STATE OF MINNESOTA

IN SUPREME COURT

A22-0656

Workers' Compensation Court of Appeals — Anderson, J.

Deangelo Profit,

Relator,

vs.

Filed: March 29, 2023
Office of Appellate Courts

HRT Holdings, d/b/a DoubleTree Suites, and
CNA Claim Plus,

Respondents.

Aaron W. Ferguson, Benjamin M. Kline, Aaron Ferguson Law, P.L.L.C., Roseville, Minnesota, for relator.

Matthew D. Davis, Law Office of Walker & Zylstra, Chicago, Illinois, for respondents.

S Y L L A B U S

1. Under the Workers' Compensation Act, the plain meaning of the assault exception in Minn. Stat. § 176.011, subd. 16 (2022), is that an act must be consciously and deliberately intended to injure the employee for personal reasons.

2. Under the assault exception in Minn. Stat. § 176.011, subd. 16, the mental illness of an assailant does not prevent a compensation judge from determining that an

assailant intended to injure an employee for personal reasons, which bars the victim employee from receiving workers' compensation benefits.

Affirmed.

O P I N I O N

ANDERSON, Justice.

This appeal arises out of the application of a provision of the Minnesota Workers' Compensation Act known as the "assault exception." Relator Deangelo Profit was attacked at his job site by a mentally ill acquaintance as Profit was performing his work duties. The assailant falsely believed, as a result of his mental illness, that Profit was involved in killing his uncle; the uncle died from a heart ailment with no evidence of any unusual circumstances.

Profit, who suffered serious injuries in the attack, sought workers' compensation benefits, which under Minn. Stat. § 176.021, subd. 1 (2022), are to be awarded "in every case of personal injury or death of an employee arising out of and in the course of employment." The workers' compensation court rejected his claim based on the statutory definition of "personal injury." "Personal injury does not include an injury caused by the act of a third person or fellow employee intended to injure the employee because of personal reasons, and not directed against the employee as an employee, or because of the employment." Minn. Stat. § 176.011, subd. 16 (2022). The compensation judge determined, and the Workers' Compensation Court of Appeals (WCCA) agreed, that under this definition of personal injury, including the so-called assault exception, Profit was not entitled to recover workers' compensation benefits. Interpreting the plain language of the

assault exception, we conclude the WCCA correctly determined that the assailant "intended to injure the employee because of personal reasons," and his acts were "not directed against the employee as an employee, or because of the employment." *Id.* The assault exception applies, and Profit is not entitled to benefits under the Workers' Compensation Act.

FACTS

In April 2018, Profit began working at respondent DoubleTree Suites. In June 2018, as Profit was on the job cleaning a hotel room, he was attacked by Richards, an acquaintance. It is undisputed that Profit and Richards knew each other before the attack, but the parties dispute the nature and extent of Profit and Richards's relationship along with how much contact Profit and Richards had with each other before the attack. Profit and Richards previously worked together at a different employer for about 4 or 5 months at the end of 2016 and beginning of 2017. While working together, Richards attended Profit's birthday party based on an invitation by Profit extended to all of Profit's coworkers. At the time of the attack, Profit had Richards's phone number and was social-media "friends" with Richards on Facebook.

On the day of the attack, Richards drove to Profit's home to look for Profit. Richards spoke with Profit's daughter, who told Richards that Profit was at work. Richards then drove to DoubleTree Suites and asked for Profit by name at the front desk of the hotel. Richards stated he was a friend of Profit and asked for a discount on a room reservation based on this relationship. Profit was told that someone asking for him was seeking a room discount in his name and had rented a room. The front desk employee provided Richards

a room key despite some odd behavior on the part of Richards and the rejection of Richards's credit card when Richards attempted to pay for the room. Issuing a room key to someone with an invalid credit card was against company policy. After the credit card was declined, hotel staff locked Richards out of his rented room as required by hotel policy. During this time, Richards located Profit, who was cleaning a different hotel room, and attacked him with a sharpened military-style entrenching tool. Profit suffered serious injuries requiring hospitalization.

During the attack, Richards declared he was attacking Profit because Profit killed his uncle. Richards made similar statements to police upon arrest. It is undisputed that this claim was false. Richards's uncle died from a heart ailment months earlier, and Profit was not involved in that death in any way.

