

SUPREME COURT OF MINNESOTA

Seehus v. Bor-Son Construction, Inc.

783 N.W.2d 144 (Minn. 2010) · No. A09-1388 · Decided June 10, 2010

SUMMARY

The Minnesota Supreme Court held that a workers' compensation judge had subject-matter jurisdiction to determine causal responsibility between successive work-related injuries involving a solvent insurer and the Minnesota Insurance Guarantee Association. Because the judge's determination involved workers' compensation issues under chapter 176 rather than interpretation of the Guaranty Act under chapter 60C, joinder of the prior employer and insurer was proper. The court reinstated the compensation judge's order allocating causal responsibility equally but holding CNA solely liable because MIGA could not be compelled to share liability with a solvent insurer.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Dietzen, Justice
JURISDICTION	Minnesota
DECIDED	June 10, 2010
DOCKET	A09-1388
DISPOSITION	reversed
PROCEDURAL POSTURE	Wesley Residence and MIGA petitioned for certiorari review of a Workers' Compensation Court of Appeals decision reversing a compensation judge's order and directing MIGA to pay the claim.
STANDARD OF REVIEW	Subject-matter jurisdiction is a question of law reviewed by the court. Findings of fact by a compensation judge are affirmed unless clearly erroneous and unsupported by substantial evidence in view of the entire record.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Wesley Residence, Inc., Minnesota Insurance Guarantee Association by GAB Robins North America v. David K. Seehus, Bor-Son Construction, Inc., CNA-RSKO

TOPICS

workers compensation

insurance

writ of certiorari

appellate procedure

standard of review

PRACTICE AREAS

workers compensation

insurance

appellate procedure

QUESTIONS PRESENTED

1. Whether the workers' compensation judge had subject-matter jurisdiction to join Bor-Son and CNA and determine causal responsibility between Seehus's successive compensable injuries when MIGA administered the claim for an insolvent insurer.
2. Whether CNA, as the solvent workers' compensation insurer found causally responsible for part of the claim, was solely liable for the claim because MIGA could not be compelled to share liability under Minnesota's Guaranty Act.
3. Whether the compensation judge's equal apportionment of causal responsibility was supported by the record.

HOLDINGS

1. A workers' compensation judge has subject-matter jurisdiction to join a solvent insurer and adjudicate traditional workers' compensation issues, including whether successive work injuries caused the employee's condition and how causation should be apportioned, even when MIGA is a party.
2. When a solvent workers' compensation insurer is determined to bear causal responsibility for an employee's claim, that insurer is solely liable because MIGA cannot be compelled to share liability with a solvent insurer.
3. The compensation judge's finding that both injuries were substantial contributing causes and the equal apportionment of responsibility were supported by the record and were not challenged on appeal.

KEY QUOTATIONS

"Thus, the workers' compensation courts are not deprived of jurisdiction to decide quintessential workers' compensation issues because MIGA is one of the parties." (152)

"We therefore conclude that the workers' compensation judge had the authority to determine causal responsibility in this case." (152)

"Consequently, CNA is solely liable for the Seehus claim." (152)

FACTUAL BACKGROUND

Seehus sustained a work-related lower-back injury while employed by Bor-Son in 1989, underwent two surgeries, received an 11 percent permanent partial disability rating, and settled his claim against Bor-Son. He later sustained another work-related lower-back injury while employed by Wesley on March 19, 2001, eventually requiring a third surgery in 2007. Wesley's insurer became insolvent, so MIGA administered the claim. Medical evidence supported the finding that both the Bor-Son and Wesley injuries were substantial contributing causes of Seehus's current condition, with responsibility apportioned equally.

PROCEDURAL HISTORY

Seehus filed a workers' compensation claim arising from successive lower-back injuries sustained while working for Bor-Son and Wesley. The compensation judge joined Bor-Son and CNA, found both injuries substantial contributing causes, apportioned causal responsibility equally, and ordered CNA to pay the entire claim because MIGA could not be ordered to pay where a solvent insurer was present. The WCCA reversed, concluding that the compensation judge lacked jurisdiction to join CNA and ordering Wesley/MIGA to pay. The Minnesota Supreme Court reversed the WCCA and reinstated the compensation judge's decision.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The decision of the WCCA was reversed, and the decision of the compensation judge was reinstated.

CASES CITED

- Robinette v. Price, 214 Minn. 521, 526, 8 N.W.2d 800, 804 (1943)
- Hale v. Viking Trucking Co., 654 N.W.2d 119, 123 (Minn. 2002)
- In re Civil Commitment of Giem, 742 N.W.2d 422, 427 (Minn. 2007)
- Eberhart v. United States, 546 U.S. 12, 16, 126 S. Ct. 403, 163 L. Ed. 2d 14 (2005)
- Rubey v. Vannett, 714 N.W.2d 417, 421-22 (Minn. 2006)
- Hemmesch v. Molitor, 328 N.W.2d 445, 447 (Minn. 1983)
- Kline v. Berg Drywall, Inc., 685 N.W.2d 12, 18 (Minn. 2004)
- Goodyear Tire & Rubber Co. v. Dynamic Air, Inc., 702 N.W.2d 237, 241 (Minn. 2005)
- Taft v. Advance United Expressways, 464 N.W.2d 725, 726-27 (Minn. 1991)
- Gerads v. Bernick's Pepsi-Cola, 486 N.W.2d 433, 434 (Minn. 1992)
- Wiss v. Advance United Expressway, 488 N.W.2d 802, 803-04 (Minn. 1992)
- Maxwell Communications v. Webb Publishing Co., 518 N.W.2d 830, 831-34 (Minn. 1994)
- Haverland v. Twin City Milk Producers Ass'n, 273 Minn. 481, 490, 142 N.W.2d 274, 280-81 (1966)
- Roemhildt v. Gresser Cos., 729 N.W.2d 289, 297-98 (Minn. 2007)
- Peterson v. O.R. Anderberg Constr., 586 N.W.2d 269, 273 (Minn. 1998)
- Varda v. Nw. Airlines Corp., 692 N.W.2d 440, 443 (Minn. 2005)
- Lease v. Pentom, Inc., 305 Minn. 6, 13-14, 232 N.W.2d 424, 428-29 (1975)