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2024 Workers' Compensation Summit registration open

Registration for the [2024 Workers' Compensation Summit](#) is open for attendees, exhibitors and sponsors! The one-day event is Tuesday, Oct. 29, at the [Doubletree by Hilton Hotel Bloomington – Minneapolis South](#) at 7800 Normandale Blvd., Bloomington, MN.

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

Register today!

- **Attendee registration** is \$130 a person and includes breakfast, lunch and a full day of general sessions, breakout sessions and time to visit with our exhibitors in person.
- **Exhibitor registration** is \$1,500 for each organization and includes two attendee registration fees for booth members, a virtual booth before and during the event and a physical booth at the event.
- **Sponsor registration** is \$750 for each organization and includes a virtual booth and the organization's logo featured on the website application and on printed materials for the event.

Register by visiting cvent.me/Mg1x0a. Registration closes Monday, Oct. 14, at 6 p.m. All registration is being handled through Cvent, a web application the Department of Labor and Industry is using before and during the event.

If you have questions or need assistance with registration, email the event coordinators at conference.dli@state.mn.us. No taxpayer dollars will be used to fund this event.



Rulemaking notice: Minnesota Rules, Chapter 5220, governing registration of rehabilitation providers

The Minnesota Department of Labor and Industry (DLI) intends to adopt proposed permanent rules amending the registration processes and requirements of workers' compensation rehabilitation providers in Minnesota Rules, Chapter 5220. The proposed amendments are intended to make the rules more user-friendly and clarify the requirements for each of the rehabilitation provider groups – qualified rehabilitation consultants (QRCs), QRC interns, QRC firms and rehabilitation vendors.

The dual notice was published in the Sept. 23, 2024, edition of the [State Register](#) (page 313).

A copy of the notice and the proposed rules, along with additional information about the status of the rulemaking, are on the rulemaking docket webpage.

The comment period for this rulemaking ends at 4:30 p.m. on Wednesday, Oct. 23, 2024.



New benefit, provider fee levels, and fee schedules effective Oct. 1

The statewide average weekly wage (SAWW) effective Oct. 1, 2024, is \$1,372, a 2.62% increase from the current SAWW of \$1,337, which has been in effect since Oct. 1, 2023. The levels for minimum and maximum weekly benefit payments are presented in the table on page 5. The statewide annual average wage will change to \$72,299 on Jan. 1, 2025.

The new SAWW is based on 2023 payroll and employment figures supplied by the Department of Employment and Economic Development and the calculation procedure in Minnesota Statutes § 176.011, subdivision 1b. The change in the SAWW is the basis for the Minn. Stat. § 176.645 annual benefit adjustment. The time and amount of the adjustments are limited by Minn. Stat. § 176.645.



Tables showing the historical value of workers' compensation benefits, reimbursements, medical services conversion factors, maximum hourly vocational rehabilitation rates and independent medical examination (IME) fees are posted on the Department of Labor and Industry (DLI) website at dli.mn.gov/business/workers-compensation/work-comp-rate-information-statewide-average-weekly-wage-saww.

Vocational rehabilitation maximum hourly fee adjustments

Pursuant to Minnesota Rules, part 5220.1900, subpart 1b:

- the maximum qualified rehabilitation consultant (QRC) hourly rate will increase by 2.62% to \$126.19 for rehabilitation services provided on or after Oct. 1, 2024; and
- the maximum hourly rate for rehabilitation job development and placement services, whether provided by rehabilitation vendors or by QRC firms, will increase by 2.62% to \$101.06 on Oct. 1, 2024.

Relative value medical fee schedule adjustments

The following updates to the workers' compensation physician fee schedule conversion factors in Minn. R. part 5221.4020 have been approved by an administrative law judge. The rule amendments, which are effective for services provided on or after Oct. 1, 2024, are available on DLI's website at dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-chapter-5221-2024.

Minnesota Statutes § 176.136, subd. 1a, paragraph (c)(1), provides for annual adjustments of the medical fee schedule conversion factors by no more than the percent change in the SAWW. As in previous years, the annual adjustment of the conversion factors is based on the percent change in the U.S. Department of Labor's Producer Price Index for Offices of Physicians (PPI-P) (annual-average basis), which for 2023 was 0.52%.

Based on the approved adjustment, the conversion factors effective for services provided on or after Oct. 1, 2024, are:

- for medical/surgical services described in Minn. R. 5221.4030 \$67.52;
- for pathology and laboratory services described in Minn. R. 5221.4040 \$61.39;
- for physical medicine/rehabilitation services described in Minn. R. 5221.4050 \$60.64; and
- for chiropractic services described in Minn. R. 5221.4060 \$52.54.

