

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-0445**

Nicole Blissenbach, Commissioner,
Department of Labor and Industry,
State of Minnesota,
Respondent,

vs.

Quotable Kids Pediatric Therapy Clinic, PLLP, et al.,
Relators.

**Filed December 8, 2025
Reversed and remanded
Connolly, Judge**

Occupational Safety & Health Review Board
File No. OAH 22-1901-38929

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Considered and decided by Connolly, Presiding Judge; Larson, Judge; and Bond, Judge.

NONPRECEDENTIAL OPINION

CONNOLLY, Judge

Relators challenge a decision by the Minnesota Occupational Safety and Health Review Board (the Board) that dismissed their appeal. Relators assert that the Board erred by determining that it does not have authority to hear appeals from administrative-law

judge (ALJ) decisions related to alleged retaliation under Minnesota Statutes section 182.669 (2024). The Minnesota Department of Labor and Industry (the Department) (respondent) agrees that the Board erred. Because the Board is statutorily required to hear the appeal, we reverse and remand.

FACTS

Quotable Kids Pediatric Therapy Clinic was a children's therapy clinic business in Minnesota and North Dakota. The clinic was owned by Andrea Volk (collectively with Quotable Kids, relators). Dr. Rene Mooney worked as a psychologist for Quotable Kids beginning in January 2020.

At the start of the COVID-19 pandemic, Quotable Kids permitted employees to work remotely. When employees were informed that they were expected to return to in-person work beginning in early May of 2020, Dr. Mooney expressed concerns. Following a conversation with relator Volk and the clinic's office manager, Dr. Mooney was furloughed. During the furlough, Dr. Mooney took administrative steps toward establishing her own practice.

Dr. Mooney was recalled from furlough with a return date of June 9, 2020. Dr. Mooney again expressed concerns about a return to in-person work. It was also during this time that relator Volk became aware of Dr. Mooney's steps to establish her own practice. Dr. Mooney was terminated on June 8, 2020.

Dr. Mooney filed a discrimination complaint with the Department and a contested-case hearing was held at the Office of Administrative Hearings (OAH) from January 30 to

February 1, 2024.¹ Following the hearing, the ALJ issued a final decision concluding that Dr. Mooney was terminated in violation of Minnesota Statutes section 182.654 (2024). The ALJ found Dr. Mooney was entitled to back pay and compensatory damages. The ALJ noted in her decision that relators could appeal the decision to the Board.

Relators appealed the ALJ's decision to the Board. The Board granted the appeal in August 2024 and scheduled oral argument for December 2024. In November 2024, after both parties had submitted briefing to the Board, the Board removed the matter from the schedule. The Board directed the parties to submit memoranda on the issue of whether it had jurisdiction to hear the appeal. Both parties agreed that the Board was statutorily required to hear the appeal.

In February 2025, the Board concluded that it did not have jurisdiction and dismissed the appeal. The Board determined that it could only hear appeals under Minnesota Statutes section 182.661 (2024), related to citations and penalties, but that matters under Minnesota Statutes section 182.669, related to discrimination, were outside the Board's authority.

Relators appealed. Respondent again agrees with relators' position.

DECISION

Relators challenge the Board's decision to dismiss an appeal from the ALJ's decision concluding that relators discharged Dr. Mooney in violation of the Minnesota

¹ Effective August 1, 2025, the legislature changed the name of the Office of Administrative Hearings (OAH) to the Court of Administrative Hearings. See 2025 Minn. Laws ch. 39, art. 2, § 17 (amending Minn. Stat. § 14.48, subd. 1 (2024)). But the office's title was still OAH at the time of this decision.

Occupational Safety and Health Act of 1973. Minn. Stat. §§ 182.65-.679 (2024). Relators argue that the Board erred by determining that it does not have statutory authority to hear appeals from an ALJ’s decision under Minnesota Statutes section 182.669.