Richards was charged with first- and second-degree assault, but in a court-ordered Rule 20 evaluation,[1] a doctor found Richards suffered from symptomatic schizoaffective disorder and was not competent to stand trial. The doctor opined that at the time of the attack, Richards "was laboring under such a defect of reason as not to know the nature of the act constituting the offense or that it was wrong because of mental illness." Richards had a history of severe mental illness leading up to the attack, and the doctor stated that "[f]or an extended period of time prior to the instant off[ense], [Richards] had been

[1] Rule 20.01 of the Minnesota Rules of Criminal Procedure provides for proceedings relating to the competency and criminal responsibility of mentally ill or cognitively impaired criminal defendants. The district court must appoint a qualified examiner to report on the defendant's mental condition if the defendant's mental competency is in question. *See id.*, subds. 3–4.

experiencing intense paranoia that others (variously identified as the government, gang members and even his family) were intent on killing him." It is undisputed that at the time of the attack, Richards was suffering from a severe mental illness. Richards was then civilly committed for treatment. Following treatment, Richards pleaded guilty to first-degree assault.

Profit filed a claim petition for workers' compensation benefits, but the compensation judge denied Profit's claim. The compensation judge determined that Minn. Stat. § 176.011, subd. 16, "doesn't require reasonable or rational thought; there is no carve-out exception [to the assault exception] for mental illness." The compensation judge also reasoned that the threshold determination that Richards was motivated for purely personal reasons was enough to bar the workers' compensation claim and rejected the argument that the employment environment increased Profit's risk of injury.

Profit appealed to the WCCA, which affirmed the Findings and Order of the compensation judge. *Profit v. HRT Holdings*, No. WC21-6438, 2022 WL 16725815, at *6 (Minn. WCCA Apr. 14, 2022). The WCCA opinion stated that "[t]he compensation judge reasonably found that [Richards]'s motivation, although delusional due to his mental illness, was self-evidently based solely on personal animosity toward the employee, arising from circumstances wholly unconnected to his employment," and "[s]ubstantial evidence supports this finding." *Id.* Profit filed a timely petition for a writ of certiorari for review by our court.

ANALYSIS

Profit argues the assault exception found in Minn. Stat. § 176.011, subd. 16, does not bar his claim for work-related injuries. We begin our analysis with the text of the statute.

The Workers' Compensation Act declares that "[e]very employer is liable for compensation . . . in every case of personal injury or death of an employee arising out of and in the course of employment without regard to the question of negligence." Minn. Stat. § 176.021, subd. 1. In defining "personal injury," the Workers' Compensation Act provides exceptions that make certain injuries not compensable. Minn. Stat. § 176.011, subd. 16. At issue here is the assault exception: "[p]ersonal injury does not include an injury caused by the act of a third person or fellow employee intended to injure the employee because of personal reasons, and not directed against the employee as an employee, or because of the employment." *Id.*

We have determined that for an employee's injury resulting from an attack at work to be compensated under the Workers' Compensation Act, "an injury must arise out of the employment, must be in the course of the employment and must not come within the 'assault exception.' " *Foley v. Honeywell, Inc.*, 488 N.W.2d 268, 271 (Minn. 1992). When determining whether a third person's attack on an employee comes within the assault exception, we usually apply the longstanding framework from *Hanson v. Robitshek-Schneider Co.*, 297 N.W. 19, 22 (Minn. 1941), which separates assault cases into three groups:

> (1) those that are noncompensable under the Act because the assailant was motivated by personal animosity toward his victim, arising from circumstances wholly unconnected with the employment; (2) those that are compensable under the Act because the provocation or motivation for the assault arises solely out of the activity of the victim as an employee; and (3) those that are compensable under the Act because they are neither directed against the victim as an employee nor for reasons personal to the employee.

McGowan v. Our Savior's Lutheran Church, 527 N.W.2d 830, 834 (Minn. 1995) (citing *Hanson*, 297 N.W. at 22 (distinguishing the three groups)). Profit argues that an assailant, suffering from mental illness, cannot form the necessary intent to injure someone for personal reasons required by the statute, and thus, Profit should be compensated under the Workers' Compensation Act for his injuries. This specific issue is a question of first impression for us, and we begin the analysis by interpreting the statutory language of the assault exception.

