

SUPREME COURT OF MINNESOTA

Noga v. Minn. Vikings Football Club

931 N.W.2d 801 (Minn. 2019) · Decided July 31, 2019

SUMMARY

The Minnesota Supreme Court considered whether former Minnesota Vikings player Alapati Noga's workers' compensation claim for dementia caused by repetitive head trauma was timely under Minn. Stat. § 176.151. The court held that the statute of limitations barred the claim because the Vikings' provision of over-the-counter medication and related care did not constitute a qualifying proceeding indicating acceptance of liability for the later-diagnosed Gillette injury. Because the limitations issue was dispositive, the court did not decide whether Noga sustained a compensable injury or received adequate notice.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Hudson, Justice
JURISDICTION	Minnesota
DECIDED	July 31, 2019
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Minnesota Vikings and its insurer appealed a Workers' Compensation Court of Appeals decision affirming a compensation judge's determination that Alapati Noga sustained a compensable Gillette injury and that his claim was timely. The Minnesota Supreme Court granted review and addressed the statute-of-limitations issue, declining to reach the injury and notice issues because the limitations issue was dispositive.
STANDARD OF REVIEW	The effect of an employer's provision of workers' compensation benefits on the statute of limitations is a question of law reviewed de novo. Factual determinations regarding whether treatment occurred are entitled to deference.
PRECEDENTIAL VALUE	Published Minnesota Supreme Court opinion; precedential.
PARTIES	Minnesota Vikings Football Club, its insurer v. Alapati Noga

TOPICS

workers compensation

statutory interpretation

employment law

PRACTICE AREAS

workers compensation

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statutory interpretation

QUESTIONS PRESENTED

1. Whether the Vikings' provision of care for Noga's headaches and wooziness constituted a proceeding under Minn. Stat. § 176.151 that satisfied or tolled the statute of limitations for his later-diagnosed Gillette dementia injury.

HOLDINGS

1. An employer's provision of care does not constitute a proceeding under Minn. Stat. § 176.151 unless it arises from the employer's awareness of an obligation for the benefits provided, reflecting an acceptance of responsibility for the work-related injury at issue. The Vikings' provision of Advil and Tylenol and related care for Noga's headaches and wooziness did not constitute a proceeding that satisfied the statute of limitations for his later-diagnosed dementia claim.

KEY QUOTATIONS

“But the mere provision of any form of care or assistance to an employee who may be injured is not, by itself, sufficient to establish that a proceeding occurred for the purpose of the statute of limitations under Minn. Stat. § 176.151.” (811-812)

“More succinctly, a proceeding that satisfies the statute of limitations must arise out of the employer's awareness of an obligation for the benefits provided.” (812)

“We conclude that, in this case, the Vikings' provision of care for Noga's head injuries did not constitute a proceeding that prospectively satisfied the statute of limitations.” (813)

FACTUAL BACKGROUND

Alapati Noga played defensive lineman for the Minnesota Vikings from 1988 through December 1, 1992, using a head-first style and experiencing head impacts, headaches, and occasional wooziness. In 2004, a physician's report attached to a settlement of an unrelated orthopedic workers' compensation claim identified blackout episodes and headaches from football injuries and recommended neurological evaluation. Noga was later diagnosed with dementia, filed the present claim in January 2015, and alleged that repetitive head trauma while playing for the Vikings caused a compensable Gillette injury. The Vikings' staff allegedly provided over-the-counter pain medication and permitted Noga to rest after symptoms, but the record did not establish that the Vikings knew or should have known that this care related to a future dementia claim.

PROCEDURAL HISTORY

A compensation judge awarded Noga permanent and total disability benefits. The WCCA initially vacated findings concerning the Gillette injury, notice, and limitations and remanded. On remand, the compensation judge found that Noga sustained a Gillette head injury culminating in 1992, that notice was adequate in 2004,

and that employer-provided care constituted a proceeding satisfying the limitations statute. The WCCA affirmed in a divided decision. The Minnesota Supreme Court reversed and remanded for dismissal because no qualifying proceeding occurred and the claim was untimely.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the compensation judge for dismissal of Noga's claim for benefits.

CASES CITED

- Roemhildt v. Gresser Cos., Inc., 729 N.W.2d 289 (Minn. 2007)
- Jones v. Thermo King, 461 N.W.2d 915 (Minn. 1990)
- Issacson v. Minnetonka, Inc., 411 N.W.2d 865 (Minn. 1987)
- Bloese v. Twin City Etching, Inc., 316 N.W.2d 568 (Minn. 1982)
- Marose v. Maislin Transp., 413 N.W.2d 507 (Minn. 1987)
- Livgard v. Cornelius Co., 308 Minn. 467, 243 N.W.2d 309 (1976)
- Cowell v. Minnegas Co., 286 Minn. 535, 176 N.W.2d 84 (1970)
- Knopp v. Gutterman, 258 Minn. 33, 102 N.W.2d 689 (1960)
- Myers v. Minnesota Vikings Football Club, Inc., 67 Minn. Workers' Comp. Dec. 389 (WCCA 2007)
- Weidemann v. Kemper Ins. Grp., 312 Minn. 157, 251 N.W.2d 117 (1977)
- Savina v. Litton Indus./Litton Med. Sys., 330 N.W.2d 456 (Minn. 1983)
- Franke v. Fabcon, Inc., 509 N.W.2d 373 (Minn. 1993)
- Monson v. White Bear Mitsubishi, 663 N.W.2d 534 (Minn. 2003)
- Heine v. Simon, 702 N.W.2d 752 (Minn. 2005)
- Ryan v. Potlatch Corp., 882 N.W.2d 220 (Minn. 2016)
- Gillette v. Harold, Inc., 257 Minn. 313, 101 N.W.2d 200 (1960)
- Noga v. Minn. Vikings Football Club, 77 Minn. Workers' Comp. Dec. 285 (WCCA 2017)

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