To resolve this dispute, we must determine the meaning of Minnesota Statutes section 182.669. “When a decision turns on the meaning of words in a statute or regulation, a legal question is presented. In considering such questions of law, reviewing courts are not bound by the decision of the agency and need not defer to agency expertise.” *St. Otto’s Home v. Minn. Dep’t of Human Servs.*, 437 N.W.2d 35, 39-40 (Minn. 1989) (citations omitted). The interpretation of a statute is a matter we review de novo. *Nelson v. Nelson*, 866 N.W.2d 901, 903 (Minn. 2015).

Our goal when interpreting a statute is to give effect to the legislature’s intent. *Walsh v. State*, 975 N.W.2d 118, 122 (Minn. 2022); *see also* Minn. Stat. § 645.16 (2024) (describing the court’s role in interpreting statutes). To do so, we first consider whether the language of the statute is plain. *Walsh*, 975 N.W.2d at 122. Statutory language is plain when it is subject to only one reasonable interpretation, in which case we apply that interpretation. *Id.* When determining whether a statute’s language is plain, we read the statute as a whole, giving effect to all its provisions, and avoid conflicting interpretations. *Am. Family Ins. Grp. v. Schroedl*, 616 N.W.2d 273, 277 (Minn. 2000). Our analysis may include surrounding sections. *Cent. Hous. Assocs., LP v. Olson*, 929 N.W.2d 398, 402 (Minn. 2019). This is particularly appropriate when the statute in question is part of a set of laws that forms a “coherent legislative policy.” *State by Smart Growth Minneapolis v. City of Minneapolis*, 954 N.W.2d 584, 591 (Minn. 2021) (quotation

omitted); *see also Olson*, 929 N.W.2d at 402 (“Sometimes the operation of a statutory provision only becomes clear when it is read in conjunction with the rest of the legislative act of which it is a part.” (quotation omitted)). We discern the plain meaning of the statute by reading it “in harmony” with the other components of the policy. *Smart Growth Minneapolis*, 954 N.W.2d at 591; *see also City of St. Paul v. Eldredge*, 800 N.W.2d 643, 648 (Minn. 2011) (stating “we read the statute as a whole and turn to statutes relating to the same subject in order that we may avoid conflicting interpretations and give effect to all statutory provisions”).

When the statutory language in question is plain, we apply that interpretation. *Walsh*, 975 N.W.2d at 122. If the statutory language is ambiguous—meaning susceptible to more than one reasonable interpretation—we ascertain legislative intent by considering canons of statutory construction and legislative history. *Spann v. Minneapolis City Council*, 979 N.W.2d 66, 73 (Minn. 2022); *see also* Minn. Stat. § 645.16.

I. The Board’s statutory authority to hear appeals from an ALJ under Minn. Stat. § 182.669.

The Occupational Safety and Health Act of 1973 (the Act) was established with the goal of preventing injuries and illnesses in the workplace and encompasses all of Minnesota Statutes chapter 182. Minn. Stat. § 182.65, subd. 2(a) (2024). The Act protects employees from discrimination after exercising any of their rights related to workplace safety and health under the Act. Minn. Stat. § 182.669. If an ALJ “finds that an employee has been discharged or otherwise discriminated against by any person because the employee has

exercised any right authorized under [the Act],” the ALJ may order that the employee is entitled to backpay, compensatory damages, and other appropriate relief. *Id.*

The Act also created the Board. Minn. Stat. § 182.664 (2024). The Act provides that the Board “shall review and decide appeals from final decisions and orders of the commissioner, including decisions issued by administrative law judges . . .” *Id.*, subd. 3. Additionally, the Act provides that “[t]he decisions and orders of an administrative law judge . . . may be appealed to the review board.” *Id.*, subd. 5(a). The Board then “shall have authority to revise, affirm, remand, or reverse the decision and order of administrative law judges.” *Id.*, subd. 5(b).²

