

STATE OF MINNESOTA

IN SUPREME COURT

A22-0792

Workers' Compensation Court of Appeals

Hudson, J.

Ryan Chrz,

Relator,

vs.

Filed: March 8, 2023
Office of Appellate Courts

Mower County, Self-Insured,

and

Minnesota Counties Intergovernmental Trust,

Respondents.

Jennifer Yackley, Meuser, Yackley & Rowland, P.A., Eden Prairie, Minnesota, for relator.

Timothy P. Jung, Lind, Jensen, Sullivan & Peterson, P.A., Minneapolis, Minnesota, for respondents.

S Y L L A B U S

An employee is not entitled to workers' compensation benefits under Minn. Stat. § 176.66, subd. 1 (2022) when the employee formerly had, but no longer has, a diagnosis of post-traumatic stress disorder by a licensed professional using the most recent edition of

the Diagnostic and Statistical Manual of Mental Disorders, as required by Minn. Stat. § 176.011, subd. 15(d) (2022).

Affirmed.

OPINION

HUDSON, Justice.

The issue raised in this appeal is whether an employee demonstrates “disablement . . . resulting from an occupational disease” under Minn. Stat. § 176.66, subd. 1 (2022) when he formerly had, but no longer has, a diagnosis of post-traumatic stress disorder (PTSD) by a licensed professional using the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders (presently, the DSM-5), as required by Minn. Stat. § 176.011, subd. 15(d) (2022). Relator Ryan Chrz was employed as a Mower County Deputy Sheriff from November 2007 to March 2020. It is undisputed that from September 25, 2019, to March 30, 2021, Chrz had a diagnosis of PTSD by a licensed professional and was therefore eligible for workers’ compensation benefits. It is also undisputed that after March 30, 2021, Chrz no longer had a diagnosis of PTSD. Chrz argues that despite the change in the diagnostic label, he is entitled to benefits after March 30, 2021, because he remains disabled from a mental illness. The compensation judge agreed and awarded benefits from April 1, 2020, continuing into the present. The Workers’ Compensation Court of Appeals disagreed and reversed in part, holding that Chrz was not entitled to benefits after March 30, 2021.

We conclude that Chrz is not entitled to workers’ compensation benefits after March 30, 2021—the date on which Chrz no longer had a diagnosis of PTSD by a licensed

professional using the DSM-5. We therefore affirm the decision of the Workers' Compensation Court of Appeals.

FACTS

Relator Ryan Chrz began serving as a Mower County Deputy Sheriff on November 5, 2007. During Chrz's employment with Mower County over the next 12½ years, Chrz experienced many traumatic events involving violence and death.

In February 2019, Chrz was placed on paid administrative leave after using physical force to subdue a juvenile arrestee. While on paid administrative leave, Chrz had suicidal ideations. On September 25, 2019, at the request of his attorney, Chrz was evaluated by Dr. Nicole Slavik, a licensed psychologist.¹ Using the DSM-5, Dr. Slavik diagnosed Chrz with PTSD, major depressive disorder in partial remission, and mild alcohol use disorder in early remission. Dr. Slavik attributed the PTSD diagnosis to Chrz's exposure to traumatic events while performing his duties as a deputy sheriff. On November 13, 2019, Dr. Slavik submitted a Report of Work Ability, stating that Chrz was unable to work from September 25, 2019, to an undetermined date.

On March 31, 2020, Chrz retired from the Mower County Sheriff's Office. On May 18, 2020, Chrz filed a claim petition, alleging entitlement to workers' compensation benefits beginning on April 1, 2020. At Mower County's request, Chrz was evaluated by

¹ Chrz also relies on the opinions of another expert: Dr. Joshua Baruth. But the record does not reflect that Dr. Baruth ever used the DSM-5 in diagnosing Chrz with PTSD, as Minn. Stat. § 176.011, subd. 15(d) requires. We therefore cannot rely on Dr. Baruth's conclusions in evaluating whether Chrz is eligible for workers' compensation benefits. *See Smith v. Carver County*, 931 N.W.2d 390, 396 (Minn. 2019). Accordingly, we do not describe Dr. Baruth's conclusions in our opinion.

Dr. Paul Arbisi, a licensed psychologist, on October 1, 2020. Dr. Arbisi opined that Chrz did not meet all of the criteria for PTSD under the DSM-5. Instead, Dr. Arbisi diagnosed Chrz with “Adjustment Disorder, unspecified” and “Alcohol Use Disorder, moderate in self-reported remission.”

