

Dr. Ernest Lampe is DLI's new medical consultant

Dr. Ernest Lampe has been named the Minnesota Department of Labor and Industry's (DLI's) new medical consultant. He also serves as the medical director of the Dakota Treatment Center and the St. Cloud Metro Treatment Center.

The medical consultant assists DLI in developing, implementing and evaluating the effective delivery of workers' compensation benefits, the regulation of medical services currently provided to injured workers, and the development and monitoring of treatment guidelines. Lampe will work primarily with: DLI's Workers' Compensation Division, Research and Statistics unit and Minnesota OSHA units; the Special Compensation Fund; and the Medical Services Review Board.



Dr. Ernest Lampe

Lampe was a general surgeon in the Twin Cities and in greater Minnesota for 30 years; since 2011, he has practiced in the area of addiction medicine.

Lampe served on the Minnesota Board of Medical Practice for eight years, including as its president in 2011. For the past two years, he has served as a member of DLI's Medical Services Review Board. Lampe is a graduate of the University of Minnesota Medical School.

Mileage rate downshifts to 54 cents a mile

A new, lower mileage rate became effective Jan. 1 in Minnesota.

The rate changed from 57.5 cents a mile to 54 cents a mile.



Rehabilitation Review Panel seeks new members



The Rehabilitation Review Panel was created in 1981 by Minnesota Statutes § 176.102 to offer vocational rehabilitation rule advice and to make determinations, including sanctions, related to contested cases about rehabilitation provider registration and professional conduct.

The panel currently has member opening for an insurance representative and an alternate member opening for a labor representative. To apply for either position, complete and submit the application found on the Secretary of State's website at www.sos.mn.gov/index.aspx?page=5.

The panel meets quarterly at the Department of Labor and Industry. The Rehabilitation Review Panel develops and recommends rules to the commissioner and determines appeals from orders of professional conduct issues. (The panel may meet more often if needed.) The meeting schedule, agendas and minutes are online at www.dli.mn.gov/Rrp.asp.

The panel is composed of two members each representing employers, insurers, rehabilitation and medicine (for a total of eight), one member representing chiropractors and four members representing labor.

Workers' compensation costs trend downward

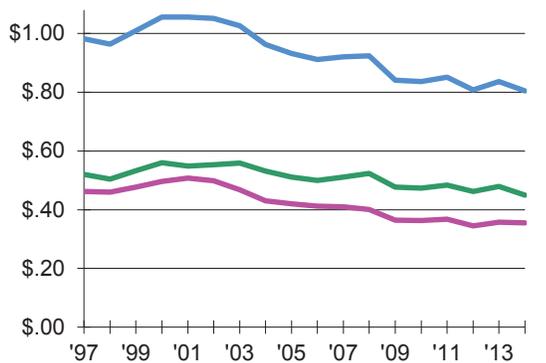
By David Berry, Research and Statistics

The cost of workers' compensation benefits has been declining relative to payroll since the early 2000s. In the voluntary market (insured employers not in the Assigned Risk Plan), indemnity benefits declined from \$.50 to \$.36 per \$100 of payroll between injury years 2000 and 2014, while medical benefits declined from \$.56 to \$.45 per \$100 (Figure 1).

These decreases occurred because falling claim rates more than offset increases in claim costs. From 2000 to 2013 (the most recent year available), after adjusting for average wage growth, indemnity benefits per paid claim (including claims with and without indemnity benefits) increased 30 percent while medical benefits per claim increased 69 percent. However, total paid claims per 100 full-time-equivalent employees fell 45 percent from 2000 to 2014, more than offsetting the increase in cost per claim.

Because of decreasing costs of benefits per \$100 of payroll, the long-term trend in system cost relative to payroll has been downward (Figure 2). This is true even though system cost (primarily a premium-based figure) follows a nationwide insurance pricing cycle. The low-point of \$1.21 per \$100 of payroll reached in 2010 was significantly below the relative low of \$1.31 for 2000. Four years after the 2010 low-point, the 2014 figure was \$1.27; four years after the 2000 low-point, the 2004 figure was \$1.72.

Figure 1
Benefits per \$100 of payroll in the voluntary market, accident years 1997-2014 [1]

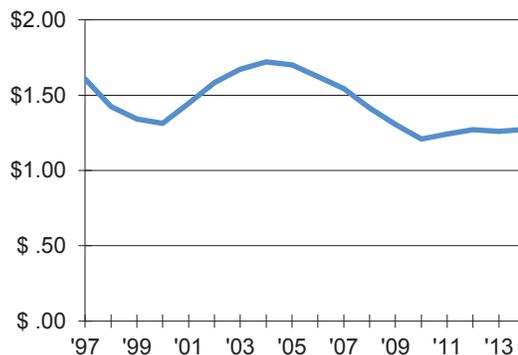


— Indemnity [2] — Medical — Total

Accident year	Indemnity benefits [2]	Medical benefits	Total benefits
1997	\$.46	\$.52	\$.98
2000	.50	.56	1.06
2001	.51	.55	1.06
2010	.36	.47	.84
2011	.37	.48	.85
2012	.35	.46	.81
2013	.36	.48	.84
2014	.36	.45	.80

1. Developed statistics from data from the Minnesota Workers Compensation Insurers Association. Excludes self-insured employers, the Assigned Risk Plan and those benefits paid through DLI programs (including supplementary and second-injury benefits).
2. Includes vocational rehabilitation benefits.