Independent medical examination fee adjustment

Minnesota Rules, part 5219.0500, subp. 4, provides for adjustment of the maximum fees for IMEs in the same manner as the adjustment of the conversion factors. Therefore, the maximum fees will increase by 0.52% for IME services provided on or after Oct. 1, 2024.

A table of the maximum IME fee adjustments from Dec. 1, 1993, to present is available on DLI's website at dli.mn.gov/business/work-comp-ime-fees.

Link to inpatient PPS Web Pricer under Minn. Stat. § 176.1362, subd. 1

Since Oct. 1, 2021, payment for inpatient services, articles and supplies must be calculated using the inpatient PPS Web Pricer available on Medicare's website using the applicable dates of inpatient hospitalization. DLI must publish the link to the inpatient PPS Web Pricer on its website.

The link to the inpatient PPS Web Pricer is available at dli.mn.gov/business/workers-compensation/work-comp-pps-pricer-tool-inpatient-hospital-bills.

Hospital catastrophic injury threshold adjustment

The threshold for payment of inpatient hospital services, articles and supplies provided to patients with catastrophic, high-cost injuries is adjusted pursuant to Minn. Stat. § 176.362, subd. 2. For hospital discharges on or after Oct. 1, 2024, the threshold amount is adjusted to \$314,423. If a hospital's usual and customary charges exceed this amount, payment is 75% of the hospital's charges instead of the MS-DRG amount calculated using the inpatient PPS Web Pricer.

Notice of availability of ambulatory surgical center addenda

The fee schedule for workers' compensation ambulatory surgical center (ASC) services is based on the Medicare Ambulatory Surgical Center Payment System (ASCPS) addenda AA, BB and DD1, available on the Medicare website as of July 1, 2024, and the corresponding Medicare rules and claims processing manual. Payment for workers' compensation procedures and services is the ASCPS amount on the total bill multiplied by 320%, or the ASC's total usual and customary charges, whichever is less.

The June 28, 2024, addenda AA, BB and DD1 are the most recent ASCPS addenda available on the Medicare website as of July 1, 2024. Links to addenda AA, BB and DD1 are available on the DLI website at dli.mn.gov/business/workers-compensation/work-comp-medical-fee-schedules-ascps. They are effective for services provided by an ASC on or after Oct. 1, 2024.



Notice of availability of hospital outpatient fee schedule

The workers' compensation hospital outpatient fee schedule (HOFS) establishes payment rates for workers' compensation outpatient hospital services that are listed in the HOFS (see Minn. Stat. § 176.1364). The updated HOFS table, effective for services from Oct. 1, 2024, through Sept. 30, 2025, is available on the DLI website at dli.mn.gov/business/workers-compensation/work-comp-medical-fee-schedules-hofs.

HOFS provides two separate payment rates, one for hospitals with more than 100 licensed beds and one for non-critical access hospitals with 100 or fewer licensed beds. The conversion factors used to calculate the payment rates for the two categories have been adjusted required under Minn. Stat. § 176.1364. An explanation of the adjustment is available at dli.mn.gov/sites/default/files/pdf/2024_HOFS_overall_CF_adjustment_explanation.pdf.

Compensation rates as of Oct. 1, 2024

Statewide average weekly wage (SAWW) = \$1,372

Percentage change in SAWW from previous year = 2.62%

(Apply Minnesota Statutes § 176.645 adjustment as necessary based on date of injury.)

Maximum under Minn. Stat. § 176.101, subd. 1(b)(1)

Set by statute

10-01-00	\$750.00
10-01-08	\$850.00

102% of SAWW

10-01-13	\$963.90
10-01-14	\$980.22
10-01-15	\$1,008.78
10-01-16	\$1,046.52
10-01-17	\$1,061.82
10-01-18	\$1,098.54
10-01-19	\$1,134.24
10-01-20	\$1,166.88
10-01-21	\$1,256.64
10-01-22	\$1,312.74
10-01-23	\$1,363.74

108% of SAWW

10-01-24.....\$1,481.76

Minimum under Minn. Stat. § 176.101, subd. 1(c)

Set by statute, the listed amount or the employee's actual weekly wage, whichever is less

10-01-00.....\$130.00

20% of the maximum weekly benefit or the employee's actual weekly wage, whichever is less

