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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A22-0449**

City of Minneapolis,
Relator,

vs.

Thomas R. Tichich,
Respondent,

Public Employees Retirement Association of Minnesota,
Respondent.

**Filed December 5, 2022
Affirmed
Gaïtas, Judge**

Office of Administrative Hearings
File No. 65-6010-36308

Kristyn Anderson, Minneapolis City Attorney, Heather P. Robertson, Assistant City Attorney, Minneapolis, Minnesota (for relator)

Ashley Biermann, Derek Stewart, Meshbesh & Spence, Ltd., Minneapolis, Minnesota (for respondent Thomas R. Tichich)

Keith Ellison, Attorney General, Kevin Finnerty, Assistant Attorney General, St. Paul, Minnesota (for respondent Public Employees Retirement Association of Minnesota)

Considered and decided by Gaïtas, Presiding Judge; Worke, Judge; and Smith, Tracy M., Judge.

NONPRECEDENTIAL OPINION

GAÏTAS, Judge

Relator City of Minneapolis appeals the decision of an administrative law judge (ALJ) affirming a determination by the Public Employment Retirement Association (PERA) that respondent, Thomas R. Tichich, a former police officer, has a duty disability that requires the city to provide continued health insurance coverage under Minnesota Statutes section 299A.465 (2020). Because the errors of law that the city alleges on appeal would not affect the ALJ's determination that the city failed to satisfy its burden of showing that Tichich did not suffer a duty disability, we affirm.

FACTS

This appeal stems from PERA's 2019 decision to approve Tichich's application for duty disability benefits after Tichich was diagnosed with posttraumatic stress disorder (PTSD) caused by traumatic events he experienced while working as a Minneapolis police officer. When PERA approved Tichich's application for duty disability benefits, the city became obligated to pay for Tichich's health insurance. The city challenges this obligation, contending that PERA should not have approved Tichich's benefits application because Tichich—who was ultimately fired from the police department after being convicted of criminal sexual conduct—did not have a genuine duty disability. But according to Tichich, PERA properly approved his benefits application and the ALJ correctly determined after a three-day hearing that the city failed to satisfy its burden of proving otherwise.

The ALJ's decision—which the city now appeals by writ of certiorari—includes detailed factual findings, which the city does not challenge on appeal. The following summary of the relevant facts is based on those findings.

Tichich was a Minneapolis police officer for 12 years. From 2007 to 2014, Tichich served as a patrol officer. Between 2014 and 2016, he was a member of the police department's Community Response Team, where he primarily worked on narcotics investigations.

In December 2016, Tichich was charged with several criminal-sexual-conduct offenses based on a single incident. The police department initially placed Tichich on paid administrative leave. But in August 2017, Tichich was assigned to the department's traffic investigation unit, where he performed only "non-enforcement duties." In this position, Tichich did office work and investigated nonfelony traffic cases that did not involve bodily injuries or fatalities. Tichich performed well in this position.

As a police officer, Tichich was eligible to apply for PERA disability benefits. Soon after he was criminally charged, he began the process of applying for such benefits. In October and November 2017, he met with psychologist Beth Jordan, who specialized in treating emergency workers, including police. Based on two meetings and some assessments, Jordan diagnosed Tichich with PTSD. Tichich visited Jordan several times after this diagnosis. Jordan's treatment notes do not reflect that she was aware of Tichich's pending criminal case.

In March 2018, Tichich met with Dr. Michael Keller—also a psychologist—for a formal evaluation. During the evaluation, Tichich highlighted several traumatic events that

he experienced as a police officer between 2014 and 2016, among his many exposures to homicides, suicides, serious bodily injury assaults, accidents, and situations involving suspects with guns. He told Dr. Keller that his alcohol consumption significantly increased after a 2016 incident involving an infant. On March 18, 2018, Dr. Keller diagnosed Tichich with PTSD, major depression, anxiety disorder, and alcohol abuse disorder caused by Tichich's exposure to traumatic events as a police officer. Dr. Keller's report did not reference Tichich's criminal charges.

In March 2018, Tichich's criminal charges were amended to include more serious offenses. Due to the more serious charges, the police department again placed Tichich on paid administrative leave.

In April 2018, a jury found Tichich guilty of third-degree criminal sexual conduct. The police department immediately terminated his employment.

While Tichich was detained in the county jail before sentencing, he was evaluated by psychiatrist Dr. Sujit Varma. Dr. Varma diagnosed Tichich with PTSD caused by traumatic events that Tichich experienced as a police officer. According to Dr. Varma's report, Tichich's symptoms began to emerge around 2012, and began to worsen in September 2016 after an incident involving an infant.