Figure 2
Workers' compensation system cost per \$100 of payroll, 1997-2014 [1]



	Cost per \$100 of payroll
1997	\$1.61
2000	1.31
2004	1.72
2010 [2]	1.21
2011 [2]	1.24
2012 [2]	1.27
2013 [2]	1.26
2014 [2]	1.27

1. Data from the National Association of Insurance Commissioners, Minnesota Workers' Compensation Insurers Association, Minnesota Assigned Risk Plan,
2. Subject to revision.

Office of Workers' Compensation Ombudsman

Program continues to assist injured workers, small businesses

By David Musielewicz, Ombudsman

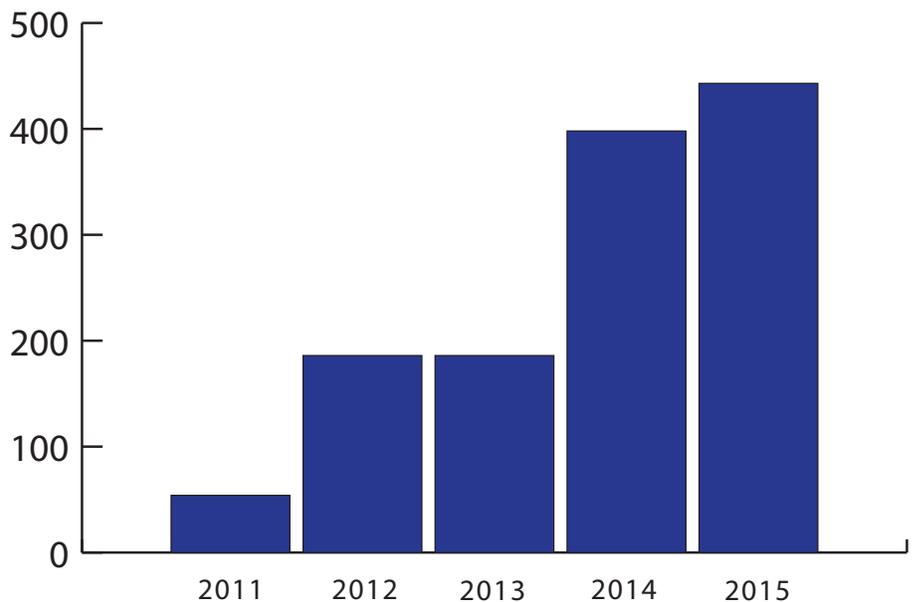
The Office of Workers' Compensation Ombudsman at the Minnesota Department of Labor and Industry (DLI) has been successfully helping injured workers and small businesses since Sept. 1, 2011. DLI's ombudsman works to inform, assist and empower injured workers and small businesses having difficulty navigating the workers' compensation system, to help resolve problems encountered in the system.

In its nearly four-and-half years of operation, the number of workers and small businesses that have contacted the ombudsman for advice has continued to grow. Since its inception, the ombudsman has had more than 1,267 interactions with customers; many of whom are repeat customers needing guidance as their workers' compensation claims evolve.

In 2015, injured workers contacted the ombudsman about a variety of complex issues. Some example issues include:

- employers fail to file an injury report, insurers deny an injury outright or insurers admit an injury but deny a specific benefit;
- employees are trying to figure out what to do, wonder if an attorney can help them or feel their attorney is not helping enough;
- employees who are not represented by legal counsel are considering settlement offers and trying to understand what the offer means;
- employees need help sorting out problems with payment of their medical bills, which can include navigating the interaction between health insurance, auto insurance and workers' compensation, and explaining the need for medical records that establish the connection between their work injury and their ongoing treatment and symptoms;
- employees need guidance about how to appeal an unfavorable decision and how to request a transcript at no cost upon a showing of good cause (see Minnesota Statutes § 176.421, subd. 7); and
- employees need information about how to calculate their weekly benefits and check their benefit amounts for accuracy.

Office of Workers' Compensation Ombudsman contacts, 2011-2015



Complete information about the DLI ombudsman program is at www.dli.mn.gov/WC/Ombudsman.asp.

Reconciliation, final determination of 2014 SCF assessment 'true-up'

By John Kufus, Financial Services

Minnesota Statutes § 176.129, subd. 2a, now provides for an adjustment, or "true-up," of the assessment paid by insurers for deposit into the Special Compensation Fund (SCF).