10-01-21.....\$251.33

10-01-22.....\$262.55

10-01-23.....\$272.75

10-01-24.....\$296.35

Supplementary benefits under Minn. Stat. § 176.132 (Minnesota Statutes 1994)

**and permanent total minimum under
Minn. Stat. § 176.101, subd. 4
(for injuries 10-1-95 and later)**

10-01-05	\$503.10	(rounded to \$504)*
10-01-06	\$508.30	(rounded to \$509)*
10-01-07	\$525.20	(rounded to \$526)*
10-01-08	\$552.50	(rounded to \$553)
10-01-09	\$570.70	(rounded to \$571)*
10-01-10	\$564.20	(rounded to \$565)*
10-01-11	\$582.40	(rounded to \$583)*
10-01-12	\$595.40	(rounded to \$596)*
10-01-13	\$614.25	(rounded to \$615)*
10-01-14	\$624.65	(rounded to \$625)*
10-01-15	\$642.85	(rounded to \$643)*
10-01-16	\$666.90	(rounded to \$667)*
10-01-17	\$676.65	(rounded to \$677)*
10-01-18	\$700.05	(rounded to \$701)*
10-01-19	\$722.80	(rounded to \$723)*
10-01-20	\$743.60	(rounded to \$744)*
10-01-21	\$800.80	(rounded to \$801)
10-01-22	\$836.55	(rounded to \$837)*
10-01-23	\$869.05	(rounded to \$870)*
10-01-24.....	\$891.80	(rounded to \$892)*

*Rounding applies to supplementary benefits.

Results of the Special Compensation Fund assessment

The Special Compensation Fund (SCF) assessment funds Minnesota's workers' compensation programs. Most of the assessment dollars go to funding the supplementary, second-injury, uninsured and occupational disease benefit programs. The assessment also pays the operating expenses of the Department of Labor and Industry (DLI) Workers' Compensation Division, the Office of Administrative Hearings workers' compensation section and the Workers' Compensation Court of Appeals.

The SCF assessment is directly invoiced by the Minnesota Department of Labor and Industry. The first half of the assessment is due Aug. 1 every year and the second half is due the following Feb. 1. Invoices are mailed approximately 30 days before the due date. Assessment amounts of \$1,000 or less are invoiced with first-half invoices only.

As a result of changes during the 2024 legislative session, forecasted expenditures for the fund have risen to \$68.9 million in the coming state fiscal-year. Fortunately, the fund has a moderate cash reserve to offset the increased uses. After applying \$5.6 million of the fund balance and \$4.5 million in other revenues, DLI's 2024 SCF assessment will be \$58.8 million.

The liability was divided between insurers and self-insurers by the ratio of their 2023 indemnity payments to the total indemnity reported by both groups.

	2023 indemnity	Ratio	FY 2025 funding liabilities	2023 DSR pure premium
Insurers	\$355,201,654	71.72%	\$42,171,318.18	\$1,012,172,779
Self-insurers	\$140,060,485	28.28%	\$16,628,681.82	
Total	\$495,262,139	100.00%	\$58,800,000.00	\$1,012,172,779

Insurer premium surcharge rate

The insurer premium surcharge rate applied for the purpose of determining the SCF assessment is 4.17%. The rate was determined by dividing the insurer portion of the SCF state-fiscal-year 2025 liability (\$42,171,318.18) by the 2023 designated statistical reporting pure premium reported by all insurers (\$1,012,172,779).

The amount each insurer is assessed is determined by multiplying 4.17% by the designated statistical reporting (DSR) pure premium for calendar-year 2023. The total amount assessed is divided into two invoices, the first due Aug. 1, 2024, and the second due Feb. 1, 2025 (unless the total amount due is \$1,000 or less; then the entire amount is due Aug. 1, 2024).

The insurer portion of the 2024 assessment will be adjusted for actual 2023 data reported by the Minnesota Workers' Compensation Insurers Association. As a result of 2014 amendments to [Minnesota Statutes 176.129, subdivision 2a](#), the current assessment is considered to be an estimate based on the prior year's data. The reconciliation and final determination (true-up) for insurers will be completed by December 2024. See [2014 Minnesota Laws Chapter 182](#).

Self-insured assessment rate

The self-insured assessment rate is 11.87%. The rate was determined by dividing the self-insured portion of the SCF state-fiscal-year 2025 liability (\$16,628,681.82) by the total 2023 indemnity reported by the self-insured employers (\$140,060,485).

