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Minn. Stat. § 480A.08, subd. 3 (2006).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A07-1741**

In the Matter of the Claim for Benefits by
Steven P. Andersen

**Filed October 14, 2008
Reversed and remanded
Ross, Judge**

Minnesota Public Safety Officers Benefit Eligibility Panel

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Considered and decided by Ross, Presiding Judge; Minge, Judge; and Johnson,
Judge.

UNPUBLISHED OPINION

ROSS, Judge

This appeal concerns the denial of a retiree's continued health-insurance coverage after the Public Employees Retirement Association previously determined that he qualified for duty-related disability benefits. Steven Andersen challenges the Public Safety Officers Benefit Eligibility Panel decision that the circumstances of his back injuries do not qualify him for continued health-insurance benefits. Andersen also challenges the denial of his request for reconsideration. Because the panel's decision

fails to articulate findings of fact sufficient to allow meaningful appellate review, we reverse and remand.

FACTS

Steven Andersen was employed as a deputy sheriff in Beltrami County for 12 years when he retired, but not before suffering injuries that led the Public Employees Retirement Association (PERA) to determine that he qualified for duty-related disability benefits. Andersen was first injured in October 2004 at the county's vehicle impound lot, where he tripped and fell onto a prominence extending from the bumper of his squad car, causing sharp pain in his rib cage and back. He was diagnosed with an acute lumbar sprain with spasms, the pain from which gradually improved through physical therapy.

Andersen's second injury occurred in September 2005 when he tripped and fell to the ground while refueling his squad car. He experienced extreme pain in his middle and lower back. His doctor determined that he had a recurrent lumbar strain and eventually diagnosed Andersen with degenerative disc disease. Andersen could not return to full-duty status.

Andersen separated from employment at the sheriff's department in March 2007 and applied for PERA duty-related disability benefits. After PERA approved his application, he applied to the Public Safety Officers Benefit Eligibility Panel for a decision ordering Beltrami County to continue to provide him with health-insurance benefits. He submitted medical documentation of his back injuries and copies of his PERA disability-benefits application.

The panel notified Andersen of its August 2, 2007, review of his application and deadline for the submission of additional information. Andersen notified the panel that he could not attend, but he did not ask it to reschedule the review, and he did not supplement his application with any additional information. The panel found that Andersen's "occupational duties and professional responsibilities did not put him at risk for the injury he sustained" and that his disability did not "rise to the level to merit [the health insurance] benefit." The panel therefore denied Andersen's application.

Andersen requested reconsideration and submitted additional information, including a March 2007 report detailing his diagnosis of chronic posttraumatic stress disorder. The panel denied Andersen's request for reconsideration because the submission of the additional information was untimely. Andersen appeals the panel's decision by writ of certiorari.

D E C I S I O N

Andersen asks this court to reverse the Minnesota Public Safety Officer's Benefit Eligibility Panel's decision denying his request for continued coverage. We review quasi-judicial administrative decisions for whether they are arbitrary, unreasonable, oppressive, fraudulent, or unsupported by the evidence or the law. *Dietz v. Dodge County*, 487 N.W.2d 237, 239 (Minn. 1992) (quotation omitted).

At the time Andersen applied for benefits, a peace officer or firefighter could apply to the panel for continued health-insurance benefits after PERA decided that the candidate qualified for duty-related disability benefits. To qualify for continued health-insurance coverage, the officer's injury must have occurred in the course and scope of his

duties and the panel must determine that his occupational duties or professional responsibilities put him at risk for the type of illness or injury actually sustained. Minn. Stat. § 299A.465, subds. 1, 6, 7 (2006). The injury need not be unique to law enforcement. *In re Hagert*, 730 N.W.2d 546, 550 (Minn. App. 2007).

Andersen maintains that the panel clearly applied the wrong test, while the state insists that the panel followed precedent. The panel concluded that Andersen's occupational duties and professional responsibilities did not put him at risk for the type of injury he sustained and that the "disability having been caused by an accident on the job . . . [does] not rise to the level to merit this benefit." The basis for this conclusion is ambiguous, however, because it offers no guidance as to whether the panel applied the incorrect "unique-to-the-job" test or the correct test under the statute. *See Hagert*, 730 N.W.2d at 550 (describing the erroneous unique-to-the-job test that focuses on whether the officer's activity was unique to law enforcement).

The ambiguity is exacerbated by a complete lack of factual findings. The lack of findings of fact and the ambiguity of the panel's decision leave us unable to determine the rationale for the decision, requiring remand. Proper judicial review of administrative decisions cannot take place when an agency does not issue written findings and reasons for its decision. *In re Authorization to Discharge & Construct Wastewater Treatment Facilities*, 366 N.W.2d 118, 122 (Minn. App. 1985). Although remand is necessary, it is complicated by legislative changes that resulted in the elimination of the panel that made the decision.

The enabling legislation creating the panel expired without renewal on July 1, 2008. After July 1, 2008, a peace officer or firefighter who is approved for duty-related disability benefits will automatically qualify for continued health-insurance benefits.¹ 2008 Minn. Laws ch. 243, § 1, at 630. The legislature has directed that health-insurance-benefits decisions under the statute be determined by the executive director of PERA. *Id.* We therefore remand to PERA to determine whether Andersen’s occupational duties or professional responsibilities put him at risk for the back injuries he sustained, and to explain its decision based on the statutory standard. Because Andersen applied for benefits in June 2007, his claim should be evaluated under Minn. Stat. § 299A.465 (2006).

¹ The new legislation restructures the analysis. Previously, a peace officer or firefighter seeking duty-related disability benefits from PERA needed to show that the injuries were “incurred in or arising out of any act of duty.” Minn. Stat. § 353.656, subd. 1 (2006). The Public Safety Officers Benefit Eligibility Panel then considered the higher threshold for health-insurance benefits and determined whether the officer’s occupational duties or professional responsibilities put the officer at risk for the type of illness or injury actually sustained. Minn. Stat. § 299A.465, subsd. 6, 7 (2006). Now, to receive the benefits, peace officers or firefighters must show that their disabling condition:

is the direct result of an injury incurred during, or a disease arising out of, the performance of normal duties or the actual performance of less frequent duties, either of which are specific to protecting the property and personal safety of others and that present inherent dangers that are specific to the positions covered by the public employees police and fire plan.

Minn. Stat. §§ 353.01, subd. 41, .656, subd. 1 (Supp. 2007).

Because we reverse and remand for further proceedings, we do not address Andersen's argument that the panel abused its discretion by denying his request for reconsideration.

Reversed and remanded.