

*This opinion is nonprecedential except as provided by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
A25-1668**

In the Matter of the PERA Police and
Fire Plan Disability Application of Shana Stoler.

**Filed June 15, 2026
Reversed
Cochran, Judge**

Public Employees Retirement Association of Minnesota

Samantha E. Steward, Meuser, Yackley & Rowland, P.A., Eden Prairie, Minnesota (for relator Shana Stoler)

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Considered and decided by Larkin, Presiding Judge; Cochran, Judge; and Rasmusson, Judge.

NONPRECEDENTIAL OPINION

COCHRAN, Judge

In this certiorari appeal, relator Shana Stoler (Officer Stoler) challenges the decision of respondent Public Employees Retirement Association of Minnesota (PERA) denying her application for duty disability benefits under PERA's Police and Fire plan. Because we conclude that the decision is not supported by substantial evidence in view of the entire record, we reverse.

FACTS

After she was injured while working as a police officer, Officer Stoler applied for duty disability benefits under PERA's Police and Fire plan. Under that plan, if members develop a condition that is expected to prevent them from working for at least 12 months, they can apply for and receive either "regular disability" benefits or "duty disability" benefits, depending on the circumstances. *See* Minn. Stat. §§ 353.031, .656, subds. 1, 3 (2024). Duty disability benefits are available when the applicant's condition was "the direct result of an injury incurred during . . . the performance of inherently dangerous duties." Minn. Stat. § 353.01, subd. 41 (2024). If PERA grants an officer's application for duty disability benefits, the officer's employer must continue to provide health insurance coverage and the officer is entitled to a higher benefit amount than if they were to receive regular disability benefits. Minn. Stat. §§ 299A.465, subd. 1(a) (mandating health insurance coverage), 353.656, subds. 1, 3 (describing computation of benefits) (2024).

PERA denied Officer Stoler's application for duty disability benefits but approved her for regular disability benefits. Officer Stoler challenged PERA's decision, and the matter proceeded to a fact-finding conference before an administrative-law judge (ALJ). The ALJ determined that Officer Stoler's condition was the direct result of an injury incurred during the performance of inherently dangerous duties and recommended that PERA grant duty disability benefits to Officer Stoler. The PERA board of trustees (the board) rejected two of the ALJ's factual findings and its recommendation, ultimately affirming PERA's initial decision to grant only regular disability benefits. The following

facts stem from the board's written decision and are supplemented by the record as necessary.

Officer Stoler was employed as a police officer with the Metropolitan Airports Commission Police Department from August 1, 2005, through September 25, 2024. Officer Stoler most recently worked as an Explosive Detection Canine Officer with her canine partner. Officer Stoler was trained to work with her canine partner to identify explosives. Her duties included walking the airport terminal with her canine partner and engaging in proactive searches of bags; walking with her canine partner around the curb of the parking area to see if the canine had any behavior changes around vehicles; responding to suspicious packages or bags; screening cargo; and completing regular and annual training exercises.

Explosive Detection Canine Officers are required to successfully complete annual recertification with their canine partners. In anticipation of this annual recertification testing, the Airport Police Department conducts regular training while on duty. The sessions are organized both by the department and by the officers personally. Officers typically participate in training sessions multiple times each week to prepare for the annual recertification. These training sessions require using live explosive training aids, which are kept in a bunker at the airport.

In March 2023, Officer Stoler and her canine partner participated in a canine-explosive-detection-training exercise with other officers at a rental car parking lot near the airport. The training exercise involved Officer Stoler and at least one other officer retrieving the live explosive training aids from the bunker. An instructor placed the live

explosives inside various pieces of luggage along a training course. After the course was set up, the officers led their canines through the course to identify which pieces of luggage contain explosives. When the explosives were no longer needed, the officers were responsible for cleaning up the course and returning the explosive training aids and keys to the bunker. The training exercise was not over until everything was accounted for, the explosives were secured in the bunker, and the keys were put away.

After Officer Stoler completed the training course, she turned to cleaning up with her fellow officers. Clean up included putting the rental vehicles back to their original locations and putting the bags that did not contain live explosives away into a trailer. While loading the bags, Officer Stoler hit her head on the trailer and sustained an injury. At the time of her injury, Officer Stoler did not know where the explosive aids were located or if they had all been accounted for. The injury prevented Officer Stoler from further participating in and completing the required task of making sure the training aids and keys were returned to the bunker.