Currently, the commissioner *estimates* each insurer's share of the assessment using the insurer's earned standard premium from the previous calendar year. The commissioner must later make a final determination of the amount owed based on the insurer's *actual* earned standard workers' compensation premium for the current year, after those figures become available. The insurer portion of the 2014 SCF assessment liability was unchanged at \$61,472,797, but the designated statistical reporting (DSR) pure premium assessment base increased, which resulted in a decrease to the final insurer surcharge rate.

Insurer premium surcharge rate

The original insurer premium surcharge rate applied for the purpose of estimating the 2014 SCF assessment was 7.6631 percent. The rate was determined by dividing the insurer portion of the Special Compensation Fund state-fiscal-year 2015 liability (\$61,472,797) by the 2013 DSR pure premium reported by all insurers to the Minnesota Workers' Compensation Insurers Association (\$802,192,426).

The revised insurer premium surcharge rate applied for the purpose of determining the 2014 SCF assessment was 7.5457 percent. The rate was determined by dividing the insurer portion of the Special Compensation Fund state-fiscal-year 2015 liability (\$61,472,797) by the 2014 DSR pure premium reported by all insurers to the Minnesota Workers' Compensation Insurers Association (\$814,672,970).

	Estimated liabilities	DSR pure premium	Insurer surcharge rate
Insurers estimated rate	\$61,472,797	\$802,192,426	7.6631 percent
Insurers revised rate	\$61,472,797	\$814,672,970	7.5457 percent

As a result of this "true-up," 100 insurers owed an additional \$3,093,410 in assessment to the Special Compensation Fund and 82 insurers were refunded \$3,093,410 in overpaid assessment. Invoices for additional funds were mailed to insurers by Nov. 15, with payment due Dec. 15. Refunds were processed by Dec. 1.

Berry, Zaidman detail Minnesota's workers' compensation database

David Berry and Brian Zaidman, Department of Labor and Industry researchers, presented a 90-minute webinar about Minnesota's workers' compensation database in December, explaining its value for research and how developed estimates, such as the ones published in the annual *Minnesota Workers' Compensation System Report*, are computed. The webinar was hosted by the Center for Workers' Compensation Studies at the National Institute for Occupational Safety and Health. A recording of the webinar is available at <https://nioshtwh.adobeconnect.com/p8ymatcr6lo>.

CompFact: Indemnity claim patterns in K-12 schools

By Brian Zaidman, Research and Statistics

Workplace safety issues for school personnel have become a matter of current interest in Minnesota. While the focus has been on injuries due to assaults and violent acts, improving workplace safety at K-12 schools requires understanding the events leading to all serious workplace injuries.

Workers at Minnesota's K-12 schools reported a higher rate of work-related injuries and illnesses than work establishments overall. The Bureau of Labor Statistics' Survey of Occupational Injuries and Illnesses provides incidence rate estimates of OSHA-recordable injuries and illnesses for Minnesota's industries. The injury and illness total case rate for public elementary and secondary schools was 4.6 cases per 100 full-time-equivalent (FTE) workers in 2014, and the rate for private schools was 2.5 cases per 100 FTE workers. Minnesota's incidence rate for all industries, combining both public and private businesses, was 1.8 cases per 100 FTE workers. These rates include workers with and without any time away from work due to their injury or illness.

From 2003 to 2013, an annual average of 910 K-12 school workers were injured severely enough to receive indemnity benefits. Figure 1 provides a close look at the past three school years (2012-13, 2013-14 and 2014-15, with years beginning in July) and shows the total number of workers with indemnity claims has decreased slightly. (Data for the 2014-15 school year should be considered preliminary.) Worker injuries due to falls, slips and trips and to overexertion and bodily reaction account for about two-thirds of the claims, while injuries due to violence and other injuries by persons accounts for about 13 percent of the claims. As a percentage of all K-12 indemnity claims, injuries due to violence increased from 11 percent for the 2012-13 school year to 15 percent for the 2014-15 school year.

Among the injuries due to violence and other injuries by persons or animals: 59 percent were identified as injuries caused by hitting, kicking, beating or shoving; 13 percent were due to restraining or subduing the other person; and 8 percent were due to sports or physical training. A student was identified as the "other person" in 94 percent of the worker injuries.

Among the workers with injuries due to falls, slips and trips, 72 percent were falls on the same level. Interior floors accounted for 35 percent of the cases, while 20 percent of the falls occurred in parking lots and 18 percent on sidewalks.