I.

We review questions of law, including the interpretation and application of workers' compensation statutes, de novo. *Sershen v. Metro. Council*, 974 N.W.2d 1, 8 (Minn. 2022). When interpreting a statute, we first "examine the statutory language to determine whether the statute is ambiguous, that is, whether the statute is susceptible to more than one reasonable interpretation." *Id.* We then apply the plain meaning of the statute if the statute is unambiguous. *Id.* "To determine the plain meaning of a word, we often consider dictionary definitions." *Shire v. Rosemount, Inc.*, 875 N.W.2d 289, 292 (Minn. 2016). "When a word or phrase has a plain meaning, we presume that the plain meaning is consistent with legislative intent and engage in no further statutory construction." *Id.*

The disputed phrase at issue here, the assault exception, is: "[p]ersonal injury does not include an injury caused by the act of a third person or fellow employee intended to injure the employee because of personal reasons, and not directed against the employee as an employee, or because of the employment." Minn. Stat. § 176.011, subd. 16. Profit argues that an assailant declared incompetent to stand trial following the assault cannot be found to have formed the intent necessary under the assault exception. Respondents disagree and argue that the overt actions of Richards demonstrate intent that qualifies under the exception.

The primary term at issue is "intended." *Id.* Because the Workers' Compensation Act does not define the word "intended," we turn to our plain-meaning analysis, beginning with dictionary definitions. According to these definitions, an act is "intended" when it is "[d]eliberate" or "intentional." *The American Heritage Dictionary of the English Language* 912 (5th ed. 2018); *see also Webster's Third New International Dictionary of the English Language Unabridged* 1175 (2002) (defining intended as "intentional"). The verb "intend" can be defined as "[t]o have in mind; plan." *The American Heritage Dictionary of the English Language*, *supra*. Webster's defines "intend" as "to have in mind . . . to have in mind as a design or purpose: plan . . . to have in mind as an object to be gained or achieved . . . to have an aim or end in mind . . . ." *Webster's Third New International Dictionary of the English Language Unabridged*, *supra*.

A third party's act is thus intended when it is deliberate or intentional. The act is intended to injure when the third party "ha[s] in mind as an object to be gained or achieved" to injure the employee. *Id.* In other contexts, we have interpreted "intentional" to mean

"deliberate and not accidental." *Houston v. Int'l Data Transfer Corp.*, 645 N.W.2d 144, 149 (Minn. 2002) (citation omitted) (analyzing the statutory definition of "employment misconduct" under Minn. Stat. § 268.095, subd. 6(a) (2000)).

Interpreting "intended" to mean conscious and deliberate aligns with how we have analyzed the plain language of another provision of the Workers' Compensation Act, Minn. Stat. § 176.061, subd. 5(c) (2006), which is now codified at Minn. Stat. § 176.061, subd. 5(e) (2022). In *Meintsma v. Loram Maintenance of Way, Inc.*, a workers' compensation decision, we held that "a defendant must consciously and deliberately intend to cause an injury, not just intend to do the act," to be liable for the personal injury of another employee that was "intentionally inflicted." 684 N.W.2d 434, 441 (Minn. 2004). We explained that "[t]his interpretation is consistent with the requirement under the assault exception that an employer must intend to injure the employee for personal reasons, and the requirement under the intentional injury exception that an employee demonstrate a conscious and deliberate intent to injure." *Id.* We have also long held that the intentional injury exception to the exclusive remedy provision of the Workers' Compensation Act requires an employee to show that an employer consciously and deliberately intended to injure the employee in order to pursue a common-law action against the employer. *See Breimhorst v. Beckman*, 35 N.W.2d 719, 730 (Minn. 1949) (defining the state of mind necessary to take an action outside the workers' compensation statute as "*conscious and deliberate intent*" to inflict injury).

Therefore, definitions and precedent direct us to interpret the assault exception as requiring a conscious and deliberate intent to injure. We conclude that the assault

exception as set out in the Workers' Compensation Act is not ambiguous, and we apply the plain meaning.

II.

In applying the assault exception to the facts here, we address Profit's argument that Richards's assault was not intentional because Richards suffered from mental illness. To bolster this assertion, Profit relies on our interpretation of intentional-act exclusions in insurance policies and a different workers' compensation statutory provision.