The amount each self-insurer is assessed is determined by multiplying 11.87% by the indemnities self-reported to DLI for calendar-year 2023. The total amount assessed is divided into two invoices, the first due Aug. 1, 2024, and the second due Feb. 1, 2025 (unless the total amount due is \$1,000 or less).

Further information

If you need further information, send an email message to dli.assessment@state.mn.us.



Are you registered to vote?

The Minnesota Secretary of State website has everything you need to know about voting in Minnesota. Visit sos.state.mn.us/elections-voting to register to vote, find out where and how you can cast your vote, what's on your ballot and more.

New: Sixteen- and 17-year-olds can now pre-register to vote in Minnesota.

Workers' compensation, Campus assistance available by phone, email

The Department of Labor and Industry's (DLI) Workers' Compensation Division Help Desk is available to answer basic questions related to Work Comp Campus and will route more complex questions to subject matter experts within the Workers' Compensation Division. Staff members can also provide information about future Campus events and helpful resources on DLI's website.

Live support is available from 8 a.m. to 4:30 p.m., Monday through Friday (except holidays). Voicemail messages left outside of office hours will be responded to within 24 hours of the next business day.

Contact the help desk

- 651-284-5005 (press 3)
- 800-342-5354 (press 3)
- helpdesk.dli@state.mn.us

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.

Ask the ADR and Work Comp Campus pro

DLI's Alternative Dispute Resolution unit answers frequently asked questions

By Brian Mak and Nancy Wallrich, 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.

Language services at DLI

Q. Does the Department of Labor and Industry (DLI) have language services for injured workers?

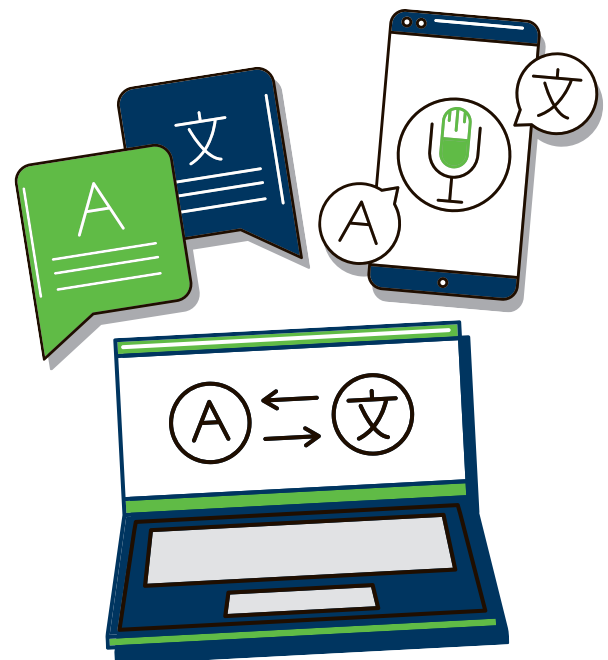
A. Yes, for conferences, mediations, phone calls and walk-in visitors, the Alternative Dispute Resolution (ADR) unit provides professional interpretation services on request, including in-person interpreters.

Q. Is there a charge for language services?

A. No, there is no charge to the parties for any of the provided language services.

Q. How do I request language services?

A. To request language services, simply ask the assigned arbitrator and mediator and ADR will set up the appropriate services.



Work Comp Campus

Q. How can I respond when an ADR arbitrator contacts me about a request for certification?

A. You can respond by calling or emailing the arbitrator, or by uploading a document with your written response to the dispute. If a Request for Assistance – Conference webform (formerly Medical Request and Rehabilitation Request paper forms) was filed, then you can and should file the Response webform.

Q. As an attorney, do I need to file a Notice of Appearance/Representation in Campus if I have filed one at the Office of Administrative Hearings?

A. Yes, to gain access to a claim in Work Comp Campus, a webform Notice of Appearance/Representation must be filed on the selected claim. If a dispute is filed in Campus without an Notice of Appearance/Representation having been filed on the associated claim, access is granted to the dispute, but not to the claim.

CompFact: COVID-19 claims still present among work comp claims

By Brian Zaidman, Research and Data Analytics

Minnesota’s COVID-19 presumption expired Jan. 13, 2023, but workers, especially in health care, are continuing to file claims for work-related COVID-19. Without a presumption, all workers must provide evidence that their COVID-19 illness is work-related. The statistics in this article are preliminary, especially those relating to 2024 claims. As of the writing of this article, claim coding for the second quarter of 2024 is not complete.

Figure 1 shows the number of reported claims identified as COVID-19 illness claims by the year and quarter of injury for the period from the first quarter of 2022 to the first quarter of 2024.