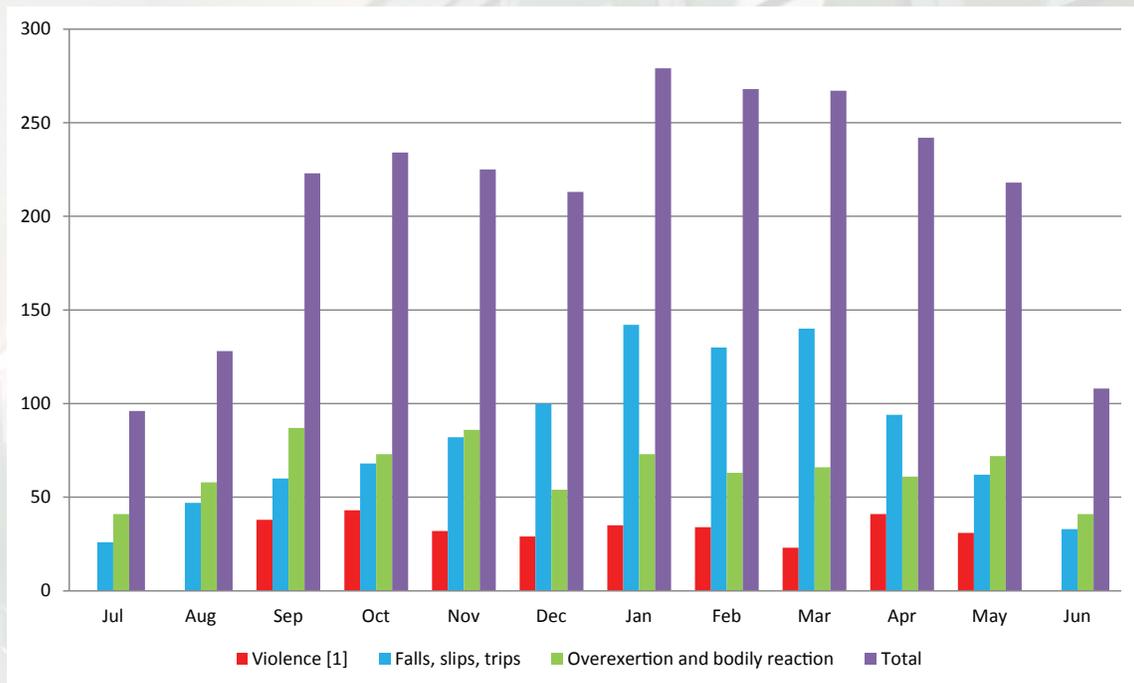
Figure 1. Major event categories for indemnity claims at K-12 schools in Minnesota

School year (July through June)	Total indemnity claims	Violence and other injuries by persons		Falls, slips, trips		Overexertion and bodily reactions	
	Number	Number	Percent	Number	Percent	Number	Percent
2012-13	866	95	11%	375	43%	270	31%
2013-14	891	108	12%	328	37%	284	32%
2014-15	744	115	15%	281	38%	221	30%
Total	2,501	318	13%	984	39%	775	31%

Additional insight into the events leading to workers' compensation indemnity claims can be gained by looking at the pattern of the leading events during the course of a school year. Figure 2 shows the number of claims by month, for the combined set of indemnity claims during the past three school years. The number of claims is highest during the January to March period. (Note that because of holidays, there are

fewer school days in December.) The number of falls, slips and trips peaks during the winter months; the number of violence-related claims peaks in the months of October and April. Overexertion injuries are highest in the autumn months.

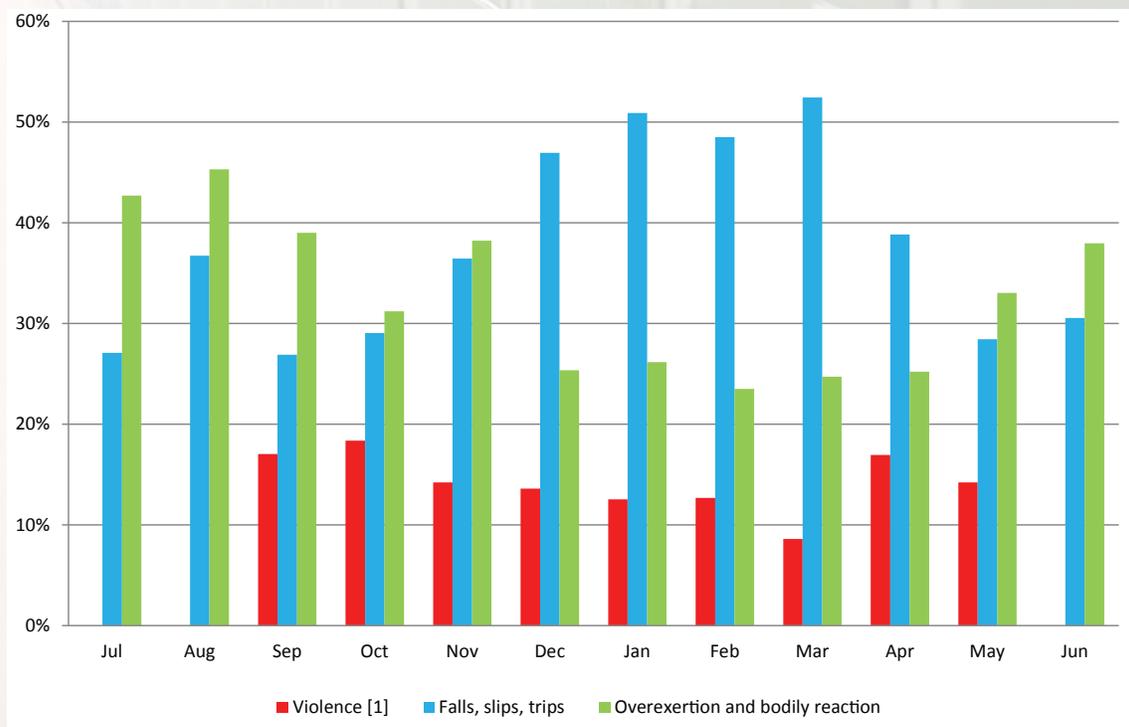
Figure 2. Monthly number of indemnity claims for selected event categories at K-12 schools in Minnesota, July 2012-June 2015



