

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A22-0507**

In the Matter of a Public Safety Officer Death Benefit for  
Jerome Richard Lannon (deceased).

**Filed December 19, 2022  
Reversed and remanded  
Cochran, Judge**

Office of Administrative Hearings  
File No. 71-2400-37091

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Considered and decided by Wheelock, Presiding Judge; Bratvold, Judge; and  
Cochran, Judge.

**SYLLABUS**

A surviving spouse of a public safety officer who dies by suicide is entitled to the death benefit for survivors of officers “killed in the line of duty” under Minn. Stat. § 299A.44 (2022) if the officer’s death resulted from post-traumatic stress disorder (PTSD) caused by performing duties peculiar to a public safety officer.

**OPINION**

**COCHRAN**, Judge

In this certiorari appeal, relator challenges the denial of her application for the death benefit provided by Minn. Stat. § 299A.44 to survivors of public safety officers “killed in the line of duty.” Relator argues that an administrative-law judge (ALJ), who made the

final decision denying the application, erred by concluding on summary disposition that relator's husband, a sheriff's deputy, was not "killed in the line of duty" within the meaning of the statute when he died by suicide after receiving a diagnosis of duty-related PTSD. Because the phrase "killed in the line of duty," as interpreted by the supreme court, is broad enough to encompass the death of a public safety officer who dies by suicide as a result of PTSD caused by performing duties peculiar to a public safety officer, we reverse and remand.

## FACTS

This case arises from the tragic death of Washington County Sheriff's Deputy Jerome Lannon, who died by suicide in 2018 while employed as a sheriff's deputy. The record before the ALJ, viewed in the light most favorable to relator, reflects the following facts.<sup>1</sup>

Deputy Lannon had a decades-long career as a public safety officer. He first worked as a police officer in Iowa for eleven years. In 1999, he began working for the Washington County Sheriff's Department. Over the course of his career as a sheriff's deputy, he responded to many disturbing incidents, including a double murder, multiple suicides, a child's sexual assault, and fatal vehicle crashes. He was also involved in high-stress situations like apprehending a suspect in a domestic dispute who had fired a weapon in the

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<sup>1</sup> When reviewing a summary-disposition decision, appellate courts view the facts in the light most favorable to the party against whom summary disposition was granted. *Henson v. Uptown Drink, LLC*, 922 N.W.2d 185, 190 (Minn. 2019) (applying this standard on appeal from summary judgment); *Pietsch v. Minn. Bd. of Chiropractic Exam'rs*, 683 N.W.2d 303, 306 (Minn. 2004) (explaining that "[s]ummary disposition is the administrative equivalent of summary judgment").

home. In 2015, Deputy Lannon was diagnosed with anxiety and depression. In 2016, he began attending therapy to address symptoms of anxiety and depression. At that time, his psychologist noted that Deputy Lannon “could be suffering from PTSD related to his work,” though he was not formally diagnosed with PTSD.

In July 2018, Deputy Lannon injured his back while lifting his granddaughter. This injury caused pain in his lower back and numbness in his left leg. In September 2018, he was further injured in a serious car accident. A newspaper article published after his death quotes a reporter as saying that Deputy Lannon’s PTSD “went into overdrive” after the car accident. He went on medical leave around the time of the car accident.

In October 2018, Deputy Lannon sought counseling with a new therapist to address symptoms of depression. The therapist recorded “an initial diagnostic impression of PTSD.” In November 2018, Deputy Lannon attended another therapy session, at which the therapist noted that Deputy Lannon “reported ongoing symptoms of depression including suicidal thoughts and thoughts of failure that had been present for several weeks.” Two days later, Deputy Lannon’s supervisor brought him to a hospital because he was experiencing suicidal ideations. A doctor in the emergency department determined that Deputy Lannon was “extremely high risk to follow through with his suicide plan” and kept him in the emergency department overnight. He was diagnosed with severe recurrent major depressive disorder with psychotic symptoms and PTSD. The hospital then admitted him for inpatient psychiatric care. On November 21, Deputy Lannon was discharged from the hospital. On November 23, he attended another therapy session at which the therapist noted he “reported ongoing symptoms of anxiety, stress, and depressed mood.”

On November 26, 2018, Deputy Lannon died by suicide. His death certificate lists depression and PTSD as “contributing conditions” to his death. At the time of his death, he was still employed by the Washington County Sheriff’s Department.

