



# Case law update 2020

# Smith v. Kmart/Sears Holding Co. (1/3/19)

- **Rehabilitation – qualified employee:** Substantial evidence in the record, including the testimony of the employee, supports the compensation judge's determination that the employee is not a qualified employee under Minnesota R Rules 5220.0100, subpart 22, because the employee does not meet the criteria of the rule as a result of the effects of his work injury.
- **Temporary total disability – work restrictions:** Substantial evidence in the record supports the compensation judge's denial of the employee's claim for temporary total disability benefits upon finding that the employee resigned from his employment because of a desire to focus on school and not because of his work injury or restrictions.
- **Affirmed.**
- <https://mn.gov/workcomp-stat/2019/J-Smith-01-03-19.html>

# Winstead v. Martin Luther Manor/Fairview Health Services (1/16/19)

- **Rehabilitation – rehabilitation request; practice and procedure – intervention; settlements – exclusion:** A rehabilitation provider who filed a rehabilitation request that was not certified as a dispute and was dismissed for lack of jurisdiction, and who was advised to file a motion to intervene but failed to do so, was not a party. Its interests were extinguished by operation of statute and it was not entitled to a Parker-Lindberg hearing.
- **Affirmed.**
- <https://mn.gov/workcomp-stat/2019/Winstead-01-16-19.html>

# WCCA decision: Ewing v. Print Craft, Inc. (3/12/19)

- **Rehabilitation – fees and expenses:** The qualified rehabilitation consultant (QRC) was not barred from payment for services provided under an established rehabilitation plan until the filing of the request for termination of that plan, despite the subsequent finding that the work injury was temporary and had resolved prior to that filing, under Minnesota Statutes § 176.102, subdivision 8; Minn. R. 5220.0510, subp. 2d; and Parker v. Univ. of Minn., 64 W.C.D. 134, 142 (W.C.C.A. 2003).
- **Reversed and modified.**
- <https://mn.gov/workcomp-stat/2019/Ewing-03-12-19.html>

# Minnesota Supreme Court decision: Ewing v. Print Craft, Inc. (1/2/2020)

- **Rehabilitation – fees and expenses:** The compensation judge correctly held that the employer was not liable for rehabilitation services provided after the date by which the employee's work-related injury had resolved, thus making those services neither reasonable nor necessary.
- **WCCA decision reversed.**
- <https://mn.gov/workcomp-stat/sup/Ewing%20-%20sup%2020.html>

# WCCA decision, June 4, 2019: *Farrell v. St. Paul Café*, WC19-6249

- **Jurisdiction – non-statutory rehabilitation:** As disability case management services are non-statutory rehabilitation services outside the scope of the workers' compensation act, the workers' compensation courts have no jurisdiction to impose limitations on the right of an employer and insurer to change the provider of disability case management services.
- <https://mn.gov/workcomp-stat/2019/Farrell-06-04-19.html>

# Washek v. New Dimensions Home Healthcare (8/24/18)

- **Rehabilitation – rehabilitation plan:** The base cost of an accessible vehicle is compensable as a vocational rehabilitation expense where the vehicle would enable an employee with paralysis to function independently and to seek and engage in employment compatible with the employee's education, employment skills and disability. In this case, substantial evidence supports the compensation judge's findings that an accessible vehicle enabled the employee to seek and engage in employment on a sustained basis and that the cost of the vehicle was reimbursable.
- **Affirmed.**
- <https://mn.gov/workcomp-stat/2018/Washek-08-24-18.html>

# Markham v. Minnesota Department of Natural Resources (6/22/18)

- **Rehabilitation – retraining:** Substantial evidence, including the expert opinion of the employee's QRC, supported the compensation judge's approval of the retraining plan. The compensation judge did not err as a matter of law in considering the employee's potential for future earnings, as well as her date of injury wage, in assessing the employee's proposed retraining plan.
- **Affirmed.**
- <https://mn.gov/workcomp-stat/2018/Markham-06-22-18.html>