1. Violence includes intentional, unintentional and unknown intent injuries by persons or animals.

Figure 3 presents the major event categories as the percentage of all indemnity claims occurring during each month. This presentation underscores the prominence of overexertion claims at the beginning of the school year, the rise of falls, slips and trips as snow and ice cover the ground and the decreasing percentage of violence claims during the course of the school year until it resurges in April.

Figure 3. Monthly percentage of indemnity claims for selected event categories at K-12 schools in Minnesota, July 2012-June 2015



1. Violence includes intentional, unintentional and unknown intent injuries by persons or animals.

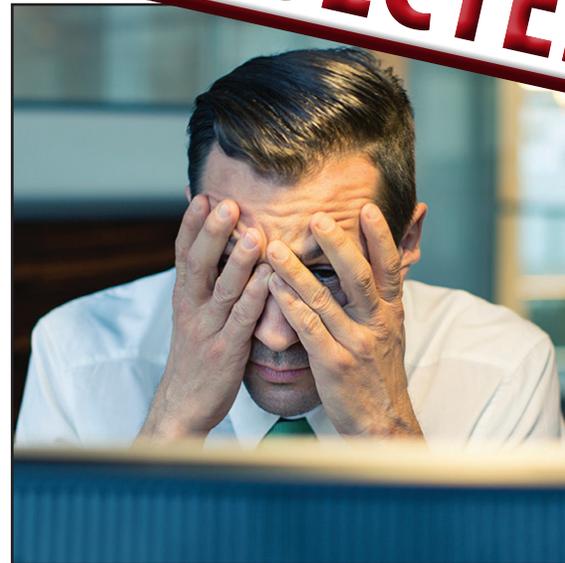
Follow filing rules to avoid form rejection:

DLI can reject documents lacking necessary information

By law, the Department of Labor and Industry (DLI) can refuse to accept any workers' compensation form or document that lacks any of the following information:

- name of the injured employee, employer or insurer;
- date of injury; and
- injured employee's Social Security number (SSN) or worker identification (WID) number.

There has been a recent uptick in documents filed without the requisite information. While the Compliance, Records and Training (CRT) unit has been spending the time doing research to obtain the information necessary to set up the file, that practice will not continue if the number of occurrences does not decrease.



DLI's CRT unit receives all workers' compensation documents for filing. The documents are scanned and associated to a claim file using the SSN and date of injury. If this information is missing or incomplete (for example the SSN information provided only lists the last four digits), a great deal of time has to be spent obtaining the missing information or deleting the unusable documents from the imaging system.

The First Report of Injury form or any other claim-creating document requires the complete and accurate SSN because it is the only unique identifier DLI has to set up the claim in the imaging system. Complete and accurate information identifying the parties to the claim is also necessary to set up the claim.

After a claim-creating document is filed with DLI and a claim is set up in the imaging system, DLI assigns a person-specific WID number to minimize the possibility of data privacy abuse. Any subsequent form or filing with DLI requires either the complete SSN or the WID number.

To avoid refusal of the document and ensure timely processing, submit all required information on any document filed with DLI.

Fax number change



The Special Compensation Fund fax number is: (651) 215-9099.

The previous fax number is no longer in service: (651) 284-5733.

Two annual reports updated, available online

Collection and Assessment of Fines and Penalties

Minnesota Statutes § 176.222 directs the commissioner of the Department of Labor and Industry (DLI) to submit an annual report regarding the assessment and collection of fines and penalties under the workers' compensation law. Some of the results of the current report include the following findings.



FISCAL-YEAR 2015

COLLECTION AND ASSESSMENT OF FINES AND PENALTIES

IN THE WORKERS' COMPENSATION SYSTEM

Failure-to-insure penalties and the amount collected have declined from fiscal-year 2012. Increased outreach to new business owners has reduced the number of uninsured Minnesota employers, thereby decreasing penalties.