Following Deputy Lannon’s death, relator applied to respondent Minnesota Department of Public Safety (the department) for the public safety officer death benefit provided by Minn. Stat. § 299A.44 to survivors of public safety officers “killed in the line of duty.” Relator’s application included a letter from the Public Employees Retirement Association informing her that she would receive “non-duty” survivor benefits unless the department determined that Deputy Lannon’s death was “duty-related.” In a letter to the commissioner of the department, relator asked that Deputy Lannon’s death be deemed “duty-related” because his suicide was due to job-related PTSD.

The commissioner responded with a letter denying relator’s application. In the letter, the commissioner stated that “to be eligible for the full benefit, the death of a public safety officer must have occurred *while* acting in the course or scope of duties as a public safety officer.” (Emphasis added.) The commissioner further stated that it did not appear that Deputy Lannon was acting in the usual scope of duties as a public safety officer when he died, “nor was there an accidental death.” The commissioner informed relator of her right to challenge his decision by requesting a contested-case proceeding before an ALJ. Relator did so.

After the matter was assigned to an ALJ, the department filed a motion for summary disposition seeking an order affirming the denial of relator’s application and dismissing the matter. In a supporting memorandum, the department argued that relator is ineligible for

the death benefit provided by Minn. Stat. § 299A.44 because Deputy Lannon was not “killed in the line of duty” within the meaning of Minn. Stat. § 299A.41, subd. 3 (2022). The department did not dispute that Deputy Lannon was suffering from PTSD that may have been induced by his job,<sup>2</sup> but the department argued that his death by suicide was “intentional,” not accidental, and too attenuated from any occurrence within the course and scope of his duties to be covered by the death-benefit statute.

Relator opposed the department’s motion, arguing that Deputy Lannon’s death meets the definition of “killed in the line of duty” under Minn. Stat. § 299A.44 and Minn. Stat. § 299A.41, subd. 3, because his suicide resulted from PTSD and depression—work-related mental injuries that he developed “while performing hazardous law enforcement duties.” Relator’s argument was supported by reports from two mental-health professionals, including the therapist who had treated Deputy Lannon most recently. That therapist opined in her report that Deputy Lannon was “dealing with chronic PTSD . . . due to work events and stresses” and that “his suicide was an outcome of his PTSD and [d]epression.” In a postmortem psychological evaluation, another licensed psychologist opined that Deputy Lannon “was suffering from chronic and severe depression and PTSD that *very likely* led to his death.” (Emphasis added.) The psychologist noted that Deputy Lannon’s symptoms were documented as “a result of exposure to traumatic incidents” experienced in his work as a police officer. The postmortem psychological evaluation

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<sup>2</sup> While not disputing that Deputy’s Lannon’s PTSD may have been job-induced, the department also suggested that Deputy Lannon’s PTSD may have been induced by something other than his job, such as the September car accident or complications from his recent non-job-related injuries.

included a detailed list of traumatic events that Deputy Lannon witnessed and experienced during his career as a law-enforcement officer.

After hearing oral arguments from the parties, the ALJ issued an order granting the department's motion for summary disposition and dismissing relator's challenge to the commissioner's decision. The ALJ determined that "the undisputed facts establish that Deputy Lannon was not 'killed in the line of duty,' as that standard is applied under Minn. Stat. § 299A.44, and that [relator] is not eligible for payment of a death benefit." The ALJ reasoned that "PTSD and depression are not, themselves, fatal conditions and were not the immediate cause of Deputy Lannon's death. Instead, Deputy Lannon died from a self-inflicted gunshot wound." Under Minn. Stat. § 299A.43 (2022), the ALJ's order on summary disposition is the final decision of the commissioner of public safety regarding relator's eligibility for the death benefit provided by Minn. Stat. § 299A.44.

Relator now seeks judicial review of that decision.

### **ISSUE**

Did the ALJ err by granting summary disposition based on a determination that Deputy Lannon was not "killed in the line of duty" as a matter of law?

### **ANALYSIS**

"Summary disposition is the administrative equivalent of summary judgment." *Pietsch*, 683 N.W.2d at 306. Summary disposition is appropriate only when there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. *See* Minn. R. Civ. P. 56.01; *Pietsch*, 683 N.W.2d at 306. We review an ALJ's grant of summary disposition de novo to determine whether any genuine issues of

material fact exist and whether the ALJ erred in applying the law to the facts. *Pietsch*, 683 N.W.2d at 306. In doing so, we view the evidence in the light most favorable to the nonmoving party. *See Henson*, 922 N.W.2d at 190 (applying this standard in an appeal from summary judgment). Statutory interpretation also presents a question of law that we review de novo. *J.D. Donovan, Inc. v. Minn. Dep't of Transp.*, 878 N.W.2d 1, 4 (Minn. 2016).

