

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-2200**

Hubbard County,
Relator,

vs.

James Card,
Respondent,

Public Employees Retirement Association of Minnesota,
Respondent.

**Filed August 10, 2026
Reversed and remanded
Worke, Judge**

Court of Administrative Hearings
File No. CAH 5-3600-40470

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Considered and decided by Worke, Presiding Judge; Connolly, Judge; and Slieter,
Judge.*

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to
Minn. Const. art. VI, § 10.

SYLLABUS

- I. The 2025 amendment to Minn. Stat. § 299A.465 (Supp. 2025) is not retroactive.
- II. Under provisions of Minn. Stat. § 299A.465 (2024), an employer is a person as defined by the statute.

OPINION

WORKE, Judge

In this certiorari appeal, relator Hubbard County (the county) challenges the decision of an administrative-law judge (ALJ) dismissing its appeal of respondent Public Employees Retirement Association’s (PERA) duty-disability determination. First, the county argues that the ALJ erred by concluding that 2025 amendments to section 299A.465 applied retroactively to preclude the county’s appeal. Second, the county argues the ALJ erred by concluding it was not a “person” under the statute permitted to challenge a PERA determination. Because the ALJ erred by applying section 299A.465 (Supp. 2025) retroactively and by determining the county was not a person permitted to challenge a PERA duty-disability determination, we reverse and remand.

FACTS

Respondent James Card, a Hubbard County deputy sheriff, applied for PERA duty-disability benefits and continued health insurance coverage under Minn. Stat. § 299A.465 (2024). Card’s PERA application was approved. By correspondence, PERA notified the county, Card’s employer, of Card’s approval. The notification letter also informed the county that it had the “right to petition for a review” of the determination under section

299A.465 “within 60 days by requesting a contested case hearing.” On October 21, 2024, the county petitioned for review and initiated a contested-case hearing before an ALJ.

In September 2025, Card moved for summary disposition, requesting the contested case be dismissed based on his assertion that 2025 legislative amendments prohibited the county from challenging PERA’s determination. The county filed a response. After a hearing, the ALJ asked the parties to address the additional question of whether an employer had a statutory right to petition for review of a PERA determination.

In November 2025, the ALJ granted Card’s motion and dismissed the petition. In the dismissal, the ALJ concluded that it lacked subject-matter jurisdiction because the 2025 amendments applied retroactively, prohibiting the county from challenging the determination and that the county was not a “person,” as defined by the statute, capable of challenging a duty-disability determination.

This appeal followed.

ISSUES

- I. Did the legislature intend for the 2025 amendments to section 299A.465 to apply retroactively, prohibiting employers from challenging duty-disability determinations?
- II. Are employers “persons” under section 299A.465 (2024) capable of challenging duty-disability determinations?

ANALYSIS

The county challenges the ALJ’s dismissal order, arguing that the ALJ erred by concluding that (1) the 2025 amendments to section 299A.465 applied retroactively,

precluding the county's appeal, and (2) the county was not a "person" entitled to petition for review of a duty-disability determination.

Final determinations made by the ALJ are reviewable by this court by writ of certiorari. Minn. Stat. § 299A.465, subd. 1(b); *see also* Minn. Stat. § 14.63 (2024) (providing right to judicial review of final agency decision in contested case). This court applies the same standard of review of challenges to PERA determinations as agency decisions. *See In re PERA Salary Determinations*, 820 N.W.2d 563, 569 (Minn. App. 2012). If a petitioner's substantial rights have been prejudiced, this court may reverse or modify a decision because the decision, among other things, is affected by an error of law. Minn. Stat. § 14.69(d) (2024). Statutory interpretation is a question of law reviewed de novo. *In re Restorff*, 932 N.W.2d 12, 18 (Minn. 2019).¹

I. The 2025 amendments to section 299A.465 do not apply retroactively.

The county first argues that the ALJ erred by concluding that the 2025 amendments to section 299A.465 applied retroactively, prohibiting the county from challenging PERA's determination.

¹ Card argues that this court must defer to the ALJ's decision, as it would an agency, because of the ALJ's expertise. Agencies receive deference within their area of expertise and reviewing courts do not defer to an agency's decision with respect to questions of law, which are at issue here. *See In re Masson*, 753 N.W.2d 755, 757 (Minn. App. 2008), *rev. denied* (Minn. Oct. 1, 2008). There are circumstances in which courts defer to agency interpretations of ambiguous statutes or regulations. *See In re Annandale NPDES/SDS Permit Issuance*, 731 N.W.2d 502 (Minn. 2007). But where a regulation or statute is clear and unambiguous, a court "need not defer to the agency's interpretation and may substitute its own judgment[.]" *Id.* at 516.

