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The Minnesota Supreme Court Rejects Constitutional Challenges to Age and PPD Thresholds for Bringing Workers Compensation PTD Claims

In Gluba v. Bitzan & Ohren Masonry and Grinnell Mutual Group, July 26, 2007 (A06-1849), the Minnesota Supreme Court denied challenges under the Minnesota and U.S. Constitutions to the validity of age and permanent partial disability thresholds workers' compensation claimants must meet to bring claims for permanent total disability (PTD) benefits.

Gluba filed a claim petition alleging he was permanently and totally disabled as a result of a work-related injury. A workers' compensation judge found Gluba was ineligible for permanent total disability benefits because he had a 10 % permanent partial disability and under the Minnesota Workers' Compensation Act. a worker of Gluba's age and education must have a permanent partial disability rating of 13 % or greater before permanent total disability benefits will be awarded. Gluba appealed to the Workers' Compensation Court of Appeals (WCCA), which affirmed the workers' compensation judge. Gluba filed a second petition seeking permanent total disability benefits and a judge denied his claim.. Gluba appealed to the WCCA, arguing, that section 176.101, subd. 5(2), which sets forth the age and PPD "thresholds" necessary to bring PTD claims is unconstitutional. The WCCA upheld the denial of benefits but, citing lack of jurisdiction, declined to consider Gluba's constitutional claim. Gluba petitioned for further review with the Minnesota Supreme Court.

The Supreme Court, applying the "rational basis" test to analyze the validity of these PTD classifications under the Minnesota and Federal Constitutions, held the statute did not violate the fundamental right to live where one chooses and that legislative classifications based on age and disability are not suspect classifications for equal protection purposes.

Under the Federal Constitution, a statute will be constitutional under the " rational basis" standard if the challenged classification has a "legitimate purpose". Under the Minnesota Constitution a statute will be constitutional under the rational basis test if the following conditions are satisfied: (1) a [workers' compensation] classification must apply uniformly to all those similarly situated; (2) be necessitated by genuine and substantial distinctions between the two groups; and (3) effectuate the purpose of the law. Because the Minnesota rational basis test is more rigorous than its Federal counterpart, the Minnesota Supreme Court analyzed the statute under the Minnesota rational basis test.

The Court analyzed the statute using the three prongs of the Minnesota rational basis test.

- (1) The Court initially found the classifications set forth in §176.101, subd. 5(2) applied uniformly to all similarly situated persons reasoning that no employee is eligible for PTD benefits unless his or her impairment is among those listed in §176.101, subd. 5(1), or he/she meets one of the statutory thresholds.

(2) Gluba argued the workers' age and education were not genuine and substantial distinctions between groups of injured workers, and that these distinctions were not rationally-related to the employability of workers. The Court deferred to the legislature, holding the legislature could reasonably have believed there was a connection between the employability of a worker and the workers age and education.

(3) The Court last struggled with the question of whether or not the classifications, age and education, effectuated the purpose of the law. The Court noted that the purpose of the workers' compensation law was to assure the quick and efficient delivery of indemnity and medical benefits to injured workers at a reasonable cost to the employers. The Court noted that while there was a danger injured unemployable workers not covered under the Workers' Compensation Act might be forced to seek other forms of public assistance, Gluba had not shown that the classifications of age and education undermined the purpose of the law.

The Court found the statute satisfied the three prongs of the Minnesota rational basis test, and Minnesota Statute §176.101, subd. 5(2) did not violate Gluba's right to equal protection under the U.S. Constitution or the Minnesota Constitution.

If you have any questions regarding this case or other workers' compensation issues, please contact any member of our Workers' Compensation Practice Group at (952) 831-6544. This letter is available in .pdf form on the News and Resources page of our Firm's website: www.johnson-condon.com. If you would prefer to receive our case law updates by email only, please sign up at www.johnson-condon.com/contactus.htm

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