Relator challenges the ALJ's decision granting summary disposition to the department. Relator argues that the ALJ erred by determining, as a matter of law, that Deputy Lannon's death did not qualify as "killed in the line of duty" pursuant to Minn. Stat. § 299A.44. Relator also argues that the ALJ's error requires reversal and remand for a contested-case hearing.

We first consider the meaning of "killed in the line of duty" as used in Minn. Stat. § 299A.44. We then consider whether any genuine issue of material fact exists that precludes summary disposition.

**A. The phrase "killed in the line of duty," as used in Minn. Stat. § 299A.44, includes a public safety officer's death by suicide that results from PTSD caused by performing duties peculiar to a public safety officer.**

Since 1973, the Minnesota legislature has provided a death benefit to surviving spouses and dependent children of officers "killed in the line of duty." *See* 1973 Minn. Laws ch. 248, §§ 1-5, at 488-90. The current version of the statute provides that the state shall pay a death benefit from the public safety officer's benefit account to survivors of

public safety officers certified by the commissioner of public safety as “killed in the line of duty.” Minn. Stat. § 299A.44.<sup>3</sup>

The primary question before us is whether a public safety officer who dies by suicide as a result of job-related PTSD<sup>4</sup> is “killed in the line of duty” within the meaning of the death-benefit statute, Minn. Stat. § 299A.44. To answer this question, we apply well-accepted rules of statutory interpretation.

The goal of statutory interpretation “is to ascertain and effectuate the intention of the legislature.” *State by Smart Growth Minneapolis v. City of Minneapolis*, 954 N.W.2d 584, 590 (Minn. 2021) (quoting Minn. Stat. § 645.16 (2020)). As the first step in the process, we “determine whether the words of the statute in their application to an existing situation are free and clear from all ambiguity.” *State v. Miller*, 977 N.W.2d 592, 597 (Minn. 2022) (quotation omitted); *see also Hagen v. Steven Scott Mgmt., Inc.*, 963 N.W.2d 164, 169 (Minn. 2021). If the meaning of the statute is not ambiguous, we apply its plain meaning. *500, LLC v. City of Minneapolis*, 837 N.W.2d 287, 290 (Minn. 2013). If the meaning of the statute is ambiguous—susceptible to more than one reasonable interpretation—“we

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<sup>3</sup> The original statute used the term “peace officer” and defined that term to include police officers, highway patrol officers, correctional officers, firefighters, and others. 1973 Minn. Laws ch. 248, §§ 1-5, at 488-90. When the legislature recodified the death-benefit statute in 1990 as Minn. Stat. § 299A.44, it revised the language of the statute to refer to “public safety officers.” 1990 Minn. Laws ch. 591, art. 5, § 4, at 2311-13. The term “public safety officer” is currently defined in Minn. Stat. § 299A.41, subd. 4 (2022) and includes “peace officers” as defined in Minn. Stat. § 626.84, subd. 1 (2022), corrections officers, firefighters, and others.

<sup>4</sup> We use the term “job-related PTSD” as a shorthand reference to the standard discussed in more detail below: PTSD caused by performing those duties peculiar to a public safety officer that expose the officer to the hazard of being killed.



will go beyond the plain language of the statute to determine the intent of the legislature.” *Hagen*, 963 N.W.2d at 169 (quotation omitted).

Based on our review of the plain language of Minn. Stat. § 299A.44, we first conclude that the meaning of “killed in the line of duty,” as used in the statute, is ambiguous. To aid in our interpretation of the phrase, we consider supreme court decisions interpreting the phrase in a prior version of the death-benefit statute, as well as statutory history. Finally, we conclude that the meaning of “killed in the line of duty,” as used in the statute, is broad enough to encompass a death by suicide resulting from job-related PTSD.