Tichich was sentenced to 36 months in prison. While he was serving his sentence, and with the assistance of an attorney, Tichich asked the Minneapolis Police Department to file a first report of injury. *See* Minn. Stat. § 176.231 (2020 & Supp. 2021) (requiring an employer to report a serious injury to the commissioner of labor and industry and the insurer within a specified period from the date of occurrence). Tichich's attorney identified

the date of his injury as March 18, 2018—the date of Dr. Keller’s report—and included Dr. Keller’s psychological evaluation with the request. The police department completed a first report of injury, which listed the date of injury as March 7, 2018, when Dr. Keller evaluated Tichich.

On March 26, 2019, Tichich applied to PERA for disability benefits. His application included the position description of a “recruit police officer,” the reports of Dr. Keller and Dr. Varma, clinical notes from his visits with Jordan, and the first report of injury.

After receiving Tichich’s application, PERA sent the city a questionnaire and asked the city to provide the following documentation:

- Pre-employment physical report
- All First Reports of Injury for [Tichich]
- If the onset of the illness/injury occurred within the last 2 years, attach a copy of [Tichich]’s position description for the position held when the applicant became disabled
- If the illness/injury occurred more than 2 years ago, attach a copy of [Tichich]’s position description for the last 90 days actually worked.

The city responded to PERA on April 26, 2019, stating that “[w]ithout additional facts and without access to [Tichich]’s application and medical records” it could not provide PERA with information about Tichich’s qualifying injury or disease. Moreover, the city stated, without such information, it could not identify the date of the onset of injury or illness or “[w]hat job duties [Tichich] is unable to perform due to the disabling condition.” Although Tichich’s application to PERA included a signed release authorizing

PERA to share his medical records with the city, the city did not request his medical records from PERA, and PERA did not affirmatively share them with the city.

PERA ultimately approved Tichich's application for disability benefits, determining that he had a duty disability. Its decision stated:

OFC Tichich suffers from PTSD as a result of exposure to numerous incidents throughout his career, including, but not limited to, homicides, suicides, medical calls involving serious injury or death, serious injury assaults and accidents, and altercations with suspects.

Exposure to several traumatic incidents throughout his career as Police Officer are police officer duties that are inherently dangerous and specific to positions covered by the Police and Fire Plan. Reporting health care providers indicate that the disability will last for at least one year; and as a result, OFC Tichich is eligible for duty disability under Minn. Stat. § 353.01, subd. 41.

On May 30, 2019, PERA informed the city that Tichich's duty disability application had been approved, which in turn, triggered the city's statutory duty to pay for Tichich's continued health insurance. The city timely filed a petition for review with the Office of Administrative Hearings and requested a contested-case hearing before an ALJ.

Before the hearing, Tichich—who had been released from prison—participated in two more psychological evaluations. He hired Dr. Kasey Aleknavicius to evaluate him. According to Dr. Aleknavicius's report, it was "reasonable to believe" that Tichich had PTSD in March 2018, when he was diagnosed by Dr. Keller, and that Tichich's work as a police officer, and not his criminal issues, caused the PTSD. Dr. Aleknavicius believed, based on her review of medical records, that Tichich was "likely" suffering from PTSD in 2016, and he certainly had this condition in 2018 when evaluated by Dr. Varma. But

Dr. Aleknavicius also opined that Tichich had “gotten better” since 2018. Nonetheless, she believed that Tichich remained disabled and was unable to perform the duties of a police officer.

The city retained psychologist Mark Radersdorf to evaluate Tichich. Radersdorf diagnosed Tichich with adjustment disorder with mixed emotional features and alcohol abuse disorder in remission. He opined in his report that Tichich’s disorder was related to the criminal conviction and prison sentence, and not to police work. Radersdorf was also critical of the earlier evaluations performed by Jordan and Dr. Keller because, among other things, neither of these professionals considered the impact of the criminal case on Tichich’s mental health. But Radersdorf agreed with Dr. Varma’s diagnosis of PTSD in May 2018. Radersdorf believed that Tichich could have performed his duties in the traffic investigations unit as of March 7, 2018, but not the normal duties of a police officer. He acknowledged that he could not determine whether Tichich had PTSD in 2016, 2017, or 2018 because he did not evaluate him then. Radersdorf also admitted that he could not comment about the cause of Tichich’s PTSD at the time of the disability application in March 2019. He agreed with Dr. Aleknavicius that Tichich no longer had PTSD.