There was a large drop-off in claims after the presumption expired; workers reported only one-third the number of COVID-19 illnesses in the first quarter of 2023 as in the previous quarter. The number of claims then dropped by 89% in the next quarter, before increasing the following two quarters, reaching 558 claims in the fourth quarter of 2023.

Additionally, the Bureau of Labor Statistics' created a new code to identify long-COVID claims, which the Department of Labor and Industry started using in late 2023. At present, 80 claims for long-COVID are included in the count of COVID-19 claims.

Figure 2 shows the change in the claim denial rates before and after the expiration of the COVID-19 presumption in January 2023. There was a near-exact switch from claim acceptance (60%) to denial (59%) at the end of the presumption.

Figure 1. Number of COVID-19 claims filed by year and quarter of injury

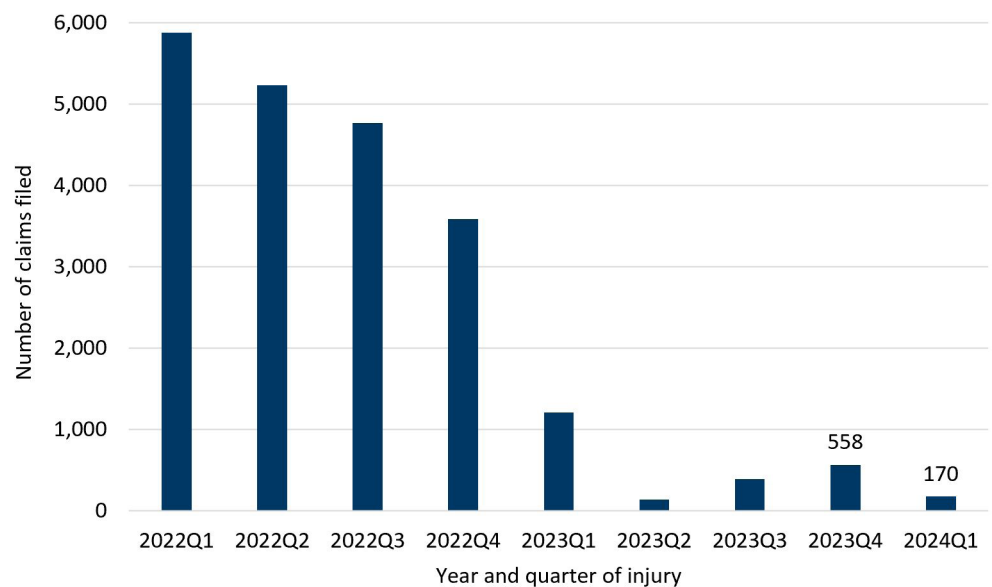
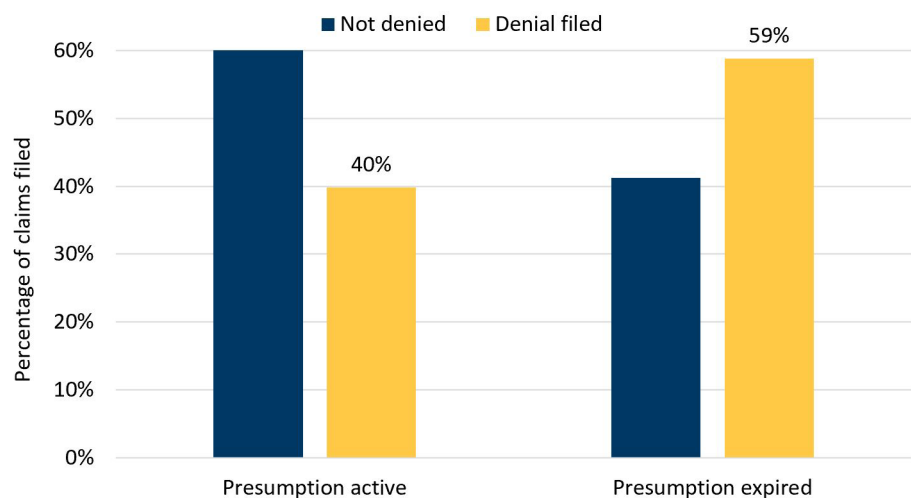


Figure 2. COVID-19 claim denial rate by presumption period



Workers' compensation trends continue stability, long-term downward trajectories

Workers' compensation claim rates and benefits paid in Minnesota continue to be stable or follow their long-term downward trajectories, even with major system impact due to COVID-19 since 2020, a new Department of Labor and Industry (DLI) report shows.