#### *The Meaning of “Killed in the Line of Duty”*

As discussed above, Minn. Stat. § 299A.44 provides a death benefit to survivors of public safety officers who are “killed in the line of duty.” The phrase “killed in the line of duty” is not defined in Minn. Stat. § 299A.44. A related definitional provision in Minn. Stat. § 299A.41, subd. 3, provides a partial definition. Minn. Stat. § 299A.41, subds. 1, 3 (2022). That section contains language *excluding* coverage for deaths from natural causes (except those caused by a heart attack, stroke, or vascular rupture, as long as certain work-related conditions are met) and *including* coverage for deaths caused by accidental means. *Id.*, subd. 3. It provides:

“Killed in the line of duty” *does not include* deaths from natural causes, *except* as provided in this subdivision. In the case of a public safety officer, killed in the line of duty *includes* the death of a public safety officer caused by accidental means while the officer is acting in the course and scope of duties as a public safety officer. Killed in the line of duty *also means* if a public safety officer dies as the direct and proximate result of

a heart attack, stroke, or vascular rupture, that officer shall be presumed to have died as a direct and proximate result of a personal injury sustained in the line of duty if [certain conditions are met.]

*Id.* (emphasis added).

As both parties acknowledge, Minn. Stat. § 299A.41, subd. 3, does not provide an all-encompassing definition of “killed in the line of duty.” It provides only a partial definition because it addresses deaths by “natural causes” and “accidental means” but not any other causes of death. For example, Minn. Stat. § 299A.41, subd. 3, does not address whether an officer who is shot while responding to a 911 call about a robbery and dies on the scene is “killed in the line of duty.” Similarly, it does not address whether an officer who is shot and injured on the scene but later dies from an infection sustained after surgery to remove a bullet is “killed in the line of duty.” Nor does it address whether an officer who sustains PTSD caused by job-related trauma and dies by suicide as a result is “killed in the line of duty” within the meaning of Minn. Stat. § 299A.44.

An ambiguity exists as to whether these and potentially other causes of death fall within the meaning of “killed in the line of duty” for purposes of the death benefit. One could reasonably argue that an officer who dies under any of these three hypothetical circumstances is “killed in the line of duty” because each of the deaths results from performing duties related to working as a public safety officer. One could also reasonably argue that the officer who is shot and dies on the scene was “killed in the line of duty,” but the other two officers were not because they did not die while on duty. In other words, a gray area exists with respect to the circumstances under which a public safety officer may

be considered “killed in the line of duty” under Minn. Stat. § 299A.44 when a death is not “natural” or “accidental.” We therefore conclude that Minn. Stat. § 299A.44 is ambiguous as to the meaning of “killed in the line of duty,” particularly as it applies to a death by suicide resulting from job-related PTSD. *See Miller*, 977 N.W.2d at 597 (explaining that the first step in statutory interpretation “is to determine whether the words of a statute *in their application to an existing situation* are clear and free from all ambiguity” (emphasis added) (quotation omitted)).

Because the plain language of the statute and its related definitional provision do not answer the question before us, we next consider sources “beyond the plain language of the statute to determine the intent of the legislature.” *Hagen*, 963 N.W.2d at 169 (quotation omitted). Specifically, we turn to supreme court decisions interpreting the meaning of “killed in the line of duty” as used in a prior version of the death-benefit statute in effect before the legislature enacted the partial definition of “killed in the line of duty” included in Minn. Stat. § 299A.41, subd. 3. *See* Minn. Stat. § 645.17 (2022) (explaining that “when a court of last resort has construed the language of a law,” courts presume that the legislature intends for the same construction to apply in subsequent laws on the same subject matter). We also consider the statutory history of the death-benefit statute. *See* Minn. Stat. § 645.16 (2022) (explaining that when a statute is ambiguous, courts may consider “the former law, if any, including other laws upon the same or similar subjects”).

#### *Relevant Supreme Court Decisions and Statutory History*

Before we turn to the supreme court decisions, we briefly discuss earlier iterations of the death-benefit statute. As noted above, the legislature in 1973 enacted the first

iteration of the death-benefit statute, establishing a special fund to provide benefits to survivors of peace officers killed in the line of duty. 1973 Minn. Laws ch. 248, §§ 1-5, at 488-90; Minn. Stat. § 352E.04 (Supp. 1973). That version of the statute did not define “killed in the line of duty” except to exclude deaths resulting from a heart attack. *See* Minn. Stat. § 352E.04(e). In 1980, the supreme court held that excluding heart-attack victims from the group of peace officers whose survivors could receive the death benefit violated their constitutional right to equal protection of the law. *Dependents of Ondler v. Peace Officers Benefit Fund*, 289 N.W.2d 486, 490 (Minn. 1980). Accordingly, in 1981, the legislature amended the statute to remove the unconstitutional provision excluding coverage for heart-attack deaths. 1981 Minn. Laws ch. 356, § 354, at 1980. A few years later, in 1984, the legislature added a new provision excluding coverage for “deaths from natural causes,” but still did not generally define the phrase “killed in the line of duty.” 1984 Minn. Laws ch. 654, art. 2, § 126, at 1988.