At the hearing before the ALJ, the city presented the testimony of the PERA employee who processed Tichich’s disability-benefits application and Tichich’s former supervisor in the traffic-investigations unit. Tichich testified on his own behalf and called Dr. Aleknavicius. Additionally, the parties introduced multiple exhibits, including each of Tichich’s psychological evaluations.

Following the hearing, the ALJ determined that the city “failed to establish by a preponderance of the evidence that [Tichich] did not incur a duty disability.” Thus, the ALJ concluded, the city is statutorily required to provide Tichich with continued health insurance coverage.

DECISION

On appeal, the city challenges the final determination that Tichich was duty disabled, which obligates the city to continue providing Tichich with health insurance coverage for the duration of the disability. *See* Minn. Stat. § 299A.465, subd. 1(b)(3) (allowing judicial review of “a final determination made by the Office of Administrative Hearings” regarding an employer’s obligation to provide continued health insurance coverage to an officer disabled in the line of duty). In considering this appeal, we apply our standard of review for agency decisions. *See In re PERA Salary Determinations Affecting Retired & Active Emps. of City of Duluth*, 820 N.W.2d 563, 569 (Minn. App. 2012) (stating that, because PERA is analogous to an administrative agency, we review PERA decisions using our standard of review for agency decisions); *see also* Minn. Stat. § 14.63 (2020) (providing a right to judicial review of a final agency decision in a contested case). The scope of our review of an agency’s decision following a contested-case hearing before an ALJ is provided by statute. *See* Minn. Stat. § 14.69 (2020). We may affirm the agency’s decision or remand for further proceedings. *Id.* Or we may reverse or modify the agency’s decision, but only if the petitioner’s substantial rights have been prejudiced because the decision violates a constitutional provision, exceeds the scope of statutory authority or the agency’s jurisdiction, is based on unlawful procedure, is affected by an

error of law, lacks substantial supporting evidence, or is arbitrary or capricious. *Id.*; *Mass. Trs. of E. Gas & Fuel Assocs. v. United States*, 377 U.S. 235, 248 (1964) (finding no basis for reversal “when a mistake of the administrative body is one that clearly had no bearing on the procedure used or the substance of decision reached”); *Partners in Nutrition’s Appeal of Disapproval of Site Expansion in CACFP Program*, 904 N.W.2d 223, 231 (Minn. App. 2017) (declining to reverse decision based on nonprejudicial legal error). The appellate court reviews questions of law de novo. *In re Restorff*, 932 N.W.2d 12, 18 (Minn. 2019).

The city argues that the ALJ’s final determination—which is binding on the city, Tichich, and PERA, *see* Minn. Stat. § 299A.465, subd. 1(b)(3)—is affected by two errors of law. First, the city contends that the ALJ improperly interpreted the statute that obligates the city to pay for Tichich’s insurance benefits as limiting the scope of an ALJ’s review of PERA’s initial duty disability determination. Second, and alternatively, the city argues that the ALJ failed to apply the complete statutory definition of a duty disability and therefore erred in concluding that Tichich suffered such a disability. We conclude that, given the ALJ’s factual findings, to the extent the ALJ erred, any error did not impact the ALJ’s ultimate determination that the city failed to prove by a preponderance of the evidence that Tichich did not have a duty disability.

A. State Statutes Governing Duty Disability Benefits

To understand the city’s arguments, we first consider the applicable state statutes governing PERA disability benefits. In Minnesota, PERA administers retirement and disability benefits for governmental employees or public officers who serve governmental

employers. *See generally* Minn. Stat. § 353.01 (2020 & Supp. 2021).¹ Full-time police officers must participate in PERA’s police and fire plan. *See* Minn. Stat. § 353.64, subd. 1 (2020). State law dictates the contributions that employees and employers must make to the police and fire fund. Minn. Stat. § 353.65, subds. 2, 3 (2020).

When a police officer who is a member of PERA suffers a qualifying disability, the officer is entitled to receive disability benefits during the period of disability. Minn. Stat. § 353.656, subd. 1 (2020). PERA offers two primary types of disability benefits to police officers: “regular” disability benefits and “duty disability” benefits. Minn. Stat. § 353.656, subds. 1, 3 (2020).