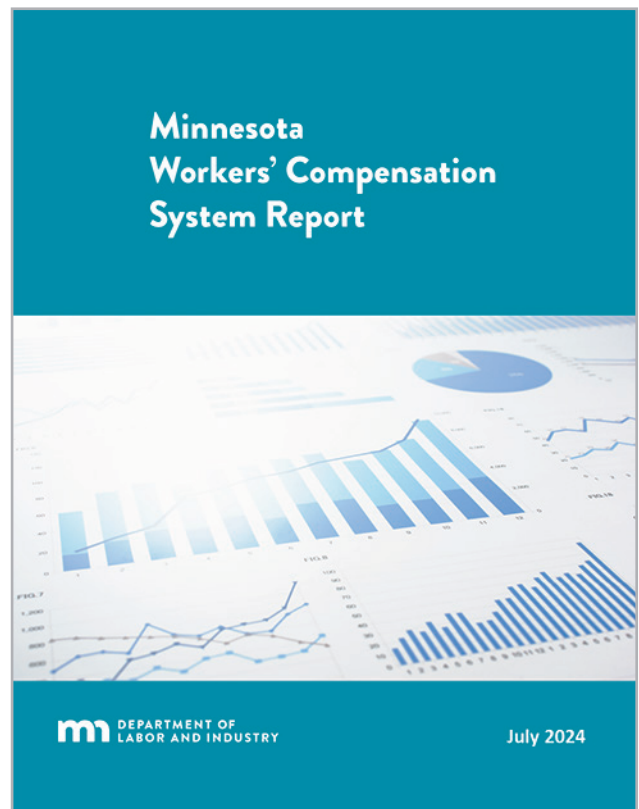
The [2024 Minnesota Workers' Compensation System Report](#) presents trend data from 2002 to the present regarding several aspects of Minnesota's workers' compensation system. For the past three years, the report has tracked two sets of trends for the workers' compensation system: one for the whole system, including COVID-19 claims; and another for the system excluding COVID-19 claims, which shows a pattern more similar to prior years.

Significant findings

- Relative to the number of full-time-equivalent (FTE) workers, the total number of paid claims dropped by 45%, indemnity claims by 3% and medical-only claims by 56% from 2002 to 2022.
 - COVID-19: Due to the influx of COVID-19 indemnity claims, there was a 44% increase in the indemnity claim rate from 2019 to 2022. This reversed the long-term downward trend in indemnity claim rate (the decline from 2002 to 2019 was 33%).
- Relative to total payroll, indemnity benefits were down 41% between 2002 and 2022, while medical benefits were down 52%.
- The total cost of Minnesota's workers' compensation system relative to payroll follows a multi-year cycle. A comparison of similar points in the cycle indicates a long-term decrease that extrapolates to 46% over a 20-year period.
- In 2022, on a current-payment basis, the three largest components of total workers' compensation system cost were medical benefits (33%), insurer expenses (31%) and indemnity benefits other than vocational rehabilitation (30%).
- Compared to 2002, the average amount of time an injured worker received total disability benefits was 9% longer in 2022 for non-COVID-19 claims. The average duration of temporary partial disability (TPD) fell 25% by 2022 for non-COVID-19 claims.
 - COVID-19: Total disability duration decreased 30% from 2019 to 2022 due to the significantly shorter duration of COVID-19 claims, while TPD duration increased 4% during the same period.

After adjusting for average wage growth, the following was found.

- Total disability benefits (temporary total disability benefits and permanent total disability benefits combined) per paid indemnity claim were largely stable from 2002 to 2019, but decreased 6% from 2019 through 2022 for non-COVID-19 claims.



- COVID-19: When COVID-19 claims were included, total disability benefits per paid indemnity claim fell 24% from 2019 to 2022.
- TPD benefits per paid indemnity claim fell 36% from 2002 to 2022 for non-COVID-19 claims.
 - COVID-19: When COVID-19 claims were included, there was a 31% decrease in TPD benefits per paid indemnity claim from 2019 to 2022.
- Permanent partial disability (PPD) benefits per paid indemnity claim fell 65% from 2002 to 2022 for non-COVID-19 claims.
- Participation in vocational rehabilitation rose from 21% of paid indemnity claims for injury-year 2002 to 24% for 2019, but decreased to 22% among non-COVID-19 indemnity claims for injuries in 2022.
 - COVID-19: There was a 11% decrease in the estimated number of workers who will receive vocational rehabilitation services for their injuries and illnesses in 2022 compared with the number in 2019.
 - COVID-19: The 2022 vocational rehabilitation participation rate is 15% when COVID-19 indemnity claims are included.
- There were very few disputes associated with COVID-19 claims – the dispute filing rate was 0.2% for COVID-19 claims in 2023 and 15.0% for non-COVID-19 claims.
- In 2023, 84% of scheduled mediations were completed while 27% of scheduled medical conferences and 26% of scheduled rehabilitation conferences were completed.