In 1986, the supreme court examined the meaning of “killed in the line of duty” as used in the death-benefit statute. *Kramer v. State, Peace Officers Benefit Fund*, 380 N.W.2d 497, 501 (Minn. 1986). In *Kramer*, the supreme court considered whether a police detective was “killed in the line of duty” when he died of a heart attack after retiring from the police force. *Kramer*, 380 N.W.2d at 500-02. The detective first suffered a heart attack while he was on duty as a police officer and walking down the steps of the police building. *Id.* at 498. Two years later, he suffered a second heart attack while walking to work in the snow. *Id.* He suffered a third and fatal heart attack a year and a half after his

retirement. *Id.* at 499. The second and third heart attacks were assumed to be related to the first. *Id.* at 498-99.

In *Kramer*, the supreme court construed the meaning of “killed in the line of duty” in light of the statute’s purpose, which it described as providing “a special lump sum award to spouses and dependent children of peace officers in recognition of the ‘unusual risks [peace officers] face in their work.’” *Id.* at 501 (quoting *Ondler*, 289 N.W.2d at 489). The supreme court defined the phrase “killed in the line of duty” to mean “death resulting from the performance of those duties peculiar to a peace officer that expose the officer to the hazard of being killed.” *Id.* Applying that definition, the supreme court concluded that the detective *was not* “killed in the line of duty” because he was “apparently engaged in the ordinary activity of administrative office routine[] when he suffered his first heart attack” rather than “engaged in a duty peculiar to peace officers that exposed him to the hazard of being killed.” *Id.* at 501-02.

The supreme court next considered the meaning of “killed in the line of duty” in *Johnson v. City of Plainview*, 431 N.W.2d 109, 111 (Minn. 1988). In *Johnson*, the supreme court specifically addressed the statutory exclusion of “deaths from natural causes” when it considered whether two volunteer firefighters were “killed in the line of duty” after they suffered heart attacks at the scene of a fire. 431 N.W.2d at 111, 114. One firefighter collapsed while attaching a 55-pound hose to a water tank and was pronounced dead on arrival at the hospital. *Id.* at 111-12. The other firefighter “was rendered helpless by severe chest pains” while working to neutralize downed electrical wires that he could hear “snapping and crackling” at the scene of a fire. *Id.* at 112. He made it to the hospital alive

and the hospital released him a week later, but he suffered a major stroke on the day he arrived home and died a few days later from resulting complications. *Id.* The supreme court reiterated its definition of “killed in the line of duty” from *Kramer* and applied it to the two firefighters, concluding that both firefighters *were* killed in the line of duty. *Id.* at 114.

The supreme court distinguished the facts in *Johnson* from those in *Kramer*, explaining that “at the time of their heart attacks both men were involved in firefighting duties *which exposed them to the risk of being killed.*” *Id.* (emphasis added). The supreme court noted that although both firefighters had contributing medical conditions, expert testimony indicated that the stress associated with firefighting was also a contributing factor to both heart attacks. *Id.* at 114-15. And, “[g]iven that the Fund was established to recognize the sacrifices made by peace officers in performing hazardous work in protection of the public, any death which results in part from the performance of such work should qualify for Fund benefits.” *Id.* at 115. The supreme court noted that “[i]f the legislature did not intend this result, it is free to enact new clarifying legislation,” and urged the legislature to “clearly define any future exclusionary language.” *Id.* at 115 n.3.

In the years following the supreme court’s decisions in *Kramer* and *Johnson*, the legislature enacted several amendments to the death-benefit statute that clarified the parameters of the “natural causes” exclusion and specified that certain accidental deaths are included but did not otherwise define “killed in the line of duty.” In 1990, the legislature recodified the death-benefit statute as Minn. Stat. § 299A.44, including the exclusion of deaths from natural causes under a separate section called “DEFINITIONS”—

Minn. Stat. § 299A.41, subd. 3—without making any changes to the statutory language. 1990 Minn. Laws ch. 591, art. 5, §§ 1, 4, at 2311-13. In 1992, the legislature amended Minn. Stat. § 299A.41, subd. 3, to provide that “killed in the line of duty” includes deaths “caused by accidental means while the peace officer is acting in the course and scope of duties as a peace officer.” 1992 Minn. Laws ch. 523, § 1, at 1317-18. In 2016, the legislature further amended Minn. Stat. § 299A.41, subd. 3, to create an exception to the exclusion of deaths from natural causes for certain heart attacks, strokes, and vascular ruptures. 2016 Minn. Laws ch. 189, art. 14, § 3, at 1100. The current version of Minn. Stat. § 299A.41, subd. 3, reflects these clarifications but still does not fully define “killed in the line of duty,” as discussed above. *See* Minn. Stat. § 299A.41, subd. 3. The current language also does not exclude or include death by suicide. *See id.*

