

SUPREME COURT OF CONNECTICUT

Bergeson v. City of New London

269 Conn. 763 (2004) · Decided June 22, 2004

SUMMARY

The Connecticut Supreme Court held that the Second Injury Fund was not required to reimburse the City of New London for cost-of-living adjustments paid in connection with survivor benefits under Connecticut’s Heart and Hypertension Act, General Statutes § 7-433c. The court concluded that such benefits are distinct from workers’ compensation benefits and that no express statutory authority required fund reimbursement. The court also held that the city had standing to raise its constitutional due process challenge but rejected that challenge.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Katz, J.
JURISDICTION	Connecticut
DECIDED	June 22, 2004
DISPOSITION	affirmed
PROCEDURAL POSTURE	The city and its claims administrator appealed from a Workers' Compensation Review Board decision reversing a workers' compensation commissioner's order requiring the Second Injury Fund to reimburse the city for cost-of-living adjustments paid on Heart and Hypertension Act survivor benefits.
STANDARD OF REVIEW	Plenary review applied because the appeal presented an issue of statutory construction that had not previously been subjected to judicial scrutiny; although the court accords great weight to agency construction of workers' compensation statutes, an agency receives no special deference on an unreviewed question of law.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Connecticut
PARTIES	City of New London, CIRMA Claims and Risk Control Services v. Second Injury Fund, Joyce Bergeson

TOPICS

- statutory interpretation
- legislative intent
- municipal law
- substantive due process
- employment law

PRACTICE AREAS

workers' compensation

municipal law

constitutional law

employment law

QUESTIONS PRESENTED

1. Whether Connecticut General Statutes § 31-306 (a) (2) (A) requires the Second Injury Fund to reimburse a municipal employer for COLAs paid in connection with benefits awarded under § 7-433c.
2. Whether §§ 7-433c and 31-306 (a) (2) (A), applied retroactively, deprive municipal employers of property without due process under the Fourteenth Amendment to the United States Constitution and article first, § 10, of the Connecticut Constitution.
3. Whether the city had standing to challenge the constitutionality of the statutes.

HOLDINGS

1. The Second Injury Fund is not required to reimburse a municipal employer for COLAs paid in connection with a claim under § 7-433c because those benefits are separate from and are not workers' compensation benefits for purposes of the express reimbursement authority in § 31-306 (a) (2) (A).
2. The city had standing to challenge the constitutionality of the statutes because it was properly before the court on a nonconstitutional statutory-construction issue and was adversely affected by the statutory interpretation.
3. The statutes do not violate due process because, even assuming the city was deprived of a protected property interest, the statutes are rational means of advancing legitimate legislative purposes.

KEY QUOTATIONS

“Accordingly, we conclude that the fund is not required to reimburse a municipal employer, like the city in the present case, for COLAs paid in connection with a claim under § 7-433c.” (at 783)

“Accordingly, we conclude that §§ 7-433c and 31-306 (a) (2) (A) satisfy the constitutional requirements of due process.” (at 787)

FACTUAL BACKGROUND

Axel Bergeson, a New London police officer, suffered a fatal heart attack on June 17, 1995. On November 9, 1995, his widow, Joyce Bergeson, was awarded survivor's benefits under Connecticut General Statutes § 7-433c. The city paid the benefits, including COLAs under § 31-306 (a) (2) (A), and sought reimbursement from the Second Injury Fund; the commissioner ordered reimbursement, but the Review Board reversed.

PROCEDURAL HISTORY

Joyce Bergeson was awarded survivor's benefits under Connecticut General Statutes § 7-433c after her husband, a New London police officer, died of a heart attack. The city paid the benefits and related COLAs without prejudice and sought reimbursement from the Second Injury Fund. The workers' compensation commissioner ordered reimbursement, but the Workers' Compensation Review Board reversed. The Supreme Court of Connecticut affirmed the board.

DISPOSITION

affirmed

CASES CITED

- McNulty v. Stamford, 37 Conn. App. 835, 844-45, 657 A.2d 1126 (1995)
- Collins v. West Haven, 210 Conn. 423, 425-27, 555 A.2d 981 (1989)
- Kuehl v. Z-Loda Systems Engineering, Inc., 265 Conn. 525, 532, 829 A.2d 818 (2003)
- Civardi v. Norwich, 231 Conn. 287, 294, 300, 649 A.2d 523 (1994)
- Badolato v. New Britain, 250 Conn. 753, 762, 738 A.2d 618 (1999)
- King v. Sultar, 253 Conn. 429, 439-41, 754 A.2d 782 (2000)
- Carriero v. Naugatuck, 243 Conn. 747, 754-60, 707 A.2d 706 (1998)
- Plainville v. Travelers Indemnity Co., 178 Conn. 664, 667-74, 425 A.2d 131 (1979)
- Felia v. Westport, 214 Conn. 181, 190-92, 571 A.2d 89 (1990)
- Maciejewski v. West Hartford, 194 Conn. 139, 142, 480 A.2d 519 (1984)
- Hassell v. Lufthansa German Airlines, 262 Conn. 416, 427-30, 815 A.2d 94 (2003)
- Nizzardo v. State Traffic Commission, 259 Conn. 131, 154, 788 A.2d 1158 (2002)
- Hartford Courant Co. v. Freedom of Information Commission, 261 Conn. 86, 101, 801 A.2d 759 (2002)
- Donahue v. Southington, 259 Conn. 783, 792-93, 792 A.2d 76 (2002)
- Connecticut Light & Power Co. v. Norwalk, 179 Conn. 111, 114, 425 A.2d 576 (1979)
- Berlin v. Santaguida, 181 Conn. 421, 424, 435 A.2d 980 (1980)
- Schieffelin & Co. v. Dept. of Liquor Control, 194 Conn. 165, 174, 479 A.2d 1191 (1984)
- Serrano v. Aetna Ins. Co., 233 Conn. 437, 457, 664 A.2d 279 (1995)
- Bhinder v. Sun Co., 263 Conn. 358, 374, 819 A.2d 822 (2003)
- General Motors Corp. v. Romein, 503 U.S. 181, 191, 112 S. Ct. 1105, 117 L. Ed. 2d 328 (1992)
- Grover v. Manchester, 168 Conn. 84, 88-89, 357 A.2d 922, appeal dismissed, 423 U.S. 805 (1975)
- Ducharme v. Putnam, 161 Conn. 135, 143-44, 285 A.2d 318 (1971)
- Harkless v. Rowe, 232 Conn. 599, 625, 657 A.2d 562 (1995)
- Usery v. Turner Elkhorn Mining Co., 428 U.S. 1, 16, 96 S. Ct. 2882, 49 L. Ed. 2d 752 (1976)

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