The complete report is available at dli.mn.gov/business/workers-compensation/work-comp-minnesota-workers-compensation-system-report.

Training: OSHA recordkeeping basics offered online in October

The Department of Labor and Industry is offering a free, online introductory-level training seminar about OSHA recordkeeping requirements on Friday, Oct. 25, from 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
- Counting time
- How many logs to keep
- Creating a log summary
- Recording COVID-19 cases
- Differences between OSHA cases and workers' compensation claims
- Classifying cases
- Privacy cases
- Maintaining logs
- Reporting log data to OSHA



More information

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

Workers' compensation events calendar

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

October 2024

- Oct. 3 **Rehabilitation Review Panel**
- Oct. 9 **Workers' Compensation Advisory Council**
- Oct. 17 **Medical Services Review Board**
- Oct. 25 **Training: OSHA recordkeeping basics**
- Oct. 29 **Workers' Compensation Summit**

November 2024

- Nov. 20 **Workers' Compensation Insurers' Task Force**

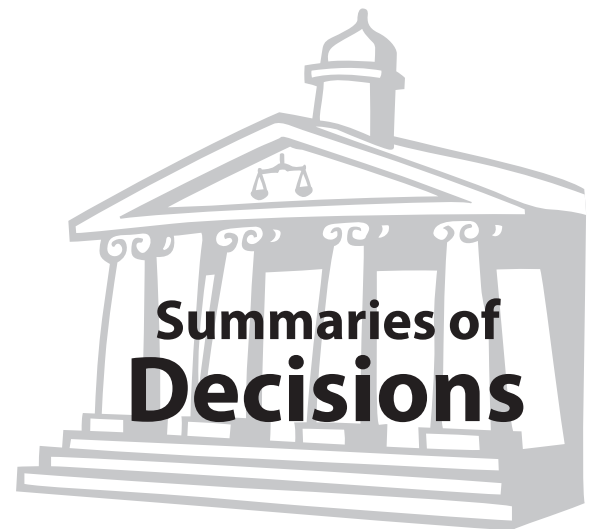
December 2024

- Dec. 11 **Workers' Compensation Advisory Council**

Workers' Compensation Court of Appeals

May through July 2024

Case summaries published are
those prepared by the WCCA



Carlos Alberto Machado Rivera v. Installed Building Products, May 6, 2024

Causation – Pre-existing Condition

Substantial evidence, including expert medical opinion, supports the compensation judge's finding that the employee's work injury was a substantial contributing factor to the employee's dental condition as it accelerated the need for treatment.

Medical Treatment and Expense – Reasonable and Necessary

Substantial evidence, including expert medical opinion, supports the compensation judge's finding that the proposed treatment plan of implants with dentures for the employee's dental condition was reasonable and necessary given the employee's pre-existing condition and the accelerated need for treatment.

Maximum Medical Improvement – Multiple Conditions

Where the employee had reached MMI for the work-related orthopedic injuries but had not completed treatment for the work-related dental injury, substantial evidence supports the compensation judge's finding that the employee had not reached MMI for all work-related injuries.

Rehabilitation – Eligibility

Rules Construed – Minnesota Rules 5220.0100, Subpart 22

An employee who does not meet the requirements under the definition of a qualified employee for rehabilitation services in Minn. R. 5220.0100, subp. 22, is not entitled to an award of medical management services.

Affirmed in part, modified in part and reversed in part.

Latasha Tolbert v. Ramsey County Care Center, May 7, 2024

Evidence – Admissibility

The compensation judge's admission of a witness's deposition transcript into evidence was not prejudicial to the employee and was not an abuse of the compensation judge's discretion.

Affirmed.

Andrew Jordan v. Minnesota Vikings Football Club, May 28, 2024**Appeals
Practice and Procedure – Dismissal**

The compensation judge did not err by denying the employer and insurer's motion to dismiss for lack of jurisdiction pursuant to Minnesota Statutes § 176.041, subdivision 4, where there was no evidence at the time of the motion that the employee had performed primary duties of employment outside of Minnesota.

Modified in part and affirmed.