Based on our review of the statutory language and caselaw interpreting “killed in the line of duty” as used in an earlier version of the death-benefit statute, we conclude that the supreme court’s definition of “killed in the line of duty” in *Kramer* and *Johnson* controls, except as to deaths specifically included or excluded by the legislature in Minn. Stat. § 299A.41, subd. 3. “[W]hen a court of last resort has construed the language of a law,” we presume that “the legislature in subsequent laws on the same subject matter intends the same construction to be placed upon the language.” Minn. Stat. § 645.17. In *Kramer* and *Johnson*, the supreme court construed the meaning of the death-benefit statute and the phrase “killed in the line of duty.” The legislature’s subsequent enactment of Minn. Stat. § 299A.41, subd. 3, and revisions to that provision, clarified the exclusion of deaths from natural causes and added language regarding deaths by “accidental means,” but it did

not provide a complete definition of “killed in the line of duty” or supersede the overarching interpretation adopted by the supreme court.

*“Killed in the Line of Duty” and Death by Suicide*

With this understanding of the meaning of “killed in the line of duty” in mind, we now turn to the question of whether a public safety officer who dies by suicide as a result of PTSD caused by performing duties peculiar to a public safety officer is “killed in the line of duty” within the meaning of the death-benefit statute. Because the current language of Minn. Stat. § 299A.41, subd. 3, neither includes nor excludes death by suicide, we conclude that the definition of “killed in the line of duty” established in *Kramer* and applied in *Johnson* controls. See Minn. Stat. § 299A.41, subd. 3; *Kramer*, 380 N.W.2d at 501; *Johnson*, 431 N.W.2d at 114.

In *Kramer*, the supreme court defined “killed in the line of duty” as “death resulting from the performance of those duties peculiar to a peace officer that expose the officer to the hazard of being killed.” 380 N.W.2d at 501. In *Johnson*, the supreme court applied that definition and concluded that the *Kramer* definition includes a death that results from a health condition caused in part by the performance of the duties peculiar to a public safety officer. *Johnson*, 431 N.W.2d at 114-15 (concluding that a firefighter was “killed in the line of duty” when the firefighter experienced a heart attack while fighting a fire and later died, noting that the “physical and emotional stress associated with [his] firefighting activities was a *contributing* factor” to the heart attack (emphasis added)).

Applying the *Kramer* definition in this case, we conclude that the supreme court’s definition of “killed in the line of duty” is broad enough to encompass a death by suicide



resulting from PTSD caused by performing duties peculiar to a public safety officer. In other words, because PTSD and the resulting risk of suicide among public safety officers presents a life-threatening danger associated with the performance of those duties peculiar to being a public safety officer, such a death “result[s] from the performance of those duties peculiar to a peace officer that expose the officer to the hazard of being killed.” *Kramer*, 380 N.W.2d at 501. This conclusion follows the supreme court’s decisions in *Kramer* and *Johnson*, and it furthers the legislature’s purpose to provide a “special lump sum award” to survivors of public safety officers “in recognition of the unusual risks [public safety] officers face in their work.” *Id.* (quotation omitted); *see also Johnson*, 431 N.W.2d at 114 (quoting *Kramer*).

We are not persuaded otherwise by the department’s arguments to the contrary. First, the department relies on a dictionary definition of the phrase “line of duty” to argue that Deputy Lannon’s death does not fit within the meaning of “killed in the line of duty” as used in the death-benefit statute. “If a statute does not define a word or phrase, [courts] may look to the dictionary definitions of the words” to determine their meaning in the context of the statute. *State v. Townsend*, 941 N.W.2d 108, 110 (Minn. 2020). But we need not consult a dictionary definition in this case because, as discussed above, the meaning of the phrase “killed in the line of duty” is defined, for purposes of the death-benefit statute, by Minn. Stat. § 299A.41, subd. 3, and the *Kramer* decision. *See* Minn. Stat. §§ 299A.41, subd. 3, .44; *Kramer*, 380 N.W.2d at 501; *see also* Minn. Stat. § 645.17 (explaining that “when a court of last resort has construed the language of a law,” we presume that the legislature intends for the same construction to apply in

subsequent laws on the same subject matter); *State v. Curtis*, 921 N.W.2d 342, 346 (Minn. 2018) (explaining that “[t]he court of appeals is bound by supreme court precedent”).<sup>5</sup>