In Minnesota, PERA administers retirement and disability benefits for governmental employees or public officers who serve governmental employers. *See generally* Minn. Stat. § 353.01-.95 (2024). Full-time police officers and firefighters must participate in PERA’s police and fire plan. *See* Minn. Stat. § 353.64, subd. 1. Eligibility for disability benefits is governed by section 353.656. Section 299A.465, subdivision 1, applies when a police officer is eligible to receive a disability benefit under section 353.656. Minn. Stat. § 299A.465, subd. 1(a)(1) (2024).

After PERA determines an officer qualifies for duty-disability benefits, an “employer shall continue to provide health coverage” for the officer and the officer’s dependents, if they were receiving dependent coverage at the time of the injury. *See id.*, subd. 1(c). Notice of the determination is then sent to the employee and the employer. Minn. Stat. § 299A.465, subd. 1(2)(b) (2024). The notice includes the reasoning for the determination and that a person may petition for review of the determination by requesting a contested-case hearing within 60 days. *Id.* We have previously presumed without deciding that an employer is a person within the meaning of the statute.

In 2025, the Minnesota Legislature amended section 299A.465. *See* 2025 Minn. Laws ch. 37, art. 15, § 1, at 911. Relevant to this dispute, the amendment provides that an “employer has no right to challenge and is prohibited from challenging the continuation and payment of health coverage” under this section. *See id.* at 913 (codified at Minn. Stat. § 299A.465, subd. 1(i) (Supp. 2025)). Amendments were effective on May 24, 2025, “the day following final enactment.” *Id.*, § 9 at 919. The legislature did not state the

amendments were intended to be clarifications to the existing statute, nor that it intended for the amendments to apply retroactively.

The ALJ concluded that the 2025 amendments to section 299A.465, prohibiting employers from challenging PERA determinations, applied retroactively because the amendment was a clarification to the statute. *See Rural Am. Bank of Greenwald v. Herickhoff*, 485 N.W.2d 702, 707 (Minn. 1992) (“Clarifications are to be read into statutory laws retroactively.”). To support this conclusion, the ALJ cited the senate file title, which states the changes were to make “administrative and conforming changes” to the statute. *See* S.F. 2884, 2025 94th Spec. Sess., art. 1, § 1. Reasoning that the legislature’s use of “conforming” in S.F. 2884 meant the legislature intended to clarify or conform changes to the statute with the legislature’s original intent. Specifically, the legislature precluded employers from challenging determinations which, according to the ALJ, also clarified the legislature’s definition of “person” allowed to petition for review under the section.

The county argues that the ALJ erred because the legislature did not explicitly state it intended for the amendments to apply retroactively. We agree. There is a strong presumption against the retroactive application of legislation “unless clearly and manifestly so intended by the legislature.” Minn. Stat. § 645.21 (2024); *see, e.g., Ubel v. State*, 547 N.W.2d 366, 369 (Minn. 1996) (stating statutes are “presumed to operate only prospectively” unless legislature clearly states otherwise); *Duluth Firemen’s Relief Ass’n v. City of Duluth*, 361 N.W.2d 381, 385 (Minn. 1985) (stating section 645.21 requires clear evidence of retroactive intent in the statute’s language).

There are instances when “[c]larifications are to be read into statutory laws retroactively.” See *Rural Am. Bank*, 485 N.W.2d at 706-07 (stating legislature plainly stated amendment’s purpose was to clarify legislature’s intent); see also *Nardini v. Nardini*, 414 N.W.2d 184, 196 (Minn. 1987) (stating legislature “clearly manifested its unmistakable intention that the [amendment] was . . . only to correct the interpretation”); *Braylock v. Jesson*, 819 N.W.2d 585, 588 (Minn. 2012) (stating legislative amendments create the presumption that the legislature intended to change the law, but for purposes of retroactivity, the presumption is rebutted only if the legislature intended to merely clarify existing law, not change it).

But the legislature stating its intent to clarify a statute may still be insufficient and, instead, courts distinguish clarifications from substantive changes. See, e.g., *Duluth Firemen’s Relief*, 361 N.W.2d at 385 (concluding that labeling an amendment as a “clarification” was not enough to evince legislature’s intent for retroactive application, only future application); *Honeywell, Inc. v. Minnesota Life & Health Ins. Guar. Ass’n.*, 518 N.W.2d 557, 562 (Minn. 1994) (stating a court is not bound by “clarifying” label of amendment; rather, it must determine whether amendment “substantively modifies prior law”); *Carlson v. Lilyerd*, 449 N.W.2d 185, 191 (Minn. App. 1989) (stating an amendment is a clarification when legislature quickly responds to a judicial determination that did not reflect a statute’s original legislative intent), *rev. denied* (Minn. Mar. 8, 1990).

