor to the employee's claims for wage loss benefits.

Affirmed.

Troy Faughn v. Northern Improvement Company, Jan. 10, 2024

Jurisdiction – Out-of-state Employment
Statutes Construed – Minnesota Statutes § 176.041, Subdivision 3

Where the employee was at his current residence in Minnesota when he was offered and accepted a seasonal job at a North Dakota jobsite, for purposes of Minn. Stat. § 176.041, subd. 3, the employee was hired in the state of Minnesota.

Jurisdiction – Out-of-state Employment
Statutes Construed – Minnesota Statutes § 176.041, Subdivision 3

Where an employee is hired in the state of Minnesota, by a Minnesota employer, and is injured while temporarily working outside the state of Minnesota, the compensation judge properly determined that the employee's injury is compensable under the Minnesota Workers' Compensation Act.

Affirmed.

Christopher Gurrola v. Metropolitan Council, Jan. 16, 2024

Causation – Substantial Evidence

Substantial evidence, including adequately founded expert medical opinion, supports the compensation judge's finding that the employee's work injury caused or substantially contributed to the rotator cuff tears in his right shoulder.

Affirmed.

Gerald Bauer v. Flint Hills Resources, Jan. 26, 2024

Permanent Total Disability – Retirement
Statutes Construed – Minnesota Statutes § 176.101, Subdivision 4

The statutory presumption of retirement under Minn. Stat. § 176.101, subd. 4 (2016), controls for the employee's date of injury as the 2018 amendment to the statute does not have retroactive effect.

Permanent Total Disability – Retirement

The record as a whole supported the compensation judge's conclusion that the employee had failed to rebut the presumption that he had retired at age 67, and the judge did not err by noting the fact that the employee had not sought to supplement his income by returning to work or from other sources.

Practice and Procedure – Dismissal

The compensation judge did not abuse her discretion in dismissing the employee’s claim with prejudice upon determining that he failed to rebut the retirement presumption of Minn. Stat. § 176.101, subd. 4, as the decision was a final order resolving that issue.

Affirmed.

Emmanuel Martinez-Cruz v. Metro Transit Police and Metropolitan Council, Jan. 26, 2024

Statutory Interpretation Statutes Construed – Minnesota Statutes § 176.011, Subdivision 15(E)

A peace officer entitled to the presumption of post-traumatic stress disorder (PTSD) under Minn. Stat. § 176.011, subd. 15 (e), has not demonstrated a compensable case of PTSD, where the employer has rebutted the presumption, the employee has not met the burden to demonstrate PTSD, and the diagnosed PTSD is determined to have arisen from employment discipline taken in good faith.

Statutory Interpretation Statutes Construed – Minnesota Statutes § 176.011, Subdivision 15 Evidence – Expert Medical Opinion

Where the compensation judge relied on well-founded opinions regarding a PTSD diagnosis under the DSM, substantial evidence supported the determination that the peace officer employee did not demonstrate a compensable injury.

Affirmed.

Andrew Thompson v. Minnesota Trial Courts – District 4 and State of Minnesota Department of Administration, Jan. 26, 2024

Arising Out of and in the Course Of

Although the employee was incidentally carrying a work laptop and other work-related materials while commuting to work when he slipped on an icy public sidewalk, substantial evidence supports the finding that the employee failed to meet the “arising out of and in the course of” employment requirements of Minn. Stat. § 176.021, subd. 1, where the compensation judge could reasonably find an absence of a sufficient causal connection between the employee’s injury and his employment under the “special hazard,” “street risk” or “special errand” exceptions.

Affirmed.

Minnesota Supreme Court

November 2023 through January 2024

Case summaries published are
those prepared by the WCCA



Juan Guzman Morales v. Installed Building Products, Inc., Dec. 6, 2023

Considered without oral argument.

Affirmed without opinion.

Howard Thompson v. On Time Delivery Service, Inc., Jan. 23, 2024

Considered without oral argument.

Affirmed without opinion.