Next, the department argues that deaths by suicide resulting from PTSD must be excluded from the definition of “killed in the line of duty” because the legislature has provided separate benefits for peace officers who are disabled by PTSD. Namely, Minn. Stat. § 299A.475 (2022) provides disability benefits to peace officers who “suffer[] a debilitating psychological reaction to a traumatic event,” receive a PTSD diagnosis, and are unable to perform peace officer job duties. Minn. Stat. § 299A.475(a)-(b). The department argues that the existence of this PTSD benefit demonstrates that “if the

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<sup>5</sup> We also note that the definition of “line of duty” offered by the department is inconsistent with Minn. Stat. § 299A.41, subd. 3. The department cites to a definition of “line of duty” as “all that is authorized, required, or normally associated with some field of responsibility.” *Webster’s Third New International Dictionary* 1315 (1976). And the department quotes the same dictionary as noting that it is “customary to consider any sickness or injury of a member of an armed service that is suffered *while on active duty* to have been incurred in the *line of duty* in the absence of personal fault.” *Id.* (Emphasis added.) The department relies on this second statement to argue that Deputy Lannon’s death was not in the “line of duty” because he “was not engaged in any work authorized, required, or normally associated with being a public safety officer (or on active duty) *at the time* of his death.” (Emphasis added.) The department’s proposed reading of this definition of “line of duty” is inconsistent with and narrower than the partial definition of “killed in the line of duty” set forth in Minn. Stat. § 299A.41, subd. 3, because the department’s proposed definition limits the application of the phrase to deaths that occurred *while an officer was on active duty*, excluding any deaths that resulted at a later time from injuries that an officer suffered while on duty or arising from on-duty work. *See* Minn. Stat. § 299A.41, subd. 3(2)(iii) (providing that “killed in the line of duty” includes certain deaths resulting from a heart attack, stroke, or vascular rupture even when the death occurred while the officer was off duty so long as the heart attack, stroke, or vascular rupture occurred *up to 24 hours after* the officer engaged in a situation that involved “nonroutine stressful or strenuous physical law enforcement . . . or other emergency response activity”).

legislature had wanted to provide death benefits for public safety officers who died from a suicide after suffering from PTSD, it would have done so.”

We disagree. The legislature created the PTSD benefit codified in Minn. Stat. § 299A.475 as a separate benefit for a particular group of people: peace officers living with and disabled by PTSD. Minn. Stat. § 299A.475; 1999 Minn. Laws ch. 216, art. 5, § 3, at 1324. The PTSD-benefit statute does not address death benefits, which were already provided through the death-benefit statute, Minn. Stat. § 299A.44, when the legislature enacted the PTSD benefit. We are not persuaded that the legislature, in adopting the PTSD-benefit statute, intended to eliminate death benefits that would otherwise be available to survivors of public safety officers whose death resulted from job-related PTSD.

Finally, the department argues that a death by suicide resulting from job-related PTSD does not meet the definition of “killed in the line of duty” because PTSD is not the immediate cause of death when an officer dies by suicide. The department identifies the immediate cause of death here, for example, as “a self-inflicted shotgun shot,” and the department characterizes death by suicide generally as both “a personal decision” and “an intentional act.” We reject this argument as contrary to the law.

First, the supreme court’s decision in *Johnson* clearly contemplates death-benefit coverage for a death proximately, but not immediately, caused by an injury sustained by an officer while performing the requisite duties. *See Johnson*, 431 N.W.2d at 114-15. And a death by suicide may satisfy this condition if the officer sustains a mental injury such as PTSD as a result of traumatic events experienced while performing duties peculiar to a

public safety officer that expose them to the hazard of sustaining that mental injury and dying by suicide as a result.