As to the latter statutory argument, Profit relies on *Meils ex rel. Meils v. Northwestern Bell Telephone Co.*, a decision dealing with an employee's suicide. 355 N.W.2d 710 (Minn. 1984). In *Meils*, we interpreted a Workers' Compensation Act provision, Minn. Stat. § 176.021, subd. 1, which limits employer liability for workers' compensation benefits when an "injury was intentionally self-inflicted or the intoxication of the employee is the proximate cause of the injury." *See Meils*, 355 N.W.2d at 714.

In *Meils*, an employee sustained a disabling injury arising out of and in the course of employment, and he committed suicide 9 years later. *Id.* at 712. The employee had been hospitalized for depression and diagnosed as a paranoid-schizophrenic. *Id.* at 712–13. We adopted the "chain of causation standard" to determine whether a subsequent injury is the direct and natural consequence of a compensable injury and thus itself compensable. *Id.* at 715. We concluded that the employee's compensable work-related injury was a substantial contributing cause of his suicide and held his death to be compensable. *Id.* Profit argues that language in *Meils* focused on mental illness supports his claim here, specifically that "[w]hen such mental derangement exists, the suicide cannot be considered

'wilful' or 'intentional' within the meaning and intent of the Workers' Compensation Act." *Id.*

But this argument ignores the substantial differences between the circumstances presented here and in *Meils*. In *Meils* we were focused on the chain of causation of the employee's initial work-related injury and his ultimate death. *Id.* We stated, "Compensation will not be awarded if the suicide is caused primarily by non-work connected problems. . . . In those cases in which the employer presents evidence sufficient to rebut the claimed chain of causation, the statutory exclusion of self-inflicted injury is a complete defense." *Id.* Thus, the employee's death was compensable because it was a "direct and natural consequence" of the initial work-related injury. *See id.* at 714. The injury resulted in an extreme mental illness that led to suicide. *See id.* at 715. Consequently, the compensable work-related injury was the cause of the employee's death, which made the death a consequence of the initial compensable work-related injury. *Id.* The initial work-related injury, mental illness, and suicide were so intertwined that the death could not be solely attributed to the decedent's conscious or rational judgment. *See id.* at 714–15.

The problem with the argument Profit advances is that the dispute in *Meils*, although rooted in a statute that contains a reference to intent, as we have here, was primarily about the chain of causation. *See id.* at 715. *Meils* is of little assistance to Profit, given that the

dispute here focuses on the meaning of "intended to injure," Minn. Stat. § 176.011, subd. 16, rather than the subsequent consequences of an initial work-related injury.[2]

Profit also relies on unrelated principles of insurance law. Profit analogizes the attack by a mentally ill person to decisions in which we interpreted intentional-act-exclusion provisions in insurance policies. *State Farm Fire & Cas. Co. v. Wicka*, 474 N.W.2d 324, 327 (Minn. 1991); *B.M.B. v. State Farm Fire & Cas. Co.*, 664 N.W.2d 817, 821 (Minn. 2003). These decisions are not controlling. Our decisions regarding intentional-act-exclusion provisions in insurance policies are grounded in contract, and thus sought to "construe[] the insurance policy in accordance with the reasonable expectations of the insured." *Wicka*, 474 N.W.2d at 331 (citing *Atwater Creamery Co. v. W. Nat'l Mut. Ins. Co.*, 366 N.W.2d 271, 277 (Minn. 1985)). But workers' compensation is a creature of statute, and its meaning is thus grounded in the intent of the

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[2] That *Meils* was focused on the chain of causation, rather than on whether the suicide itself was "intentionally self-inflicted," is reinforced by other amendments by the Legislature prior to *Meils*. In 1973, the Legislature removed language precluding coverage when suicide occurred. *See Meils*, 355 N.W.2d at 714 (reviewing the legislative history of Minn. Stat. § 176.021, subd. 1); *see also Middleton ex rel. Middleton v. Nw. Airlines*, 600 N.W.2d 707, 710 (Minn. 1999) (same). The Legislature not only removed the prohibition against providing workers' compensation benefits in the event of a suicide, it "also amended the clause precluding employer liability when an employee's 'injury or death was intentionally self-inflicted' by removing the words 'or death,' " further indicating legislative acceptance of an award of workers' compensation benefits in the event of a suicide. *Middleton*, 600 N.W.2d at 710 (citing Act of May 23, 1973, ch. 623, § 1, 1973 Minn. Laws 1491, 1491 (codified as amended at Minn. Stat. § 176.021)). Thus, *Meils* is about the connection of the employee's mental anguish and the work-related incident that occurred years earlier. *See id.* at 713 (Stringer, J., dissenting) ("The suicide in *Meils* was thus compensable because a compensable physical work-related injury was a contributing cause.").