On March 30, 2021, Dr. Slavik reevaluated Chrz at his attorney’s request. This time, Dr. Slavik concluded that Chrz’s symptoms had improved and that he no longer met the DSM-5 criteria for PTSD. Specifically, Dr. Slavik opined that Chrz no longer met DSM-5 Criterion G, which relates to whether Chrz’s illness “causes clinically significant distress or impairment in social, occupational, or other important areas of functioning.” Instead, Dr. Slavik diagnosed Chrz with “other specified trauma and stressor related disorder,” major depressive disorder in partial remission, and a mild alcohol use disorder in remission. Dr. Slavik also opined that Chrz had reached maximum medical improvement and assigned a 20 percent permanent partial disability (PPD) rating of the whole body. Dr. Slavik concluded that Chrz “should continue to be restricted from the normal duties of a police officer (and in law enforcement), due to his continued report of trauma-related symptoms.”

The compensation judge held a hearing on June 2, 2021, to determine whether Chrz sustained a compensable injury and whether he was entitled to workers’ compensation benefits. The compensation judge found the opinion of Dr. Slavik more persuasive than that of Dr. Arbisi. The compensation judge also found that Chrz “sustained a work-related occupational disease in the nature of post-traumatic stress disorder arising out of and in the course of his employment with the employer on April 30, 2019.” The compensation judge

further found that Chrz was “temporarily totally disabled as a substantial result of his work-related occupational disease” from April 1, 2020, to the present. The compensation judge awarded temporary total disability, rehabilitation, PPD, mileage expenses, and medical care benefits from April 1, 2020, to the present and continuing.

Respondents Mower County and the Minnesota Counties Intergovernmental Trust appealed, arguing that the compensation judge erred by granting Chrz workers’ compensation benefits after March 30, 2021, the date on which Dr. Slavik concluded that Chrz no longer had a formal diagnosis of PTSD.

In a split decision, the Workers’ Compensation Court of Appeals reversed in part, concluding that Chrz was ineligible for workers’ compensation benefits after March 30, 2021. *Chrz v. Mower County*, No. WC21-6431, 2022 WL 16725795, at *6 (Minn. WCCA May 9, 2022). The majority noted that as of March 30, 2021, no licensed provider concluded that Chrz had PTSD as described in the DSM-5. *Id.* at *5. The majority explained that only PTSD diagnosed by a licensed provider using the DSM-5 is a compensable “occupational disease” under the Workers’ Compensation Act. *Id.* at *4–5. As of March 30, 2021, however, Dr. Slavik (the expert relied upon by the compensation judge) diagnosed Chrz with “other specified trauma and stressor related disorder,” finding that Chrz did not meet all of the DSM-5 criteria for PTSD. *Id.* at *5. Because “other specified trauma and stressor related disorder” is not a compensable occupational disease, the majority concluded that Chrz’s occupational disease was resolved, and he was no longer eligible for workers’ compensation benefits. *Id.* at *5–6.

Dissenting, Judge Quinn argued that “once an employee has established a compensable PTSD injury, any subsequent mental health condition, if caused by or consequential to the PTSD diagnosis, is also compensable.” *Id.* at *9. While acknowledging that “no evidence was offered to explicitly assert that [Chrz’s] post-PTSD condition is consequential to his PTSD,” Judge Quinn argued that evidence in the record showed that Chrz’s current diagnosis “is still an ongoing manifestation, regardless of label, of the same work-related mental health injury.” *Id.*

Judge Quinn also highlighted several public policy concerns with the majority’s interpretation of the Workers’ Compensation Act. First, Judge Quinn noted that employees who no longer meet all DSM-5 criteria for PTSD will likely still need supportive benefits, and he disagreed that the Legislature “intended to throw such injured employees a lifeline to get them partway to shore before cutting the lifeline and hoping the employee could swim the rest of the way.” *Id.* at *8. Second, Judge Quinn noted that mental health diagnoses can fluctuate, and thus if an employee like Chrz later deteriorates and is re-diagnosed with PTSD, “another round of litigation would follow.” *Id.* Finally, Judge Quinn feared that employees with PTSD may forgo mental health treatment out of fear that improvement in their condition would terminate their benefits. *Id.* at *9.

Chrz sought review of the Workers’ Compensation Court of Appeals decision by writ of certiorari.

ANALYSIS

The central question here is whether Chrz, who was previously diagnosed with PTSD but as of March 30, 2021, no longer had a diagnosis of PTSD by a licensed

professional using the DSM-5, has demonstrated that he has a “disablement . . . resulting from an occupational disease” continuing after March 30, 2021, into the present. *See* Minn. Stat. § 176.66, subd. 1. Answering that question requires interpreting the Minnesota Workers’ Compensation Act, a task we conduct de novo. *Gilbertson v. Williams Dingmann, LLC*, 894 N.W.2d 148, 151 (Minn. 2017).