Applying this framework, the legislature here did not explicitly state it intended for the 2025 amendments to apply retroactively. This is evinced by language stating that the amendments were effective “the day following final enactment” on May 24, 2025, in

conjunction with the absence of any language regarding retroactivity. 2025 Minn. Laws ch. 37, art. 15, § 9, at 919.

A plain reading of this language shows that the legislature intended for amendments to take effect on May 24, 2025. The legislature could have, but did not, indicate that the amendments applied to pending petitions. Absent clear and manifest intent by the legislature, we presume statutory changes are prospective, not retroactive. *See* Minn. Stat. § 645.21. But the legislature also appears to have contemplated pending cases at the time of enactment by stating that “[n]othing in this subdivision shall be construed to render void any agreement entered into prior to the date of enactment,” which further negates retroactive application. 2025 Minn. Laws ch. 37, art. 15, § 1, at 913 (codified at Minn. Stat. § 299A.465, subd. 1(h) (Supp. 2025)). If the legislature meant for one or more changes to apply retroactively, then it would have clearly and manifestly stated this intent.

The ALJ’s interpretation of the amendments as mere clarifications is similarly not persuasive. While S.F. 2884 was labeled as “administrative and conforming changes,” the legislature did not state the amendment’s intent was to clarify any part of the existing statute. *See Duluth Firemen’s Relief Ass’n*, 361 N.W.2d at 387. Moreover, the 2025 amendments brought a slew of additional changes to the statute, and the title of S.F. 2884 fails to differentiate which of the many changes could be considered “conforming” in such a manner as to clarify the legislature’s original intent. In fact, several changes to the statute appear to be substantive, such as the elimination of contested hearings, a prohibition on settlements, and a durational limitation to benefits. *See Honeywell, Inc.*, 518 N.W.2d at 562. In addition, 2008 was the last time the legislature made substantive changes to section

299A.465. And there is no caselaw indicating a recent decision from Minnesota courts impacted the legislature’s decision to amend the statute. *See Carlson*, 449 N.W.2d at 191.

For these reasons, the statute and its amendments are clear and free from ambiguity. *See Minn. Stat. § 645.16 (2024)*. The legislature neither expressly stated it intended for the amendments to apply retroactively, nor did it explicitly state the changes were to clarify its original intent. In addition, the legislature contemplated potential ongoing disputes and clearly stated amendments went into effect the day after enactment. With this, arguments from the ALJ stating the legislature intended only to clarify the existing statute to match the original legislative intent attempts to disregard the letter of the law “under the pretext of pursuing the spirit.” *See id.*

Therefore, the ALJ erred by concluding that the legislature’s 2025 amendments to section 299A.465 retroactively precluded the county from challenging PERA’s determination. Accordingly, the county’s October 2024 petition for review was timely and the matter is remanded for a contested-case hearing.

II. An employer was a “person” under section 299A.465 capable of challenging duty-disability determinations.

The county argues that the ALJ erred by determining employers were not “persons” under the 2024 version of section 299A.465 and were thus not entitled to a contested-case hearing. Determining whether employers were “persons” under the statute requires us to interpret section 299A.465. We interpret statutes to ascertain and effectuate legislative intent. *Hayden v. City of Minneapolis*, 937 N.W.2d 790, 795 (Minn. App. 2020), *rev. denied* (Minn. Apr. 14, 2020). The first step in this process is to look at whether the

statute’s language is ambiguous and, if not, apply its plain language. *Id.* When interpreting a statute, “no word, phrase, or sentence should be deemed superfluous, void or insignificant[,]” and this court “cannot add to a statute what the legislature has either purposely omitted or inadvertently overlooked.” *Id.* at 795-96 (quotations omitted). When unambiguous, we will not “disregard the letter of the law in pursuit of its purpose.” *Id.* at 795 (quotation omitted). In rare cases when the statute’s literal meaning “utterly confounds” clear legislative purpose, we may “examine other indicia of legislative intent.” *Id.* at 795-96 (quotations omitted).

In relevant part, the 2024 version of section 299A.465 provided that written notice of a duty-disability determination shall be sent to the “peace officer or firefighter and the employer.” Minn. Stat. § 299A.465, subd. 1(b). Notice must include:

(2) a notice that *the person* may petition for a review of the determination by requesting that a contested case be initiated before the [Court of Administrative Hearings (CAH)²], the cost of which must be borne by the peace officer or firefighter and the employer; and

(3) a statement that *any person* who does not petition for a review within 60 days is precluded from contesting issues determined by the executive director in any other administrative review or court procedure.