Legislature. *See* Minn. Stat. § 645.16 (2022) ("The object of all interpretation and construction of laws is to ascertain and effectuate the intention of the legislature.").

As we have recognized, in the private insurance context, "[b]oth insurer and insured expect coverage will lie for unintentional injuries caused by the insured," *Wicka*, 474 N.W.2d at 331, and the purpose and policy justification for the intentional act exclusion is deterring the insured from committing intentional acts (e.g., arson), *see B.M.B.*, 664 N.W.2d at 824–25. That policy justification, however, is not present in the context of workers' compensation relating to an assault by a third party. Nor is it implicated by "the intent of the legislature that [the Workers' Compensation Act] be interpreted so as to assure the quick and efficient delivery of indemnity and medical benefits to injured workers at a reasonable cost to the employers . . . ." Minn. Stat. § 176.001 (2022).

At least one other jurisdiction has adopted the position urged by Profit and concluded that the actions of a mentally ill assailant do not bar the injured employee from recovering workers' compensation. *See Nasser v. Sec. Ins. Co.*, 724 S.W.2d 17, 19 (Tex. 1987) (applying workers' compensation statutory language similar to that of Minnesota and concluding that the assault exception is precluded when a jury finds that the assailant was incapable of entertaining rational intent or was incapable of rational reasoning).[3] The *Nasser* decision relied upon a 1936 decision of the Court of Civil Appeals

[3] Texas is one of eight states, like Minnesota, that includes a statutory assault exception in its workers' compensation statute. Tex. Lab. Code Ann. § 406.032 (West 2015); 1 Arthur Larson, Lex K. Larson & Thomas A. Robinson, *Larson's Workers' Compensation Law* § 8.02[1][d] (2022). At the time of the *Nasser* decision, the Texas

of Texas that determined an assault by someone suffering from mental illness may bar application of the assault exception, paving the way for recovery by the injured employee. *Id.* (citing *Petroleum Cas. Co. v. Kincaid*, 93 S.W.2d 499, 501–02 (Tex. Civ. App. 1936)). The appeals court in *Kincaid* relied upon findings of fact by the trial court that found the assailant acted upon a hallucination that it characterized as a delusion. *Kincaid*, 93 S.W.2d at 500–01. The court in *Kincaid* determined that the Texas Legislature included the assault exception because:

> [S]ome employees by their character and manner of life were provocative of acts against them, such as assaults in retaliation or resentment of conduct having no relation to any employment, but likely to occur while the employee was in the course of his employment, while others by their character and manner of life were not provocative of such injuries. It was a question of public policy as to whether industry should bear the burden of compensating such injuries.

Id. at 501. The court analogized the attack of a mentally ill person to hypothetical situations where an employee's friend accidentally kills the employee or a dog bites the employee, stating these scenarios would clearly not come within the assault exception. *Id.*

We decline to adopt the Texas rule. We see no reason to rely on the policy justifications that the Texas court cited when the plain meaning of the text of the Minnesota statute that we are interpreting does not support the result reached by the Texas court. *See* Minn. Stat. § 645.16 ("When the words of a law in their application to an existing situation

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Workers' Compensation Act excluded from coverage, " '[a]n injury caused by an act of a third person intended to injure the employee because of reasons personal to him and not directed against him as an employee, or because of his employment.' " *Nasser*, 724 S.W.2d at 18 (quoting Tex. Rev. Civ. Stat. Ann. art. 8309, § 1 (Vernon 1967)).

are clear and free from all ambiguity, the letter of the law shall not be disregarded under the pretext of pursuing the spirit.").