The Workers’ Compensation Act requires an employer to pay workers’ compensation benefits if the employee can demonstrate “disablement . . . resulting from an occupational disease.” Minn. Stat. §§ 176.021, subd. 1, 176.66, subd. 1 (2022). Until 2013, employees could not receive workers’ compensation benefits for work-related mental injuries unless the mental injury caused or arose from a physical injury. *See Smith v. Carver County*, 931 N.W.2d 390, 395 (Minn. 2019).

However, in 2013, the Legislature amended the Workers’ Compensation Act by redefining “occupational disease” to include “mental impairment.” 2013 Minn. Laws 362, 367–68 (codified at Minn. Stat. § 176.011, subd. 15(a) (2022)). In turn, “mental impairment” was defined as “a diagnosis of post-traumatic stress disorder by a licensed psychiatrist or psychologist.” *Id.* (codified at Minn. Stat. § 176.011, subd. 15(d)). The Legislature further defined PTSD as “the condition as described in the most recently published edition of the Diagnostic and Statistical Manual of Mental Disorders [DSM] by the American Psychiatric Association.” *Id.* (codified at Minn. Stat. § 176.011, subd. 15(d)).

The bottom line is that the only “mental impairment” covered by the Workers’ Compensation Act is PTSD. And we have explained that, under the 2013 amendments, for

an employee to recover workers' compensation benefits for PTSD, the employee must prove that (1) a psychiatrist or psychologist has diagnosed the employee with PTSD, and (2) the professional based the employee's diagnosis on the latest version of the DSM. *Smith*, 931 N.W.2d at 396.

Chrz argues that under section 176.66, there are three steps to determine the compensability of an occupational disease: (1) decide whether the employee has an occupational disease, (2) determine whether the employee experiences "disablement . . . resulting from" that occupational disease, and (3) determine the benefits to which the employee is entitled. Chrz argues that the compensation judge cannot "backtrack" in these steps, in that once an employee has been diagnosed with a compensable occupational disease, an employee is not required to "demonstrate that he continues to have the occupational disease." According to Chrz, after an employee demonstrates a diagnosis of an occupational disease, the only remaining question is whether the employee still experiences "disablement." If an employee still experiences disablement, even if he no longer has a diagnosis that meets the statutory definition of "occupational disease," Chrz asserts that he is still entitled to workers' compensation benefits.

Chrz's reading of the Workers' Compensation Act runs counter to the plain meaning of the text of the Act, which we must follow. *See Shire v. Rosemount, Inc.*, 875 N.W.2d 289, 292 (Minn. 2016); *see also ILHC of Eagan, LLC v. County of Dakota*, 693 N.W.2d 412, 419 (Minn. 2005) ("The touchstone for statutory interpretation is the plain meaning of a statute's language."). Eligibility for workers' compensation benefits arises when there

is “[t]he disablement of an employee resulting from an occupational disease.” Minn. Stat. § 176.66, subd. 1. Chrz attempts to read into the statute a one-way, three-step framework for determining eligibility for benefits. But the statute says nothing of Chrz’s proposed framework; rather, the plain language of the statute states that to prove eligibility for workers’ compensation benefits at any given time, three elements must be simultaneously met: (1) the employee has an “occupational disease,” (2) the employee experiences “disablement,” and (3) the disablement “result[s] from” the occupational disease. *See id.*; *see also Juntunen v. Carlton County*, 982 N.W.2d 729, 737 (Minn. 2022) (explaining that an employee has the burden to prove the “elements” of a workers’ compensation claim, including “that the employee has an occupational disease”).

The only mental impairment that is an “occupational disease” eligible for workers’ compensation benefits is PTSD, and *only* when that PTSD is diagnosed by a licensed psychiatrist or psychologist using the most recently published edition of the DSM (presently, the DSM-5). Minn. Stat. § 176.011, subd. 15(a), (d); *see also Smith*, 931 N.W.2d at 396. It is undisputed that as of March 30, 2021, Chrz no longer had a diagnosis of PTSD from any licensed professional using the DSM-5. As of March 30, 2021, Chrz no longer met the “occupational disease” element of section 176.66, and therefore could no longer establish a claim for workers’ compensation benefits.²

² In dissent, Judge Quinn posited another theory of respondents’ liability: if an employee establishes a compensable PTSD injury at some point in time, “any subsequent mental health condition, if caused by or consequential to the PTSD diagnosis, is also compensable.” *Chrz*, 2022 WL 16725795, at *9 (Quinn, J., dissenting) (citing *Eide v. Whirlpool Seeger Corp.*, 109 N.W.2d 47, 50 (Minn. 1961) (establishing consequential injuries as compensable)). But Chrz does not advance that theory before us, and his counsel

Holding otherwise would allow an employee’s diagnosis of PTSD to remain effectively perpetual. Indeed, Chrz subtly acknowledges this point, arguing that he is entitled to benefits while he is disabled, “*irrespective of the change in the diagnostic label.*” But under the statute, the diagnostic label is important—indeed, dispositive—in determining whether an employee is eligible for workers’ compensation benefits. That is because only one specific diagnosis of mental impairment—a diagnosis of PTSD by a licensed professional using the DSM-5—qualifies as an “occupational disease.” See Minn. Stat. § 176.011, subd. 15(a), (d). While Chrz may disagree with the Legislature’s line-drawing, the Legislature has plainly decided that an employee is only eligible for workers’ compensation benefits so long as they meet the precise definition of PTSD in Minn. Stat. § 176.011, subd. 15(d). As of March 30, 2021, Chrz does not meet that definition.