About a year after her injury, Officer Stoler applied for duty disability benefits through PERA. In her application, Office Stoler stated that she sustained a traumatic brain injury caused by hitting her head on the trailer while participating in canine-explosive-search training and that she had not been able to return to work due to that condition. PERA's medical advisor determined that Officer Stoler was disabled from her police officer duties and was unable to perform the duties of a police officer for at least one year. But, as noted above, PERA staff denied Officer Stoler's application for duty disability benefits, and instead approved her for regular disability benefits.

After receiving notice of PERA's initial decision, Officer Stoler petitioned for modification of the decision or, if denied, a fact-finding conference before an ALJ. *See* Minn. Stat. § 353.031, subd. 9. In her petition, Officer Stoler explained that, while she "was still on duty for the mandatory explosives training program," she was loading suitcases in the trailer and, while still in the trailer, hit her head on the frame of the trailer. She noted that when she "was injured, the training session had not yet ended." "Had she not been injured, [Officer] Stoler would have assisted in returning the explosives to the airport bunker, which would have put her in immediate proximity to the highly dangerous explosives." In her affidavit of support, Officer Stoler further stated that, "as part of concluding all tasks associated with the training exercise, at least one other officer and I were tasked with returning the . . . explosive ordnance to the bunker; however, just before . . . I would have performed this task, I struck my head on the trailer."

PERA's executive director denied Officer Stoler's request for modification of the decision, and the matter went to a fact-finding conference before an ALJ. As noted above, the ALJ determined that Officer Stoler's injury was incurred during the performance of inherently dangerous duties and recommended granting the application for duty disability benefits. The board disagreed with the ALJ and issued a written order affirming PERA's earlier decision to grant regular disability benefits. The board concluded that under the statute, "eligibility [for duty disability benefits] turn[ed] on the job duty or duties being performed at the time of the disabling injury." Applying this standard, the board determined "at the time of her injury, the duty that Officer Stoler was performing consisted of loading the suitcases that did not contain live explosive aids into a trailer." According

to the board, “that duty . . . is not inherently dangerous.” But the board recognized that Officer Stoler was engaged in an inherently dangerous job duty before her injury—taking her canine partner through the training course to detect the live explosive aids—and that she planned to be engaged in an inherently dangerous job duty after—transporting the live explosive aids back to the bunker.

This certiorari appeal follows.

DECISION

“For the purposes of appellate review, a public-retirement-fund board, like the PERA board of trustees, is analogous to an administrative agency.” *In re PERA Salary Determinations Affecting Retired & Active Emps.*, 820 N.W.2d 563, 569 (Minn. App. 2012) (quotation omitted); *see also In re Application of Hildebrandt for Duty-Related Corr. Plan Disability Benefits*, 701 N.W.2d 293, 298 (Minn. App. 2005) (stating that appellate courts review the PERA board’s decision under the same standard used for agency decisions). “[W]e will reverse the PERA board’s decision only if it is fraudulent, arbitrary, unreasonable, unsupported by substantial evidence, not within its jurisdiction, or based on an error of law.” *Id.* at 298 (quotation omitted).

In Minnesota, PERA administers retirement and disability benefits for employees who work for government employers. *See* Minn. Stat. §§ 353.01, .031, .656 (2024). “It is the recognized policy of the state that special consideration should be given to employees of governmental subdivisions who devote their time and skills to protecting the property and personal safety of others.” Minn. Stat. § 353.63 (2024). As a result, full-time police officers must participate in PERA’s police and fire retirement plan. Minn. Stat. § 353.64,

subd. 1 (2024). If members of the police and fire plan develop a condition that is expected to prevent them from working for at least 12 months, they can apply for and receive either regular disability benefits or duty disability benefits. *See* Minn. Stat. §§ 353.031, .656, subds. 1, 3. Officer Stoler challenges the board’s decision to deny her application for duty disability benefits, maintaining that the determination was an error of law, arbitrary or capricious, and unsupported by substantial evidence. For context, we begin by briefly addressing Officer Stoler’s argument that the board erred as a matter of law.