. . . .

Review of a final determination made by the [CAH] under this section may only be obtained by writ of certiorari to the

² The statute refers to the “Office of Administrative Hearings.” But the Minnesota “Office of Administrative Hearings” has been renamed to the “Court of Administrative Hearings.” This change—authorized during the 2025 legislative session—officially updates the terminology across the state’s administrative and legal framework. 2025 Minn. Laws ch. 39, art. 2, § 68.

Minnesota Court of Appeals. . . . Only the peace officer or firefighter, employer, and state have standing to participate in a judicial review of the decision of the [CAH].

Id. (emphasis added). At issue here is the legislature’s intent with the use of “the person” and “any person.”

We have presumed without deciding that an employer is a person within the meaning of the statute. *See, e.g., City of Eden Prairie v. Serafin*, 7 N.W.3d 132, 136 (Minn. App. 2024); *Aldean v. City of Woodbury*, 2 N.W.3d 918, 920 (Minn. App. 2024); *City of White Bear Lake v. Kriegshauser*, No. A23-0005, 2023 WL 5838798, at *2 (Minn. App. Sept. 11, 2023)³ (specifically referencing an employer’s ability to request a contested-case hearing within 60 days of the final determination); *City of Waite Park v. Weeres*, No. A22-0956, 2023 WL 3939565, at *3 (Minn. App. June 12, 2023) (stating an employer may request a contested-case hearing before the CAH within 60 days of PERA’s determination). This appeal directly raises that issue for our resolution; therefore, we turn to interpreting the statutory language.

Looking to the statute’s language, the 2024 version of the statute unambiguously required written notice be sent to an officer or firefighter *and* the employer. Minn. Stat. § 299A.465, subd. 1(b). When listing what the notice must include, the statute uses the term “the person” and “any person.” *Id.*, subd. 1(b)(2)-(3). The ALJ concluded that use of “the person” or “any person” precluded employers under the definition. But the legislature also used “the person” and “any person” rather than “the peace officer” or

³ Nonprecedential opinions are not binding and cited as persuasive authority only. *See* Minn. R. Civ. App. P. 136.01, subd. 1(c).

“firefighter.” Accordingly, the statute could be interpreted to define “the person” or “any person” as any person who received a written notice of a duty-disability determination—including an employer. Language in the statute supports this latter conclusion because “[o]nly the peace officer or firefighter, employer, and state have standing to participate in a judicial review” of an ALJ decision. *See id.*, subd. 1(b)(3).

In the context of a subsection discussing who shall receive notice, the contents of that notice, and who retains standing to challenge a final decision on appeal—an employer is included as a “person” permitted to challenge a PERA determination under the statute. In addition, the written notice sent to the county by PERA states that “[t]he former employer has the right to petition for review” of the determination within 60 days “by requesting a contested case hearing” before the CAH. This is in line with controlling caselaw and interpretations of section 299A.465 prior to the 2025 amendments.

Even if the statute were ambiguous, the common definition of “person” in law, as provided by the ALJ, includes human beings, partnerships, or corporations. *See Black’s Law Dictionary* 1377 (12th ed. 2024) (defining person as including corporations, partnerships, and other associations); *The American Heritage Dictionary* 1317 (5th ed. 2011) (defining person as a “human, corporation, organization, partnership, association, or other entity deemed or construed to be governed by a particular law”). In addition, Minnesota law provides that the definition of “[p]erson may extend and be applied to bodies politic and corporate.” Minn. Stat. § 645.44, subd. 7 (2024).

If the legislature intended the definition of “person” under the statute to preclude employers from petitioning for review, then it could have stated “the peace officer or

firefighter” instead of “the person” or “any person.” Given that employers are specifically referenced in the notice requirements of subdivision 1(b), and for retaining jurisdiction on appeal in subdivision 1(b)(3), it stands to reason that employers were also “persons” who could petition for review at a contested-case hearing under the 2024 version of Minn. Stat. § 299A.465.

Therefore, the ALJ erred by concluding that, as an employer, the county was not a person under the statute, and because the county’s October 2024 petition for review was timely, it is entitled to a contested-case hearing.

DECISION

Because the 2025 amendments to section 299A.465 do not apply retroactively and employers, like relator-county, were persons under the 2024 version of the statute, the ALJ erred by denying the county’s petition for further review. The county’s October 2024 petition for review was timely, and the matter should be scheduled for a contested-case hearing.

Reversed and remanded.