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**STATE OF MINNESOTA
IN COURT OF APPEALS
A08-0678**

In the Matter of the
Claim for Benefits
by Richard Michael Schmitt

**Filed March 31, 2009
Reversed
Crippen, Judge***

Minnesota Public Safety
Officers Benefit Eligibility Panel

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Minnesota Public Safety Officers Benefit Eligibility Panel)

Considered and decided by Klaphake, Presiding Judge; Bjorkman, Judge; and
Crippen, Judge.

UNPUBLISHED OPINION

CRIPPEN, Judge

Relator Richard Schmitt contends that the denial by the Minnesota Public Safety
Officers Benefit Eligibility Panel of his application for continued health-insurance
benefits lacked support by substantial evidence and was outside the scope of the panel's

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to
Minn. Const. art. VI, § 10.

statutory authority. Because we conclude that relator's claims are sustained by undisputed evidence and the plain meaning of the governing statute, he is qualified for health-insurance coverage. We therefore reverse.

FACTS

Relator began working for the city of Woodbury as a police officer in 1994, and his service as a police officer/paramedic started in 1999. As a police officer/paramedic, he responded to various medical emergencies, observing numerous trauma victims, including those who were dying or dead. In 2002, a family physician suggested that relator was experiencing post-traumatic stress disorder (PTSD) symptoms, and in 2006 he was referred for PTSD treatment, later including a psychiatrist's medication prescription. In 2005, relator was put on paid administrative leave during an investigation and was temporarily suspended for conduct that was found to be unbecoming a police officer.

In October 2007, relator notified his employer that he suffered from PTSD. He was placed in a light-duty position pending approval of his application for a disability pension from the Public Employees Retirement Association (PERA), which approved the request on January 25, 2008. Relator retired from his job with the city on February 1, 2008.

On January 30, 2008, relator applied to the Public Safety Officers Benefit Eligibility Panel (the panel) for continued health-insurance coverage from the city. Included with his application were the medical reports that he had submitted in support of his pension application to PERA. Three health professionals concluded that relator suffers from PTSD, and that the cause was the cumulative effect of relator's exposure to

trauma victims. They stated that this condition renders him disabled and unfit to perform the duties of a police officer, that the disability is not related to a previous illness or injury, and that there would be no improvement that would permit him to return to his employment as a police officer/paramedic.

Also submitted with his application for continued health-insurance coverage was a report from a psychiatrist who conducted an independent examination of relator. Although this expert largely agreed with the other doctors, he said that relator's condition was highly treatable; although he observed that relator would be disabled from work for at least one year, he categorized the disability as "temporary." He also noted that relator's difficulties in maintaining his employment due to his psychiatric condition occurred after the investigation and disciplinary suspension, which "may be affecting [his] presentation."

The city opposed relator's application and suggested that the 2005 investigation and suspension were connected to relator's claims as well as to the probable length of his disability. After the hearing, the panel voted to deny relator's application for continued health-insurance coverage, with one member dissenting, on the grounds that (1) relator did not demonstrate that his occupational duties and professional responsibilities put him at risk for the injury he sustained, because the panel was not sure whether the stress was related to the job or the investigation and disciplinary suspension, and (2) the independent examiner did not believe that relator's condition was permanent.

DECISION

On certiorari review, this court may correct the panel's decision if the substantial rights of relator may have been prejudiced because the decision was in excess of statutory authority, not supported by substantial evidence, or arbitrary and capricious. Minn. Stat. § 14.69 (2006). “[D]ecisions of administrative agencies enjoy a presumption of correctness, and deference should be shown by courts to the agencies’ expertise and their special knowledge in the field of their technical training, education, and experience.” *Reserve Mining Co. v. Herbst*, 256 N.W.2d 808, 824 (Minn. 1977).

“Appellate courts retain the authority to review de novo errors of law which arise when an agency decision is based upon the meaning of words in a statute.” *In re Claim for Benefits by Meuleners*, 725 N.W.2d 121, 123 (Minn. App. 2006) (quotation omitted). We are to examine the language of the statute to determine the legislature’s intent. *In re Claim for Benefits by Sloan*, 729 N.W.2d 626, 629 (Minn. App. 2007). “We view that by the ‘substantial evidence’ test is meant: 1) such relevant evidence as a reasonable mind might accept as adequate to support a conclusion; 2) more than a scintilla of evidence; 3) more than ‘some evidence’; 4) more than ‘any evidence’; and 5) evidence considered in its entirety.” *Reserve Mining Co.*, 256 N.W.2d at 825 (quotation omitted). “An agency’s decision is arbitrary and capricious if it relied on factors not intended by the legislature.” *Sloan*, 729 N.W.2d at 629.

The employer of an officer who is disabled in the line of duty must continue to provide and pay for health-insurance coverage to the officer and the officer’s dependents until the officer reaches the age of 65, provided statutory requirements are met. Minn.

Stat. § 299A.465, subd. 1 (2006). “First, the officer must be approved to receive a duty-related disability pension.” *Meuleners*, 725 N.W.2d at 124 (citing Minn. Stat. § 299A.465, subds. 1(a), 6 (Supp. 2005)). It is undisputed that relator was approved to receive a duty-related PERA disability pension.

Second, the “panel must determine whether the disabling injury occurred while the officer was acting within the course and scope of his or her duties as a peace officer,” requiring a decision as to “whether the officer’s occupational duties or professional responsibilities put the officer at risk for the type of injury sustained.” *Id.* (citing Minn. Stat. § 299A.465, subds. 1(a), 6). It is undisputed that relator suffered from a disabling injury. But the panel decided that relator did not demonstrate that his occupational duties or professional responsibilities put him at risk for the injury he sustained, because the evidence failed to show if relator’s injury was “due to” his work or “personal matters, including the four-month investigation and disciplinary suspension.” The panel cited the independent psychiatrist’s report that relator’s “presentation” might be affected by his interest in “secondary gain.”

The record includes an abundance of evidence, none of it disputed, that relator’s work duties put him at risk for the injury actually sustained, PTSD. Relator began experiencing symptoms of PTSD as early as 2002, and these became increasingly severe over time. Relator’s testimony, the reports, the treatment summaries by the medical professionals, and the independent psychiatrist’s report attest that relator’s repeated exposure to traumatic events that his job required put him at risk for PTSD, meeting the statutory requirement. Even if relator’s disorder was affected by the stress of the

investigation and suspension, as was indistinctly suggested by the independent examiner and openly suggested by the panel, this does not refute the fact that his years of exposure to traumatic circumstances put him at risk of PTSD.

The panel also found that the disorder “may be temporary in nature” based on the independent psychiatrist’s opinion. A panel may not consider factors outside the statutory language to conclude that an officer does not qualify for continued health-insurance coverage. *In re Claim for Benefits by Hagert*, 730 N.W.2d 546, 550 (Minn. App. 2007). A plain reading of section 299A.465 shows that the issue of permanence is outside the scope of issues before the panel. To qualify for medical benefits, the officer must first qualify for a duty-related disability pension to be eligible for continued health-insurance benefits. Minn. Stat. § 299A.465, subd. 1(a)(3). Thus, it is within the context of the application for the duty-related disability pension that the length of the disabling injury is considered. *See* Minn. Stat. § 353.01, subd. 41 (Supp. 2007) (defining “duty disability” in relevant part as being “a condition that is expected to prevent a member, for a period of not less than 12 months, from performing the normal duties of the position”).

In conclusion, the undisputed facts demonstrate that relator met the standards to qualify for continued health-insurance benefits from his employer under Minn. Stat. § 299A.465.

Reversed.