

Meeting minutes: Workers' Compensation Advisory Council

Date: Feb. 11, 2026

Minutes prepared by: Alyssa Westergard, executive secretary to the Workers' Compensation Advisory Council

Location: Department of Labor and Industry, Minnesota Room, 443 Lafayette Road N., St. Paul, MN

Attendance

Members attended

Bill Gschwind
Bernie Burnham
Bob Ryan
Collin Beere
David Henrich
Doug Loon
Gary Thaden
Hannah Alstead
John Thorson
Maggie Hobbs
Matthew Schmidt
Robb Nelson
Sen. Paul Utke
Rep. Dave Baker
Rep. Kaela Berg

DLI staff members attended

Commissioner Nicole Blissenbach
Assistant Commissioner Jessica Stimac
Alyssa Westergard
Alexis Johnson
April DelCastillo
Bretta Hines
Brian Zaidman
Carey Wagner
Denise Holmes
Donna Olson
Ender Kavas
Elisabeth Griswold
Ethan Landy
Hared Mah
Jeanne Vogel

Joe Lolich
Jon Brothen
Josiah Moore
Ken McGurran
Kristin Osiecki
Larry Farrar
Laura Alsides
Laura Zajac
Melissa Parish
Michelle Doheny
Nichole Sorenson
Sandy Stoddard
Sharon Benkufsky
Yuri Jelokov

Visitors attended

Alison Khan, WCRA
Ames Gascoigne, Wilson McShane
Andrea Everling, MWCIA
Andy Morrison, SISF
Angie Andresen, SFM
Anna Kim, LMC
Bill Marshall, UCWCP
Brandon Miller, SISF
Carrie Jacobson, Brown and Carlson
Dan Dwight, Stinson
Deb Norsten, Hennepin County
Evan Rowe, Department of Employment and
Economic Development
James Heer, WCRA
Jerry Sisk, Mottaz Sisk
Joel Carlson, MAJ

Kara Huberty, LMC
Karen Clayton-Ebert, MCIT
Karl Procaccini, Minnesota Supreme Court
Kathleen Moulton, Allina
Kathy Carlson, Workers' Compensation Court of Appeals
Lauryn Schothorst, Minnesota Chamber of Commerce
Megan Mullenbach, Minnesota House of Representatives

Michael Lewis, Workers' Compensation Court of Appeals
Michael Tupy, Hennepin County
Nicole Van Heel, Bauer DB
Patricia Milun, Workers' Compensation Court of Appeals
Spencer Johnson, Minnesota House of Representatives
Stacie Goodrich, Comp Rehab
Veronica Walther, Court of Administrative Hearings
Zahir Siddiqui, MCIT

Call to order and roll call

Commissioner Nicole Blissenbach called the meeting to order at 9:39 a.m. A roll call was taken and a quorum was present.

Approval of the minutes and agenda

Bernie Burnham moved to accept today's agenda and the minutes from Jan. 14, 2026. Doug Loon seconded the motion. The motion carried.

Announcements

Assistant Commissioner Jessica Stimac announced that Mike Haire, a long-time supervisor in the Vocational Rehabilitation unit (VRU), is now the VRU director, following Jeanne Vogel's move to the Special Compensation Fund. She also noted that on the agenda for next month's Workers' Compensation Advisory Council (WCAC) meeting would be a representative from the petitioner's bar, a representative from the defense bar and a representative from the Court of Administrative Hearings presenting their best idea about how to shorten timelines between the filing of the claim petition and the obtaining of an independent medical examination and to reflect on the 2023 procedural changes WCAC moved forward.

Agenda items

1. Coordination of workers' compensation and Minnesota Paid Leave benefits

Evan Rowe, deputy commissioner, Department of Employment and Economic Development (DEED), thanked the commissioner, assistant commissioner and council for inviting him to present today. Rowe began by giving a brief overview of the Minnesota Paid Leave law, which was enacted in 2023 and became effective Jan. 1, 2026. The law provides job protections and payments from the state to individuals who need time off to care for themselves or for their loved ones and is funded by premiums made up of contributions from employees and employers. Rowe said the maximum benefit is \$1,423 a week and the employee must have earned at least 5.3% of the statewide average annual wage in the past year to be eligible for any benefits. He also noted that payments from unemployment insurance, workers' compensation or Social Security Disability Insurance will offset or lead to a denial of Paid Leave benefits. Specifically, an applicant is not eligible to receive benefits for any portion of a week in which the applicant receives compensation for loss of wages equal to or in excess of the applicant's weekly

family or medical leave benefit amount under the workers' compensation law of this state or the workers' compensation law of any other state or similar federal law. Rowe added this subdivision does not apply to an applicant who has a workers' compensation claim pending for loss of wages. If the applicant receives both Paid Leave benefits and workers' compensation for the same period, the Paid Leave benefits would be considered an overpayment under Minnesota Statutes section 268B.185.