DLI's new claim-related penalty collection procedure has resulted in a dramatic increase in the number of penalties collected in fiscal-years 2014 and 2015. The marked increase in penalties issued for late filing of the first report of injury in fiscal-years 2014 and 2015 is likely due to increased filings from system auto-triggers related to mandatory electronic reporting.

Prompt First Action Report on Workers' Compensation Claims

Minnesota Statutes § 176.223 directs the Department of Labor and Industry commissioner to publish an annual report providing data about the promptness of all insurers and self-insurers in making first payments or denials on a claim for injury.



FISCAL-YEAR 2015

PROMPT FIRST ACTION REPORT ON WORKERS' COMPENSATION CLAIMS

IN THE WORKERS' COMPENSATION SYSTEM

The department evaluates data submitted on the First Report of Injury and Notice of Insurer's Primary Liability Determination forms to determine whether the first payment or denial of benefits is timely. In fiscal-year 2015, 89.8 percent of the 23,559 lost-time claims had a timely first action. This percentage is slightly higher than fiscal-year 2014, where 89.6 percent of the 24,116 lost-time claims had a timely first action.

The department's Workers' Compensation Division anticipates increased use of technology, electronic data exchange and early intervention will maintain or improve the overall first action timeliness percentage.

Access the reports

Both reports are available at www.dli.mn.gov/WC/ReportsPubs.asp.

Ask the ADR pro

DLI's Alternative Dispute Resolution unit answers frequently asked questions

Editor's note: The Alternative Dispute Resolution (ADR) unit at the Minnesota Department of Labor and Industry seeks early intervention in workers' compensation disputes through conference and mediation. It handles calls from the workers' compensation hotline and responds to questions from injured workers and their employers.

Q. When I receive a Notice of Mediation Session form from the Department of Labor and Industry (DLI), it's accompanied by a request that a confidential mediation statement be sent to the selected mediator. I have a very busy law practice. Are these statements worth my time and effort?

A. While premediation statements are not required by DLI, they are strongly encouraged and are extremely valuable to the parties and the mediator as they prepare for and participate in the mediation.

One of the most important functions of a premediation statement is that it requires an attorney to focus on and prepare for the mediation. An effective premediation statement contains the following elements, which require an attorney and his or her client to review the case and prepare for the mediation:

- an itemization of benefit claims or defenses and potential recovery or exposure;
- expectations about a reasonable settlement range;
- the status of any negotiations, offers or demands;
- an assessment of strong points and weak points;
- intangibles or dynamics that may affect achieving a resolution;
- pertinent medical or vocational records and reports, such as independent medical examinations or independent vocational evaluations; and
- confirmation that all intervenors and potential intervenors have been properly notified.

This information is also very helpful to the mediator preparing for and conducting the mediation. An effective mediator will use the information in the premediation statement to become familiar with the case and develop appropriate strategies that fit the unique facts and circumstances of the case.

Q. What is the significance of an opening demand and opening offer during a mediation?

A. Attorneys have an ethical duty to provide competent representation to their clients, which sometimes requires aggressive advocacy. Protection of a client's best interests does not stop at mediation, so attorneys and their clients should carefully consider the potential implications of their respective opening demands and opening offers.

A hugely inflated opening demand that far exceeds a reasonable assessment of the maximum value of a case can be viewed as a nonstarter by the defense counsel and may create an immediate obstacle for momentum toward settlement. Similarly, punishing a reasonable opening demand by responding with an offer far below even the minimum exposure may create the same result.



Training opportunities for adjusters, rehabilitation providers, employers

2016 Basic adjuster training – Offered March 23 and 24; June 6 and 7; Nov. 8 and 9

These classes are designed for claims adjusters who have less than one year experience handling Minnesota workers' compensation claims. The \$150 registration fee for each two-day session includes lunch. This educational offering is recognized by the commissioner of the Minnesota Department of Commerce as satisfying 10.5 hours of credit toward continuing insurance education requirements.

Topics

- Overview of Minnesota workers' compensation
- Liability determination
- Rehabilitation benefits and issues
- Penalties
- How to file forms
- Waiting period
- Indemnity benefits
- Medical benefits and issues
- Dispute resolution
- Follow-up questions and answers

The training sessions are from 8:30 a.m. to 4 p.m. at the Department of Labor and Industry office in St. Paul, Minnesota. Participants must register and pay online. Complete information is available online at www.dli.mn.gov/WC/TrainingIns.asp.

Rehabilitation provider orientation – Offered Aug. 25, 2016

The 2016 orientation session is only for qualified rehabilitation consultant (QRC) interns, QRC intern supervisors, newly registered job placement vendors or rehabilitation providers re-entering the field, if absent for two years or more.