Eligibility for disability benefits is governed by Minnesota Statutes section 353.656 (2020). To qualify for duty disability benefits under that statute, an officer must have a duty disability as defined by another statute—Minnesota Statutes section 353.01, subdivision 41. Minn. Stat. § 353.656, subd. 1(a). That statute defines a duty disability as a physical or psychological

condition that is expected to prevent a member, for a period of not less than 12 months, from performing the normal duties of the position held by a person who is a member of the public employees police and fire retirement plan, and that is the direct result of an injury incurred during, or a disease arising out of, the performance of inherently dangerous duties that are specific to the positions covered by the public employees police and fire retirement plan.

Minn. Stat. § 353.01, subd. 41. “Normal duties” are further defined as “specific tasks which are designated in the applicant’s job description and which the applicant performs

¹ The 2021 amendments are not relevant here.

on a day-to-day basis, but do not include less frequent duties which may be requested to be done by the employer from time to time.” Minn. Stat. § 353.01, subd. 44.

Section 353.656 instructs that the application procedure for disability benefits is set forth by Minnesota Statutes section 353.031 (2020). Minn. Stat. § 353.656, subd. 8. Section 353.031, which is entitled “disability determination procedures,” provides that it “applies to all disability determinations for . . . the public employees police and fire fund . . . and any other disability determination subject to approval by the [PERA] board, except as otherwise specified in section . . . 353.656.” Minn. Stat. § 353.031, subd. 1. Of particular relevance here is subdivision 4, entitled “Additional requirements; eligibility for police and fire or local government correctional service retirement plan disability benefits.” Subdivision 4 provides two different application procedures for disability benefits. The procedure that must be followed depends on the date of the injury or the onset of the illness that caused the alleged disability in relation to the date that the applicant first applied for benefits. Minn. Stat. § 353.031, subd. 4(a), (b).

If an application for disability benefits is “filed *within two years* of the date of the injury or the onset of the illness that gave rise to the application,” the applicant must include “evidence that the applicant is unable to perform *the duties of the position held by the applicant on the date of the injury or the onset of the illness* causing the disability.” *Id.*, subd. 4(a) (emphasis added). In turn, the employer

must provide evidence indicating whether the applicant is able or unable to perform the duties of the position held on the date of the injury or onset of the illness causing the disability, a clear explanation of any duties that the individual can or cannot perform, and an explanation of why the employer may or may

not authorize continued employment to the applicant in the current or other position.

Id.

On the other hand, if an application is “filed *more than two years* after the date of injury or the onset of an illness causing the disability,” the applicant must provide “evidence that the applicant is unable to perform *the duties that were expected to be performed by the applicant during the 90 days preceding the last day the applicant performed services for the employer.*” *Id.*, subd. 4(b) (emphasis added). Under these circumstances, an employer then

must provide evidence of the duties that were expected to be performed by the applicant during the 90 days preceding the last day the applicant performed services, whether the applicant can or cannot perform those duties overall, a clear explanation of any duties that the applicant can or cannot perform, and an explanation of why the employer may or may not authorize continued employment to the applicant in the current or other position.

Id.

When an applicant’s application for disability benefits is denied under section 353.031, the applicant may “appeal the executive director’s decision to the board of trustees.” Minn. Stat. § 353.031, subd. 9. The executive director may elect to further develop the record for the board’s review by directing the applicant to participate in a fact-finding session with an ALJ or a vocational assessment. *Id.*

If PERA grants a police officer’s application for duty disability benefits, the officer is statutorily entitled to continued health care coverage funded by the officer’s employer, in addition to disability benefits funded by PERA. *See* Minn. Stat. § 299A.465. The

requirement for employer-funded health care coverage, which is mandated by Minnesota Statutes section 299A.465, “applies to any peace officer . . . who [PERA] . . . determines is eligible to receive a duty disability benefit pursuant to section 353.656.” *Id.*, subd. 1.

An employer can challenge PERA’s determination of disability that triggers the employer’s obligation to provide continued health care coverage. Section 299A.465 allows the employer to “petition for a review of the determination by requesting that a contested case be initiated before the Office of Administrative Hearings.” Minn. Stat. § 299A.465, subd. 1(b)(2). The ALJ’s decision after a fact-finding hearing is a “final decision” that is binding on PERA, the officer, and the employer. *Id.*, subd. 1(b)(3). A party may then seek judicial review of the ALJ’s decision by petitioning for a writ of certiorari. *Id.*

Following this process, the city has disputed its obligation to provide Tichich the health insurance coverage mandated by section 299A.465. In the proceedings before the ALJ, and now on appeal, the city argues that PERA erroneously decided that Tichich had a duty disability and was eligible for duty disability benefits.