As for how DEED determines whether an applicant is receiving workers' compensation benefits, Rowe said that when someone is applying for the Paid Leave program, they are asked if they are receiving workers' compensation benefits as part of the application. He also noted DEED has access to Work Comp Campus data to review and validate this information. Employers are also encouraged to share any information about workers' compensation benefits the applicant is receiving when they are notified of the application.

Rowe explained Paid Leave manages overpayments similarly to unemployment insurance – a person receiving benefits must repay the overpayment to DEED and penalties apply if misrepresentation occurred.

Council members had questions and comments, and additional discussion ensued. Members suggested Deputy Commissioner Rowe also provide a future update to WCAC some time next year.

2. Proposed amendment to Minn. Stat. section 175A.05

Chief Judge Patricia Milun and Compensation Attorney Principal Michael Lewis, Workers' Compensation Court of Appeals (WCCA), addressed the council. Chief Judge Milun said they are seeking approval of an amendment to Minn. Stat. section 175A.05. The amendment would allow the appointment of sitting judges at the Court of Administrative Hearings (CAH) to complete a panel to meet the quorum requirements of the statute. She noted past experience with leaves of absence and recusals due to conflicts has demonstrated the need to occasionally draw on qualified and knowledgeable judges from outside WCCA to meet the quorum requirement. To that end, WCCA adopted an amendment to the statute in 2018 that permits retired judges from WCCA and CAH to hear specific cases before WCCA. However, WCCA has been monitoring the availability of qualified retired judges and determined there are not enough to provide adequate available personnel to address the shortfall. With this new amendment, Chief Judge Milun continued, WCCA would coordinate with CAH when seeking to fill a judicial panel. The selection of a particular compensation judge would be subject to the approval of the CAH chief judge. The compensation judge would receive the hourly rate for a WCCA judge, with the WCCA reimbursing CAH for this expense.

Chief Judge Milun said WCCA has shared the proposed modification, including the proposed bill language, with the CAH chief judge. The CAH chief judge and staff members have provided input about the proposed language and those suggestions have been incorporated into the proposed statutory language. She added that WCCA seeks inclusion of this modification in the WCAC's legislative proposal for the coming legislative session.

Council members had additional questions; Chief Judge Milun and attorney Lewis addressed them. Commissioner Blissenbach said the council would review the proposal and vote on it at a future meeting.

3. Intoxication defense claims

Bretta Hines and Hared Mah presented to the council about intoxication defense claims. Hines began by giving an overview of the case law and the status of the statute. Minnesota Statutes section 176.021, subdivision 1, addresses liability for compensation. Hines said if injury or death arises out of or in the course of employment, an employer is liable unless the injury is intentionally self-inflicted or intoxication is the proximate cause of the injury. She also noted the employer and/or insurer bears the burden of proof. During the past 12 years, there were only five cases where intoxication was raised as a defense. Hines provided summaries of three of the five cases for the council.

Mah presented data to the council regarding intoxication claims. He said that since 2021 there were 73 claims in the Department of Labor and Industry's (DLI's) database that were denied due to intoxication. Of the 73 claims, 60 involved lost time and 19 workers received some type of benefit. Mah also noted the benefit payments to the injured workers totaled \$765,341, of which \$521,696 (68%) were settlement payments.

Council members had additional questions and comments regarding this data, and additional discussion ensued.

4. DLI technical language proposal

Ethan Landy presented DLI's technical proposals to the council. He said both items are cleanup items from recent legislative changes in 2024 that were brought to the department by either stakeholders or by department staff members. The first change involves Minn. Stat. section 176.081, about attorney fees and the notice of maximum fee provision in subdivision 9. In 2024, the council recommended, and the Legislature passed, changes to the maximum fee. The provision would simply update the section of the statute that refers to the notice of maximum fees that is required to be included on a retainer agreement to the correct amounts.

The second proposal Landy presented relates to Minn. Stat. section 176.322, decisions on stipulated facts and adding authority for the commissioner to issue these decisions back into statute. The Court of Administrative Hearings made a number of proposals in 2024 to update and clarify authority for the commissioner versus a compensation judge or the court. Landy said they had noticed that one of the lines in this section no longer matched the requirements in one of the rules, Minnesota Rules part 1415.4000, which allows DLI to issue third-party orders to determine subrogation interest and future credits in cases where there is no dispute of facts or calculation about subrogation. He noted DLI reached out to CAH about this provision and CAH had no concerns about adding "commissioner" back in. The next change is clarifying a line that only applies when a case is submitted to CAH. The last change clarifies who can issue a determination to both the commissioner and a compensation judge.

Commissioner Blissenbach noted this would also be brought to a vote at a later meeting.

Other business

The next Workers' Compensation Advisory Council meeting will be April 8, 2026.

Adjournment

Burnham moved to adjourn the meeting and Loon seconded. The meeting adjourned at 11:04 a.m.

Respectfully submitted,

Alyssa Westergard, executive secretary