Topics

- Workers' compensation 101
- Medical aspects
- Rehabilitation consultation practices and ethics
- Registration renewal and completion of internship
- Litigation procedures at DLI
- Work as a provider and documentation
- A vendor's perspective
- Intern qualifying criteria
- Online R-form submission
- Follow-up questions and answers

The training session is from 7:30 a.m. to 4:15 p.m. at the Department of Labor and Industry office in St. Paul, Minnesota. Participants must register and pay online. Complete information is available online at www.dli.mn.gov/WC/TrainingRp.asp.

Workers' compensation seminar for employers – Offered March 17 and May 12, 2016

These seminars are offered by St. Paul College, Customized Training and Consulting.

Topics

- Employer responsibility
- What to do when an injury occurs or is reported
- What is covered by workers' comp in Minnesota
- Coverage requirements, independent contractors
- Workers' compensation resources, phone numbers
- What to do before an injury occurs
- Benefits provided, terminology
- Avoiding late reporting penalties
- Employer scenarios
- Questions and answers

The training sessions are from 8:30 to 11:30 a.m. at St. Paul College in St. Paul, Minnesota. Complete information is available online at <https://saintpaul.augusoft.net>.

More resources from DLI: newsletters, specialty email lists, rulemaking lists

Newsletters – The Minnesota Department of Labor and Industry (DLI) offers three quarterly publications in addition to *COMPACT: Apprenticeship Works, CCLD Review* and *Safety Lines*.

- ***Apprenticeship Works*** is the newsletter from DLI's Apprenticeship unit. Its purpose is to inform the public of the goals, plans and progress of the Apprenticeship unit. Learn more or subscribe online at www.dli.mn.gov/Appr/Works.asp.
- ***CCLD Review*** is the newsletter from DLI's Construction Codes and Licensing Division. Its purpose is to promote safe, healthy work and living environments in Minnesota and to inform construction and code professionals about the purpose, plans and progress of the division. Learn more or subscribe online at www.dli.mn.gov/CCLD/Review.asp.
- ***Safety Lines***, from Minnesota OSHA, promotes occupational safety and health, and informs readers of the purpose, plans and progress of Minnesota OSHA. Learn more or subscribe online at www.dli.mn.gov/OSHA/SafetyLines.asp.



Breaking news – Stay up-to-date with the Department of Labor and Industry by signing up for its email newsletter at www.dli.mn.gov/Email.asp. The agency sends occasional messages to subscribers to share news about DLI activities.

Specialty and rulemaking news – DLI also maintains five specialty email lists and 11 rulemaking lists to which interested parties may subscribe. The specialty email lists are: prevailing-wage information; workers' compensation adjuster information; workers' compensation EDI trading partners; workers' compensation medical providers information; and workers' compensation rehabilitation information. Learn more about DLI's specialty email lists, subscribe or review previously sent messages online at www.dli.mn.gov/EmailLists.asp.

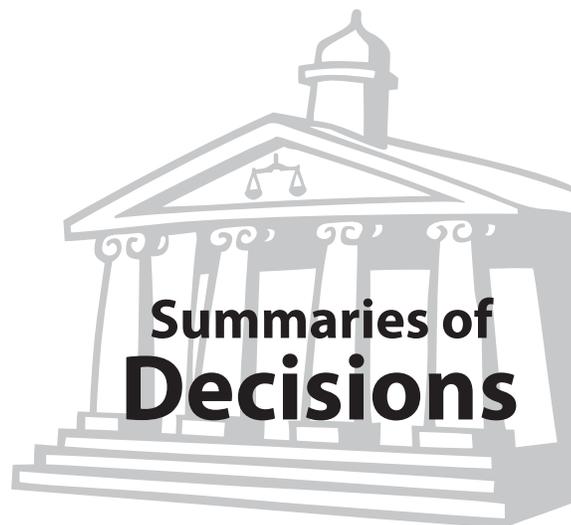
The rulemaking lists are required to be maintained for people who have registered with the agency to receive notices of agency rule proceedings via email or U.S. mail. The rulemaking lists topic areas are: apprenticeship; boats/boats-for-hire; electrical; fire code; high-pressure piping; independent contractor; labor standards/prevaling wage; Minnesota OSHA; plumbing; state building code; and workers' compensation. Learn more or subscribe at www.dli.mn.gov/Rulemaking.asp.

Subscribing to *COMPACT* – Interested parties may subscribe or unsubscribe from the *COMPACT* email list at <https://webmail.mnet.state.mn.us/mailman/listinfo/wc-compact>. Subscribers receive emailed notices about editions of the quarterly workers' compensation newsletter and other periodic updates from DLI.

Workers' Compensation Court of Appeals

October through December 2015

Case summaries published are
those prepared by the WCCA



Svenningsen v. Innovative Benefit Concepts/Petty & Sons Timber Products, Inc. – Oct. 5, 2015

Causation – Substantial Evidence

Where the employee had not sought treatment for more than 10 years after his work injury and related surgery and was able to continue working at heavy jobs, and where expert medical opinion indicated that later treatment was not causally related to the work injury, substantial evidence supports the compensation judge's finding that the employee did not show that his need for treatment after June 2010 was causally related to his 1998 work injury.