We note that the Minnesota Legislature has enacted legislation dealing with mental illness in various ways, but not in the context of the assault exception. For example, in criminal-prosecution matters, the Legislature enacted the following statute to deal with the effect of mental illness on criminal liability:

> No person having a mental illness or cognitive impairment so as to be incapable of understanding the proceedings or making a defense shall be tried, sentenced, or punished for any crime; but the person shall not be excused from criminal liability except upon proof that at the time of committing the alleged criminal act the person was laboring under such a defect of reason, from one of these causes, as not to know the nature of the act, or that it was wrong.

Minn. Stat. § 611.026 (2022). The Legislature has not adopted a similar provision applicable to workers' compensation claims.[4]

Workers' compensation is entirely a creature of statute and reflects legislative balancing of the interests of employees and employers. Part of that balancing process is requiring employers to pay benefits for losses suffered by employees even though the employer's actions might not fit traditional understandings of fault. *See Meils*, 355 N.W.2d at 713 ("Since workers' compensation is solely a creature of statute, policy decisions regarding the scope of the Workers' Compensation Act are properly for the

[4] The situation at hand is more akin to general tort liability—an area of the law that has historically held individuals liable for their actions regardless of their mental capacity. *See, e.g.*, Restatement (Second) of Torts § 283B (Am. L. Inst. 1965) ("Unless the actor is a child, his insanity or other mental deficiency does not relieve the actor from liability for conduct which does not conform to the standard of a reasonable man under like circumstances.").

legislature . . . ."). The plain language of the statute, as chosen by the Legislature, does not contemplate evaluating the effect of mental illness of an assailant if the intent to injure for personal reasons is evident. *See* Minn. Stat. § 176.011, subd. 16. The assault exception does not require a specific level of rationality, but rather the assailant must consciously and deliberately act to injure the employee for personal reasons. For this reason, Profit's argument that the facts of this case fall outside the *Hanson* framework used to apply the assault exception is unavailing. Therefore, we analyze the application of the assault exception using the *Hanson* framework by the workers' compensation judge and the WCCA.

We conclude that the workers' compensation judge and WCCA properly applied the assault exception and the *Hanson* framework. Although Profit disputes the characterization of his relationship with Richards, the compensation judge made findings that the attack was wholly unconnected to Profit's work environment and was motivated by personal reasons. We will not disturb these findings unless, "viewing the facts in the light most favorable to the findings, it appears that the findings are manifestly contrary to the evidence or that it is clear reasonable minds would adopt a contrary conclusion." *Hengemuhle v. Long Prairie Jaycees*, 358 N.W.2d 54, 61 (Minn. 1984); *see also Lagasse v. Horton*, 982 N.W.2d 189, 202 (Minn. 2022). Although Richards's reason for injuring Profit was delusional, he injured Profit for personal reasons—not because of Profit's status as an employee or his employment. According to these findings, the assault comes within the first category of the *Hanson* framework—"noncompensable under the [Workers' Compensation] Act because the assailant was motivated by personal animosity toward his

victim, arising from circumstances wholly unconnected with the employment." *See McGowan*, 527 N.W.2d at 834 (citing *Hanson*, 297 N.W. at 22).[5]

The Legislature has indicated a clear preference not to compensate losses that arise out of personal relationships, however tragic. *See* Minn. Stat. § 176.011, subd. 16; *see also* Larson, *supra* § 8.02[1][a] (discussing privately motivated assaults).

For these reasons, we conclude the assault exception applies. The WCCA did not err in affirming the compensation judge's finding that the assault exception in Minn. Stat. § 176.011, subd. 16, barred Profit's compensation claim.

CONCLUSION

For the foregoing reasons, we affirm the decision of the WCCA.

Affirmed.

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[5] Profit also argues the compensation judge and WCCA should have engaged in an increased-risk analysis because he argues the assault fell into the third category of the *Hanson* framework—assaults "that are compensable under the [Workers' Compensation] Act because they are neither directed against the victim as an employee nor for reasons personal to the employee." *See McGowan*, 527 N.W.2d at 834 (citing *Hanson*, 297 N.W. at 22). This argument fails because of our application of the statutory assault exception and determination that the assault falls within the first category of the *Hanson* framework. Therefore, no further analysis or balancing is required.