In this case, the ALJ’s order stated that the decision was appealable to the Board pursuant to Minnesota Statutes section 182.664, subdivision 5. However, three months after granting the appeal, the Board determined that it was not statutorily authorized to consider the matter. The Board determined that, because Minnesota Statutes section 182.664—the statute that created the Board—was “silent regarding the universe of ALJ decisions over which the Board has appellate review authority,” it must independently analyze each of the relevant statutes, reading each statute in isolation from its statutory context. In doing so, the Board reasoned that the legislature’s use of the provision “may be appealed to the [B]oard” in Minnesota Statutes section 182.661 (related to citations and penalties) evidenced a different legislative intent from the discrimination statute because section 182.669 does not contain similar appeal language. The Board determined that it

² 2024 amendments to these subdivisions do not impact the court’s analysis. See 2024 Minn. Laws ch. 110, art. 3, §§ 2, 3.

could only hear appeals under section 182.661, related to citations and penalties, and that discrimination matters under section 182.669 were outside the Board’s authority.

Both parties agree that the Board’s interpretation of the statute was improper. We also agree. The Act, which was established to address injuries and illnesses in the workplace, and encompasses all of Minnesota Statutes chapter 182, forms a coherent legislative policy. *See Smart Growth Minneapolis*, 954 N.W.2d at 591. As such, the plain meaning of the statute is discerned by reading it in harmony with other components of the policy. *Id.* This means section 182.669 must be read together with section 182.664 to determine the statute’s meaning.

Section 182.664 provides that the Board “*shall* review and decide appeals from final decisions and orders of the commissioner, including decisions issued by administrative law judges . . .” Minn. Stat. § 182.664 subd. 3 (emphasis added). Additionally, the statute provides that “[t]he decisions and orders of an administrative law judge . . . *may* be appealed to the review board.” *Id.*, subd. 5(a) (emphasis added). The Board then “*shall* have authority to revise, affirm, remand, or reverse the decision[s] and order[s] of administrative law judges.” *Id.*, subd. 5(b) (emphasis added).

When interpreting a statute, appellate courts are generally guided by the legislature’s definitions. *State v. Rick*, 835 N.W.2d 478, 482 (Minn. 2013). When used in a statute, the legislature has defined “shall” as mandatory, and “may” as permissive. Minn. Stat. § 645.44, subs. 15, 16 (2024).³ When read in this context, section 182.664 provides

³ Mandatory is defined as “constituting a command; required; preemptory.” *Black’s Law Dictionary* 1148 (12th ed. 2024).

parties with the discretion to appeal an ALJ's decision to the Board, but once appealed, the Board: "[is required to] review and decide appeals from final decisions and orders of the commissioner, including decisions issued by administrative law judges . . ." Minn. Stat. § 182.664, subd. 3; and "[is required to] have the authority to revise, affirm, remand, or reverse the decision and order of administrative law judges." *Id.*, subd. 5(b).

In applying the legislative definition, we hold that the statute's language is plain and is subject to only one reasonable interpretation. Section 182.664 unambiguously requires the Board to hear all appeals of ALJ decisions arising under chapter 182. This includes appeals taken under the section 182.669 discrimination statute. This interpretation is consistent with Minnesota Rules chapter 5215, which outlines the rules and procedures for appeals before the Board. Chapter 5215 contains language consistent with section 182.664 and states: "[a]ny party or intervenor may file a notice of appeal of the decision of the administrative law judge with the board." Minn. R. 5215.5000, subp. 1 (2023).

The Board's initial interpretation that it cannot hear appeals under section 182.669, due to the statute's omission of similar appeal language found in section 182.661, impermissibly adds words and meaning to an unambiguous statute. *See Rohmiller v. Hart*, 811 N.W.2d 585, 590 (Minn. 2012) (stating the court "cannot add words or meaning to a statute that were intentionally or inadvertently omitted.").

Accordingly, the Board erred in concluding that it did not have statutory authority to hear appeals from ALJ decisions under Minnesota Statutes section 182.669. Consequently, we reverse and remand so that the Board can hear the appeal.

Reversed and remanded.