B. The Proceedings Before the ALJ

Before turning to the city’s arguments on appeal, we examine the proceedings before the ALJ. In the contested case, the city argued to the ALJ that PERA failed to comply with the application procedures of section 353.031, subdivision 4, which first required PERA to identify the date of onset of Tichich’s PTSD in relation to his application for disability benefits, and then required PERA to examine Tichich’s job duties using the guidelines provided. With its evidence, including the evaluation of its expert psychologist Radersdorf, the city sought to prove that Tichich was not duty disabled because the onset

of his PTSD was *more* than two years before he applied for disability benefits in March 2019, and he was able to perform the duties that were expected of him as a traffic investigator during the 90 days preceding his administrative leave and termination by the city.² The city contended that the preponderance of the evidence showed that the last documented work-related event that could have caused Tichich's PTSD—the incident involving an infant that Tichich disclosed in his psychological evaluations—occurred in August 2016, over two years before he applied for disability benefits.

Tichich countered that the city itself did not follow the procedures of section 353.031, subdivision 4, because it submitted no evidence to PERA and did not seek any information about Tichich's disability during the application process. Moreover, Tichich argued that his application materials to PERA, and the evidence presented during the contested case, established that his disability occurred in 2018, when he was diagnosed with PTSD. Based on this timing, Tichich argued, PERA was only required to consider whether he was incapable of performing the general duties of his police officer position, and not the specific duties that he performed as a traffic investigator before he was placed on administrative leave and ultimately terminated.

² The city acknowledges that, in the proceedings before the ALJ, it bore the burden of establishing by a preponderance of the evidence that Tichich did *not* have a duty disability and therefore was not eligible for duty disability benefits, including employer-provided health-insurance coverage. See Minn. R. 1400.7300, subp. 5 (2021) (providing that in a contested case before an ALJ, the “party proposing that certain action be taken must prove the facts at issue by a preponderance of the evidence,” unless otherwise provided by law). On appeal, the city does not challenge the ALJ's application of this burden of proof.

The ALJ determined that whether PERA complied with section 353.031, subdivision 4, in considering Tichich's disability application, and whether Tichich was disabled under the standards set forth in subdivision 4(a) or (b), were questions that were beyond the scope of the contested case. According to the ALJ, under section 299A.462, her review was confined to "the duty disability determination, as defined in Minn. Stat. § 353.01, subd. 41." The ALJ stated:

When reviewing a duty disability determination, the legislature has limited the scope of the Administrative Law Judge's review to the definition of "duty disability" and the defined "normal duties" of a police officer. . . . [T]he applicable review for the contested case hearing is limited to the definition of duty disability set forth in Minn. Stat. § 353.01, subd. 41. This definition looks to the "normal duties of the position held" by the applicant, not the duties that the applicant performed in the last 90 days of work.

Moreover, the ALJ noted that the statutory definition of "normal duties" in section 353.01, subdivision 44, simply required her to consider "the job description for a police officer and the tasks that are normally designated to police officers on the force . . . [and] . . . not the restricted duties or specific assignments that are in place temporarily."

The ALJ also made detailed factual findings based on the evidence regarding the onset, causation, and impact of Tichich's PTSD. As to the conclusions of the city's expert, regarding the onset of Tichich's PTSD, the ALJ noted that Radersdorf "admitted that it would not be possible for him to determine whether [Tichich] had PTSD in 2016, 2017, or 2018 because he did not evaluate [Tichich] at that time." Although Radersdorf "was critical" of the evaluations by Jordan and Dr. Keller, the ALJ found that he "did not provide any evidence that [Tichich] did not suffer from PTSD as of March 2018." The ALJ found

that Radersdorf “agreed with Dr. Varma’s diagnosis of PTSD in May 2018, and its causal relation to [Tichich’s] work as a police officer for the city.” And Radersdorf “did not provide any evidence that [Tichich’s] PTSD symptoms in 2018 were solely caused by [Tichich’s] criminal issues.” Finally, the ALJ found that Tichich “would have been unable to perform the normal duties of a police officer in 2018 due to his PTSD.”

Citing to the definition of duty disability in section 353.01, subdivision 41, the ALJ concluded that the city failed to establish by a preponderance of the evidence that Tichich did not incur a duty disability within the meaning of that provision. Thus, the ALJ concluded, the city was obligated to provide continued health insurance coverage to Tichich under section 299A.465, subdivision 1.