Chrz’s suggestion that eligibility for benefits extends past the time he has a diagnosis of PTSD is also incompatible with the interpretative canon *expressio unius est exclusio alterius*, which means that “the expression of one thing is the exclusion of another.” *In re Welfare of J.B.*, 782 N.W.2d 535, 543 (Minn. 2010). This canon generally raises a presumption that “any omissions in a statute are intentional.” *State v. Caldwell*, 803 N.W.2d 373, 383 (Minn. 2011). The presumption is “particularly strong when . . . a

expressly disclaimed any reliance on a consequential injury theory during oral argument. We therefore do not address how this case would turn out under a consequential injury theory.

statute is uncommonly detailed and specific.” *State v. Smith*, 899 N.W.2d 120, 123–24 (Minn. 2017).

Applied here, the Legislature’s plain expression of PTSD as the only mental impairment to qualify for workers’ compensation benefits suggests that other mental impairments, such as Chrz’s “other specified trauma and stressor related disorder” are intentionally excluded from coverage. *See Caldwell*, 803 N.W.2d at 383. This presumption is particularly strong because the definition of PTSD in the statute is “uncommonly detailed and specific.” *Smith*, 899 N.W.2d at 123–24. The statute not only defines PTSD as the sole compensable mental impairment, but it also details who must diagnose the disorder (a licensed psychiatrist or psychologist) and the way that the disorder must be diagnosed (using the most recent edition of the DSM). *See* Minn. Stat. § 176.011, subd. 15(d). This detailed statutory framework cements the conclusion that an employee who formerly had, but no longer has, a diagnosis of PTSD by a licensed professional using the DSM-5 does not qualify for workers’ compensation benefits under section 176.66.

Chrz’s position also cannot be squared with our precedent. We have explained that an employer’s liability for workers’ compensation benefits “ends when an employee is no longer disabled by the work-related injury.” *Ewing v. Print Craft, Inc.*, 936 N.W.2d 886, 891 (Minn. 2020); *see Kautz v. Setterlin Co.*, 410 N.W.2d 843, 845 (Minn. 1987). Or, as we have put it more precisely, an employer does not “remain under a continuing liability to pay compensation to an employee who is found to be no longer disabled *or* to be no longer disabled because of his work injury.” *Woelfel v. Plastics, Inc.*, 371 N.W.2d 215, 218 (Minn. 1985) (emphasis added).

Chrz argues that these cases stand for the proposition that an employer's liability for compensation ends only when the employee is no longer disabled. In Chrz's view, although he no longer has a formal diagnosis of PTSD, because he still experiences "disablement," these cases do not foreclose his entitlement to workers' compensation benefits.

It is true that the factual postures of these cases involve an employee who no longer experienced disablement at all, rather than an employee who continues to experience disablement, but from a noncompensable disease. See *Ewing*, 936 N.W.2d at 892 (noting that the employee's injury had resolved); *Kautz*, 410 N.W.2d at 845 (noting that the employee was "medically able to return to work without restrictions"). But *Woelfel* recognizes that eligibility for benefits ends when an employee is no longer disabled *or* when an employee continues to be disabled, but no longer due to a compensable work injury. Here, Chrz's case falls into the latter category: although Chrz arguably continues to be disabled, the work injury for which he was entitled to compensation resolved on March 30, 2021, when he was no longer diagnosed with PTSD by a licensed professional using the DSM-5. Respondents are therefore no longer under a "continuing liability" to pay Chrz workers' compensation benefits. *Woelfel*, 371 N.W.2d at 218.

Bolstered by Judge Quinn's dissent, Chrz finally raises a variety of public policy concerns about our interpretation of section 176.66, subdivision 1. While we are sensitive to these concerns and to the well-being of Minnesota workers experiencing mental illness, these public policy concerns "should be directed to the Legislature," for we "must read this

state's laws as they are, not as some argue they should be.” *State v. Carson*, 902 N.W.2d 441, 446 (Minn. 2017) (citation omitted) (internal quotation marks omitted).

CONCLUSION

For the foregoing reasons, we affirm the decision of the Workers' Compensation Court of Appeals.

Affirmed.