Officer Stoler asserts that the board erred as a matter of law because it failed to properly apply the definition of “duty disability” in Minnesota Statutes section 353.01, subdivision 41, in determining whether she established a duty disability. Subdivision 41 of section 353.01 defines “duty disability” as:

a 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 (emphasis added).

The board contends that the definition of duty disability requires “consideration of the actual job duties the applicant was performing at the time of their disabling injury.” Officer Stoler maintains that PERA erred as a matter of law by examining the specific action that she was engaged in at the moment she was injured, loading suitcases, because the plain language of the statute requires her to prove only that the overarching job duty or

duties in which she was engaged were inherently dangerous. But the parties agree that, in deciding an application for duty disability benefits, PERA must determine the duty or duties that the applicant was performing at the time the injury was incurred. As such, despite the parties' framing the dispute as an issue of statutory interpretation, the issue before us is really a factual dispute about (1) what duty Officer Stoler was performing when she was injured, and (2) whether that duty was inherently dangerous. *See id.*

With that background in mind, we next consider whether the board's decision was supported by substantial evidence, and we conclude that it was not. Because this conclusion is dispositive, we do not address Officer Stoler's other arguments.

“[S]ubstantial evidence is relevant evidence that a reasonable mind might accept as adequate to support a conclusion.” *In re NorthMet Project Permit to Mine Application*, 959 N.W.2d 731, 749 (Minn. 2021) (quotation omitted); *see also Hildebrandt*, 701 N.W.2d at 300 (providing a nearly identical definition of “substantial evidence”). To determine whether an agency decision is supported by substantial evidence, we assess “whether the agency has adequately explained how it derived its conclusion and whether that conclusion is reasonable on the basis of the record.” *NorthMet*, 959 N.W.2d at 749 (quotation omitted). “The standard of review is not heightened where the final decision of the agency decision-maker differs from the recommendation of the ALJ.” *In re Excess Surplus Status of Blue Cross & Blue Shield of Minn.*, 624 N.W.2d 264, 278 (Minn. 2001).

Based on the statutory language, this case turns on whether Officer Stoler's condition was the “direct result of an injury incurred during . . . 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. In its written decision denying Officer Stoler’s application, the board found that, “at the time of her injury, the duty that Officer Stoler was performing consisted of loading the suitcases that did not contain live explosive aids into a trailer.” In so finding, the board considered the loading of suitcases in isolation from the other parts of the training exercise that Officer Stoler was performing, rather than examining the entirety of the training exercise. And the board determined that the isolated activity of loading suitcases was not inherently dangerous, as Officer Stoler was aware that the suitcases did not contain live explosive aids and because Officer Stoler did not establish that she was in close proximity to live explosive aids when she was loading the suitcases even though live explosive aids remained somewhere on site. The board also concluded “that Officer Stoler was engaged in an inherently dangerous job duty prior to her injury: participating in a training to detect explosives that involved the live explosive aids.” And she “anticipated participating in another inherently dangerous activity had she not been injured: transporting the live explosive aids to the bunker. But, at the time of her injury, the duty that Officer Stoler was performing consisted of loading the suitcases that did not contain live explosive aids into a trailer.”

Officer Stoler argues that PERA’s decision is not supported by substantial evidence because “it relies upon contradictions, speculation, and inaccurate facts.” She further argues that she established that she has a “duty disability” within the meaning of section 353.01, subdivision 41, because her “injury was incurred during the performance of

explosive detection training, an exercise that [PERA] concedes is inherently dangerous and specific to positions covered in the Police and Fire Plan.” We agree with Officer Stoler.

Although the board explained how it derived its decision, its decision was not reasonable on the basis of the record. First, the board’s decision to limit the duty that Officer Stoler was performing to only loading suitcases into the trailer is not supported by substantial evidence in the record. Officer Stoler’s uncontroverted testimony at the fact-finding conference was that cleaning up is a required part of the training exercise and “training is not over until everything is accounted for, secured in the bunker and the keys are put away.” In other words, the loading of suitcases into the trailer was a part of the training exercise that she had a duty to undertake. Loading the suitcases was not a stand-alone duty because Officer Stoler would not have been loading the suitcases but for the training exercise.