C. The City’s Alleged Errors of Law and the ALJ’s Ultimate Determination

Finally, we turn to the city’s arguments on appeal. As noted, the city argues that the ALJ’s decision was affected by two errors of law. First, the city contends that the ALJ erred in confining her review of PERA’s decision to the issue of whether Tichich suffered a duty disability as that term is defined by section 353.01, subdivision 41. According to the city, the ALJ *also* should have referred to section 353.031, subdivision 4—which governs PERA’s decision making—to determine whether Tichich was disabled. Applying section 353.031, subdivision 4, the city argues, would have required the ALJ to identify *when* Tichich began to suffer from PTSD. And because the onset of his PTSD was more than two years before he applied for disability benefits, the ALJ would then have been required to determine whether Tichich was unable to perform the duties assigned to him during his last 90 days of employment, when he was successfully performing his limited

duties as a traffic investigator. The city argues that by failing to apply 353.031, subdivision 4, the ALJ deprived it of meaningful review of PERA's decision and reached the wrong conclusion as to whether Tichich was duty disabled.

Second, the city argues that, even if the ALJ correctly confined the analysis to whether Tichich was duty disabled under the definition provided in section 353.01, subdivision 41, the ALJ ignored an important part of that definition. The city points out that subdivision 41 requires a determination of whether an applicant can perform the "normal duties" of the position. *See* Minn. Stat. § 353.01, subd. 41. And "normal duties" is further defined by subdivision 44 as "specific tasks" that are "designated in the applicant's job description" and "which the applicant performs on a day-to-day basis." Minn. Stat. § 353.01, subdivision 44. According to the city, the ALJ applied an overly broad interpretation of "normal duties" by focusing on "the job description for a police officer and the tasks that are normally designated to police officers on the force." The city contends that by properly focusing instead on what Tichich was actually doing day-to-day as a traffic investigator in the eight months before he was discharged, the ALJ would have concluded that he was not duty disabled.

Although the city persuasively presents both legal arguments, we do not reach the merits of either of them under the circumstances here. That is because the ALJ's factual findings conclusively establish that the alleged legal errors did not affect the ALJ's ultimate determination that the city failed to prove that Tichich did not have a duty disability. Even assuming, without deciding, that the ALJ should have applied section 353.031, subdivision 4, to determine whether Tichich had a duty disability or should have focused on Tichich's

day-to-day tasks during his eight months as a traffic investigator, given the ALJ's factual findings, the alleged legal errors did not affect the final decision.

As to the city's argument concerning the ALJ's failure to apply section 353.031, subdivision 4, the ALJ's factual findings show that she would have reached the same conclusion even if she had applied this section. The ALJ found that the city's evidence *did not* pinpoint when Tichich began to suffer PTSD or show that his PTSD was caused by his criminal case. And the ALJ found that the evidence *did* establish that Tichich had PTSD in 2018, that Tichich's inherently dangerous work as a police officer caused his PTSD, and that he could not perform the duties of his position as a police officer. Because, according to the ALJ's factual findings, (1) Tichich's application for disability benefits was filed within two years of the date of his injury or the onset of his illness, (2) Tichich established that he was unable to perform the duties of the position he held on the date of the injury or the onset of the illness, and (3) Tichich's disability was caused by his duties as a police officer, he would have qualified for duty disability benefits under section 353.031, subdivision 4(a). Thus, even under section 353.031, subdivision 4, the ALJ's factual findings support the legal conclusion that Tichich was duty disabled.

Likewise, any error in the ALJ's interpretation of the term "normal duties" in 353.01, subdivision 41, did not affect the ALJ's ultimate determination that the city failed to prove that Tichich was not duty disabled. The ALJ found that the city did not prove when Tichich began to suffer from PTSD. Therefore, in considering the normal duties of Tichich's position as a police officer, the ALJ was not required to limit her analysis to Tichich's day-to-day duties as a traffic investigator—a position he held only between

August 2017 to March 2018. Moreover, as the ALJ found, even the city's own expert agreed that Tichich would not have been able to perform the normal duties of a police officer in 2018 due to PTSD.

Given the ALJ's factual findings, neither of the city's alleged errors of law affected the ALJ's decision. Thus, in accordance with our limited standard of review, *see* Minn. Stat. § 14.69, we must affirm the decision. *See Mass. Trs.*, 377 U.S. at 248; *Partners in Nutrition*, 904 N.W.2d at 231.

Affirmed.