

SUPREME COURT OF NORTH DAKOTA

Bruder v. North Dakota Workforce Safety and Insurance Fund

761 N.W.2d 588 (N.D. 2009) · No. No. 20080078 · Decided February 6, 2009

SUMMARY

The Supreme Court of North Dakota reviewed Workforce Safety and Insurance's denial of James Bruder's workers' compensation claim for a back injury. The court held that WSI's findings were supported by a preponderance of the evidence and that WSI adequately explained its decision to credit one medical opinion over conflicting opinions. The court reversed the district court's judgment, including its award of costs and attorney fees, and reinstated WSI's order denying benefits.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	SANDSTROM, Justice; Gerald W. Vande Walle, C.J.; Carol Ronning Kapsner, J.; Mary Muehlen Maring, J.; William W. McLees, D.J.
JURISDICTION	North Dakota
DECIDED	February 6, 2009
DOCKET	No. 20080078
DISPOSITION	reversed
PROCEDURAL POSTURE	The North Dakota Workforce Safety and Insurance Fund appealed from a district court judgment reversing the Fund's final administrative order denying Bruder workers compensation benefits and awarding him costs and attorney fees.
STANDARD OF REVIEW	On appeal from a district court decision in an administrative appeal, the Supreme Court reviews the agency order in the same manner as the district court. Under N.D.C.C. § 28-32-46, the court determines whether the agency acted in accordance with law, complied with applicable procedures, afforded a fair hearing, made findings supported by a preponderance of the evidence, and adequately addressed the evidence and explained its rationale. The court does not make independent findings, reweigh evidence, or substitute its judgment for that of the agency; it asks whether a reasoning mind reasonably could have determined that the factual conclusions were proved by the weight of the evidence from the entire record.

PRECEDENTIAL VALUE	Published North Dakota Supreme Court opinion; precedential.
PARTIES	North Dakota Workforce Safety and Insurance Fund v. James Bruder

TOPICS

workers compensation judicial review of agency action administrative law standard of review remedies

PRACTICE AREAS

administrative law workers compensation appellate procedure remedies

QUESTIONS PRESENTED

1. Whether WSI's findings that Bruder failed to prove a compensable work-related injury were supported by a preponderance of the evidence.
2. Whether WSI adequately explained its reasons for rejecting medical evidence favorable to Bruder.
3. Whether the district court properly awarded Bruder costs and attorney fees under N.D.C.C. § 28-32-50(1).

HOLDINGS

1. WSI's findings that Bruder failed to prove his back condition was compensably related to his employment were supported by a preponderance of the evidence.
2. WSI adequately explained its reasons for rejecting the medical opinions favorable to Bruder and accepting the contrary opinion of Dr. Peterson.
3. Bruder was not entitled to costs and attorney fees under N.D.C.C. § 28-32-50(1) because he was no longer the prevailing party and WSI had not acted without substantial justification.

KEY QUOTATIONS

“WSI has the responsibility to weigh the credibility of medical evidence and resolve conflicting medical opinions. When confronted with a classic “battle of the experts,” a fact-finder may rely upon either party's expert witness.” (¶ 9)

“It is not the function of the courts, however, to make independent findings or substitute their judgment for that of the agency” (¶ 15)

FACTUAL BACKGROUND

Bruder had significant back problems, including an L4-5 discectomy and decompression in 1998, before working for a well service company. In 2005, after alleging worsening back pain and weakness from repetitive and stressful work conditions, he filed a workers compensation claim. His treating physicians opined that his oil-rig work was a substantial contributing factor, while WSI's reviewing physician attributed his condition to degenerative disc disease and unrelated prior back surgery. WSI credited the latter opinion because it was more thoroughly explained and rejected the treating physicians' conclusory opinions.

PROCEDURAL HISTORY

Bruder applied for workers compensation benefits for a back injury allegedly caused by repetitive and stressful work conditions. After an administrative hearing, the administrative law judge recommended denial of benefits, and WSI adopted the recommendation with a minor alteration. The district court reversed, remanded for an award of benefits, and awarded costs and attorney fees. The North Dakota Supreme Court reversed the district court and reinstated WSI's final order.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The district court judgment, including the award of costs and attorney fees, was reversed, and WSI's final order denying benefits was reinstated.

CASES CITED

- Olson v. Workforce Safety and Insurance, 2008 ND 59, ¶ 8, 747 N.W.2d 71
- Tverberg v. Workforce Safety and Insurance, 2006 ND 229, ¶ 7, 723 N.W.2d 676
- Reopelle v. Workforce Safety and Insurance, 2008 ND 98, ¶ 9, 748 N.W.2d 722
- Power Fuels, Inc. v. Elkin, 283 N.W.2d 214, 218-21 (N.D. 1979)
- Fetting v. Workforce Safety and Insurance, 2007 ND 23, ¶ 10, 728 N.W.2d 301
- Manske v. Workforce Safety and Insurance, 2008 ND 79, ¶ 9, 748 N.W.2d 394
- Swenson v. Workforce Safety and Insurance Fund, 2007 ND 149, ¶ 24, 738 N.W.2d 892
- Huwe v. Workforce Safety and Insurance, 2008 ND 47, ¶ 10, 746 N.W.2d 158