In finding otherwise, PERA relied on Officer Stoler’s statements in her petition for modification and supporting affidavit that “she would have been in close proximity to the explosive training aids had she not struck her head on the trailer,” and she “would have” transported the explosives back to the bunker if she had not been injured. Read in full, these statements explain what Officer Stoler would have done next in the course of the training exercise; the statements do not reflect that Officer Stoler was not performing inherently dangerous duties while loading the suitcases or that loading the suitcases was a separate duty. As Officer Stoler explained in her petition for modification, “When [she] was injured, the training session had not yet ended. [Officer] Stoler and other officers on scene were still required to handle the explosives and return them to the airport bunker.”

“Had she not been injured, [Officer] Stoler would have assisted in returning the explosives to the airport bunker, which would have put her in immediate proximity to the highly dangerous explosives.” In her affidavit, Officer Stoler also stated that, “as part of concluding all tasks associated with the training exercise, at least one other officer and I were tasked with returning the . . . explosive ordnance to the bunker; however, just before . . . I would have performed this task, I struck my head on the trailer.” Officer Stoler’s statements in her petition for modification and supporting affidavit do not support PERA’s finding that the loading of suitcases was a stand-alone duty from the training exercise but rather reflect that the loading of suitcases was part of the overall exercise.

Second, it was unreasonable for the board to rely on Officer Stoler’s changing proximity to the explosive training aids at different points during the training exercise when determining whether the duty she was engaged in was inherently dangerous. During the fact-finding conference, PERA defined inherently dangerous as “a duty specific to the Police and Fire Plan, while engaged in protecting the property and safety of others.” The board also acknowledged that canine-explosive-detection training is part of protecting the property and safety of others and is specific to law enforcement and Officer Stoler’s employment. As discussed above, Officer Stoler testified at the fact-finding conference that cleaning up is a required part of the training and “training is not over until everything is accounted for, secured in the bunker and the keys are put away.” These statements confirm, as Officer Stoler argues, that by participating in canine-explosive-detection training, which included cleaning up the suitcases and returning the explosives to the bunker, she was performing an inherently dangerous duty.

Moreover, it is undisputed that there were explosive training aids at the training site in Officer Stoler's presence at the time of injury. These explosive training aids were a hazard that was dangerous and could have become volatile and unstable at any point. Although Officer Stoler knew that she was loading suitcases without explosives into the trailer, she was unaware of the location of the explosive training aids both while she running the training course—an activity that PERA agreed was inherently dangerous—and while loading the suitcases. Put differently, based on the nature of the training (including setting up the course, running the course, and cleaning up), Officer Stoler's actual proximity to explosives changed at several points throughout the entirety of the training exercise, including while navigating the training course with her canine partner. By focusing on proximity, PERA improperly emphasized the mechanism and moment of injury, rather than whether the injury occurred while the officer was performing inherently dangerous duties. For example, at the fact-finding conference, PERA agreed with the hypothetical that "if an explosive aid detonated while [Officer] Stoler was in the trailer, [stacking the suitcases], would . . . have been considered inherently dangerous." But, as Officer Stoler argues on appeal: "Even if [she] was not in immediate harm of an unintended detonation [while stacking suitcases], she could have sustained [an] injury rendering aid to an injured officer, rescuing a canine partner from a squad car, or containing a fire." Therefore, the record does not support the board's finding that the duty that Officer Stoler was performing when injured was not inherently dangerous.

In sum, based on the record, it was unreasonable for the board to find the duty that Officer Stoler was performing when injured was limited to loading suitcases. The

undisputed record evidence reflects that the loading of suitcases was part of the training-exercise duty and not a stand-alone duty. Additionally, the undisputed record reflects that the training-exercise duty was inherently dangerous because it involved live explosive aids. We therefore conclude that the record lacks substantial evidence to support the board's decision. Instead, we conclude that the undisputed record evidence shows that Officer Stoler was injured during the performance of an inherently dangerous duty and the injury is expected to prevent her from working for a period of not less than 12 months. She therefore established a "duty disability" under section 353.01, subdivision 41. Accordingly, we reverse the board's decision to deny Officer Stoler's application for duty disability benefits.

Reversed.