Affirmed.

Holtlander v. Granite City Roofing – Oct. 15, 2015

Medical Treatment – Substantial Evidence

Where an employee with long-standing low back injuries resulting in instability and an altered gait suffered subsequent falls resulting in an injury to his right knee, substantial evidence supports the determination that the employee sustained a compensable consequential injury that entitled the employee to an award of medical treatment benefits.

Affirmed.

Allan v. R.D. Offutt – Nov. 12, 2015

Permanent Total Disability – Threshold

A permanent partial disability rating that is used to meet the threshold requirements for permanent total disability benefits required by Minnesota Statutes § 176.101, subd. 5(2), must affect the employee's employability.

Remanded.

Arne v. Contingent Work Force Solutions, LLC – Nov. 17, 2015

Nature and Extent – Substantial evidence

Substantial evidence, including medical records, expert medical opinion, lay testimony and a video of the assault, supports the compensation judge's findings regarding the nature and extent of the injury resulting from the employee's attack by a prison inmate while she was working as a food service supervisor at the Stillwater state prison.

Affirmed.

Moore v. Carley Foundry – Nov. 20, 2015

Causation – Substantial Evidence

Substantial evidence, including lay testimony, medical records and expert medical evidence, supplied the compensation judge's determination that the employee failed to prove an alleged April 7, 2014, work injury.

Affirmed.

Contreras v. Jennie-O Turkey Store, Inc. – Nov. 24, 2015

Temporary Total Disability – Substantial Evidence

Substantial evidence supports the compensation judge's finding the employee failed to prove she had restrictions that precluded her from continuing to work light-duty at the employer between May 22 and Aug. 11, 2014. The compensation judge reasonably concluded the employee was entitled to temporary total disability benefits commencing on the date of her orthopedic surgeon's initial left shoulder examination of Aug. 12, 2014.

Evidence – Expert Medical Opinion
Temporary Total Disability – Substantial Evidence

The compensation judge did not err in accepting the adequately founded opinion of the independent medical examiner with respect to the employee's work restrictions, and substantial evidence supports the compensation judge's finding that the employee was physically capable of performing the light-duty job offered by the employer. Substantial evidence supports the compensation judge's determination that the employee's entitlement to temporary total disability benefits ceased on Feb. 20, 2015, when the job offered expired. Where the employee was not receiving or being paid temporary total disability benefits at the time of the employer's job offer, the provisions of Minnesota Statutes § 176.101, subd. 1 (i), are not applicable.

Medical Treatment and Expense – Substantial Evidence

Substantial evidence supports the compensation judge's denial of payment for medical treatment at Noran Neurological Clinic from and after July 8, 2014.

Affirmed, in part, and vacated, in part.

Cid v. Schwan's Global Supply Chain – Dec. 3, 2015

Where there are two apparently contradictory findings and the memorandum could support more than one interpretation of the judge's intent, the case must be remanded for clarification.

Remanded.

Wick v. American General Finance – Dec. 4, 2015

Vacation of Award – Substantial Change in Condition

Where the employee established a substantial change in condition under the factors set forth in *Fodness v. Standard Cafe*, 41 W.C.D. 1054 (W.C.C.A. 1989), vacation of the award was appropriate.

Petition granted.

Jenkins v. Minnesota Vikings Football Club – Dec. 10, 2015

Temporary Total Disability – Job Search

An employee who was a professional football player who does not conduct a reasonable and diligent job search outside of being contacted by other professional football teams is not entitled to temporary total disability benefits.

Evidence – Unopposed Medical Opinion

An employee does not meet his burden of proof in establishing entitlement to temporary total disability benefits when the only medical opinion establishes that the employee was able to work.

Affirmed.

Larson v. Michigan Peat Company – Dec. 17, 2015

Vacation of Award – Substantial Change in Condition

Where the employee adequately demonstrated that each of the factors outlined in *Fodness v. Standard Cafe*, 41 W.C.D. 1054 (W.C.C.A. 1989), support vacation, there is good cause to grant the employee's petition to vacate his 1993 award on stipulation on grounds that he has experienced a substantial change in his medical condition.

Petition to vacate granted.

Minnesota Supreme Court

October through December 2015

Case summaries published are
those prepared by the WCCA



Clarence Johnson v. University Good Samaritan and Sentry Insurance Group, A15-0212 – Nov. 17, 2015

Decision of the Workers' Compensation Court of Appeals filed Jan. 22, 2015, affirmed without opinion.

Maria Bonilla v. Dakota Premium Foods and ACE USA/ESIS, A15-0233 – Nov. 25, 2015

Decision of the Workers' Compensation Court of Appeals filed Jan. 6, 2015, affirmed without opinion.