

NEBRASKA SUPREME COURT

Frans v. Waldinger Corp.

306 Neb. 574 (2020) · No. No. S-19-482 · Decided July 24, 2020

SUMMARY

The Nebraska Supreme Court modified the Court of Appeals' mandate in a workers' compensation case involving an employee's entitlement to medical treatment related to a prior workplace injury. The court held that the amended petition should be dismissed only as to claims for treatment of depression and anxiety and head and neck injuries, while preserving the compensation court's award for lower-back treatment.

CASE DETAILS

COURT	Nebraska Supreme Court
WRITING FOR THE COURT	Papik, J.; Heavican, C.J.; Miller-Lerman, J.; Cassel, J.; Funke, J.; Freudenberg, J.
JURISDICTION	Nebraska
DECIDED	July 24, 2020
DOCKET	No. S-19-482
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petition for further review of a Nebraska Court of Appeals decision reversing a Workers' Compensation Court judgment and remanding with directions to dismiss the claimant's amended petition.
STANDARD OF REVIEW	In workers' compensation cases, the appellate court makes its own determinations on questions of law.
PRECEDENTIAL VALUE	Published Nebraska Supreme Court opinion; precedential
PARTIES	Waldinger Corporation, EMC Insurance Co. v. Eric M. Frans

TOPICS

- workers compensation
- appellate procedure
- standard of review

PRACTICE AREAS

- workers compensation
- appellate procedure
- employment law

QUESTIONS PRESENTED

1. Whether the Court of Appeals' direction to dismiss Frans' amended petition required dismissal of the entire petition, including the portion seeking reimbursement for low-back treatment.
2. Whether the Court of Appeals' mandate should be modified to limit dismissal to claims for treatment of depression and anxiety and head and neck injuries.

HOLDINGS

1. The Court of Appeals' instruction to dismiss Frans' amended petition was overly broad and had to be modified to require dismissal only to the extent the petition sought reimbursement for treatment of depression and anxiety and head and neck injuries.
2. An appellate court is obligated in workers' compensation cases to make its own determinations on questions of law.

KEY QUOTATIONS

“We have stated that after receiving a mandate, a trial court is without power to affect rights and duties outside the scope of the remand from an appellate court.” (578)

“when a lower court is given specific instructions on remand, it must comply with the specific instructions and has no discretion to deviate from the mandate.” (578)

FACTUAL BACKGROUND

Frans was injured when a garage door struck his head during the course of his employment with Waldinger Corporation in 2002. The parties later settled, agreeing that Waldinger would remain liable for reasonable and necessary medical care related to Frans' low-back condition. In subsequent proceedings, the Workers' Compensation Court awarded reimbursement for low-back treatment and for depression and anxiety allegedly caused by that condition, but found insufficient causal evidence regarding head and neck injuries. The Court of Appeals rejected the depression-and-anxiety award but did not find error in the low-back treatment award.

PROCEDURAL HISTORY

Frans was injured in a 2002 workplace accident and later entered into a settlement preserving his right to reasonable and necessary medical treatment for his low-back condition. The Workers' Compensation Court awarded reimbursement for certain low-back treatment and for treatment of depression and anxiety, but denied recovery for head and neck injuries. The Court of Appeals reversed, concluded that the evidence did not support treatment for depression and anxiety, and remanded with directions to dismiss the amended petition. The Nebraska Supreme Court granted further review solely on whether the entire amended petition should be dismissed and modified the Court of Appeals' mandate.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The Workers' Compensation Court must dismiss Frans' amended petition only to the extent it seeks reimbursement for treatment of depression and anxiety and for head and neck injuries. The low-back treatment reimbursement award remains undisturbed.

CASES CITED

- Rogers v. Jack's Supper Club, 304 Neb. 605, 935 N.W.2d 754 (2019)
- TransCanada Keystone Pipeline v. Tanderup, 305 Neb. 493, 941 N.W.2d 145 (2020)

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