Isaiah Cowan v. Black Sea Enterprises, Inc. d.b.a. Sarpinos, May 31, 2024**Evidence – Credibility**

Assessment of the employee's credibility is committed to the compensation judge, and unless clearly erroneous, this court will not disturb the compensation judge's credibility determination or reasonable inferences and finding the judge made based upon that determination.

Evidence – Expert Medical Opinion

The expert medical opinions relied upon by the compensation judge were based upon sufficient facts and not on speculation or conjecture, and therefore, were adequately founded. They provided substantial evidence to support the compensation judge's determination.

Affirmed.

Daniel Johnson v. Concrete Treatments, Inc., June 13, 2024**Practice and Procedure – Remand**

Where additional fact finding is necessary to address the employee's direct claim for medical expenses, we remand the matter to the Office of Administrative Hearings.

Vacated in part and remanded.

Lucas Peterson v. City of Minneapolis, June 28, 2024**Statutory Interpretation
Statutes Construed – Minnesota Statutes § 176.011, Subdivision 15(D)
Causation – Substantial Evidence**

Substantial evidence, including adequately founded expert medical opinions by licensed psychologists, supports the compensation judge's finding that the employee has a compensable post-traumatic stress disorder (PTSD) condition under the DSM. The compensation judge's consideration of supporting evidence in the records of other medical professionals which influenced and supported the expert medical opinions was not an error of law.

**Causation – Consequential Injury
Statutes Construed – Minn. Stat. § 176.011, Subd. 15(D)**

Where an employee has sustained another mental health condition as a consequence of a work-related PTSD condition, that consequential condition is also compensable.



Penalties – Substantial Evidence Frivolous Defense

Where the employer did not provide evidence to rebut the presumption of compensability for the employee's PTSD condition at the time liability was denied, the compensation judge did not err by awarding penalties for frivolous denial of payment until such evidence was provided.

Affirmed.

Brian Dilley v. Carver County, July 10, 2024

Retraining Statutes Construed – Minnesota Statutes § 176.102

Pursuant to Minn. Stat. § 176.102, retraining is expressly limited to 156 weeks. Additional compensation of up to 25% of the compensation otherwise payable may be awarded where there are unusual or unique circumstances of the retraining plan. However, this additional compensation is limited to an increase in the monetary benefit amount, rather than in the duration of the retraining plan.

Job Search – Substantial Evidence

Substantial evidence, including the employee's testimony, post-injury employment and expert vocational opinion, supported the finding of a reasonably diligent job search and the award of temporary total disability benefits following the completion of the employee's retraining plan.

Affirmed, in part, and reversed, in part.

David P. Strobel v. City of St. Paul, July 12, 2024

Causation – Substantial Evidence

To establish entitlement to benefits, the employee bears the burden to show that a work injury remains a substantial contributing factor in an employee's current condition. Where the nature and extent of the work injury is not raised as an issue, there is no obligation on the compensation judge to conduct a permanence analysis regarding the work injury.

Causation – Substantial Evidence

In light of the employee's medical record and an expert medical opinion, the compensation judge's conclusion that the employee's work injury was not a substantial contributing factor to the employee's need for medical care was not clearly erroneous or unsupported by substantial evidence.

Affirmed.

Adelfa Almeida-Prado v. Atlas Staffing, Inc., July 15, 2024

Appeals – Scope of Review

Where the parties raised only a June 21, 2022, date of injury, this court affirms the compensation judge's findings which are limited due to that date of injury.

Affirmed.

Minnesota Supreme Court

May through July 2024

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Daniel Johnson v. Concrete Treatments, May 29, 2024

Statutes Construed -- Minnesota Statutes § 176.361, Subdivision 2

An injured employee's right to assert a direct claim for unpaid medical expenses is not precluded by a medical provider's failure to intervene and the extinguishment of the medical provider's intervention rights in a pending workers' compensation proceeding under Minn. Stat. § 176.361.

Causation – Permanent Aggravation Apportionment – Substantial Evidence

The compensation judge's findings that the injured employee sustained a permanent work injury on Oct. 1, 2018, and the compensation judge's apportionment determination, are not manifestly contrary to the evidence.

Considered with oral argument on Jan. 8, 2024.

Affirmed in part, reversed in part and remanded.

Adam Strege v. Commercial Drywall, Inc., May 30, 2024

Considered without oral argument.

Affirmed without opinion.

Chad Olson v. Total Specialty Contracting, LLC, July 8, 2024

Considered without oral argument.

Affirmed without opinion.