Second, we note that related supreme court precedent supports the view that a death by suicide should not automatically be considered a personal decision or an intentional act. In *Meils v. Nw. Bell Telephone Co.*, a workers' compensation case, the supreme court held that "death by suicide is compensable" under the Workers' Compensation Act "if a work-related injury and its consequences, such as extreme pain and despair, directly cause a mental derangement of such severity that it overrides normal or rational judgment." 355 N.W.2d 710, 715 (Minn. 1984). And "[w]hen such a mental derangement exists, the suicide cannot be considered . . . intentional." *Id.* (quotation omitted). With this concept in mind, we agree with relator that a death by suicide may be the endpoint of a causal chain based on a work-related mental injury. Therefore, an officer's death by suicide may fit the supreme court's definition of the phrase "killed in the line of duty" based on a determination that the death resulted from mental injuries sustained while performing the duties peculiar to a public safety officer that exposed the officer to the risk of PTSD and suicide. *See Kramer*, 380 N.W.2d at 501.

**B. The ALJ erred by granting summary disposition to the department because a genuine issue of material fact remains.**

Having determined that the supreme court's definition of "killed in the line of duty" controls in this case and is broad enough to encompass a death by suicide resulting from job-related PTSD, we next consider whether the ALJ erred by granting summary

disposition to the department and denying relator an evidentiary hearing on the question of whether Deputy Lannon's death fits that definition of "killed in the line of duty."<sup>6</sup>

Viewing the facts in the light most favorable to relator, we conclude that the record includes sufficient evidence to create a genuine issue of material fact precluding summary disposition.<sup>7</sup> The record contains sufficient evidence to support a finding that Deputy Lannon's death resulted from mental injuries—PTSD and depression—caused by his performance of duties peculiar to his job as a public safety officer that exposed him to the hazard of being killed. Specifically, the record contains evidence that Deputy Lannon witnessed many traumatic events in the course of his service as a public safety officer, including a double murder, multiple suicide calls, investigation of the sexual assault of a child, the gruesome scenes of fatal car and motorcycle accidents, and the dangerous apprehension of a potentially armed suspect, among other things. The record also contains evidence that Deputy Lannon was diagnosed with PTSD and depression related to his work. Deputy Lannon's postmortem psychological evaluation stated that he had experienced several incidents in his work as a police officer that met the criteria for PTSD because they involved "exposure to actual or threatened death [or] serious injury . . . by directly experiencing the event(s), witnessing in person the events, or repeated or extreme exposure to adverse details of the events." And the record contains evidence in the form

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<sup>6</sup> The department does not dispute that Deputy Lannon was a public safety officer as defined by statute. *See* Minn. Stat. § 299A.41, subd. 4 (defining "public safety officer"). The department argues only that he was not "killed in the line of duty."

<sup>7</sup> A material fact is one that "will affect the outcome of a case." *Rochester City Lines, Co. v. City of Rochester*, 868 N.W.2d 655, 661 (Minn. 2015) (quotation omitted).

of letters from two mental-health professionals connecting Deputy Lannon's PTSD to his death by suicide. This evidence is sufficient to create a genuine issue of material fact as to whether Deputy Lannon's death was the result of his performance of those duties peculiar to being a public safety officer that exposed him to the hazard of being killed and, therefore, whether Deputy Lannon was "killed in the line of duty." For these reasons, we conclude that the ALJ erred by granting the department's motion for summary disposition.<sup>8</sup>

We are not persuaded otherwise by the department's argument that the evidence is insufficient to support a determination that Deputy Lannon was "killed in the line of duty" because he died while on medical leave rather than while on duty. In *Kramer*, the supreme court determined that the detective was not "killed in the line of duty" because he suffered his first heart attack while "engaged in the ordinary activity of administrative office routine" rather than performing a duty that "exposed him to the hazard of being killed." 380 N.W.2d at 502. Put another way, the fact that the detective was no longer on duty when he suffered his third and fatal heart attack was not dispositive of the supreme court's analysis. Instead, the supreme court's determination turned on the activity that the

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<sup>8</sup> In granting summary disposition to the department, the ALJ concluded that Deputy Lannon was not "killed in the line of duty" because he "died from a self-inflicted gunshot wound." The ALJ sought to distinguish Deputy Lannon's death from the death of the firefighter in *Johnson* on the ground that "the firefighter did not cause his own death." There is no support in *Johnson* for such a distinction. The *Johnson* decision applied the *Kramer* definition and concluded that "any death which results in part from the performance of" duties peculiar to a public safety officer "should qualify for Fund benefits." *Johnson*, 431 N.W.2d at 115. As discussed above, a psychologist opined that Deputy Lannon's death "very likely" resulted from his job-related PTSD and depression; it was not an independent decision. The ALJ appears to have overlooked this testimony in granting summary disposition to the department.

detective was engaged in when he suffered the *initial* on-duty injury that *eventually* led to his off-duty death. Similarly, in *Johnson*, the supreme court held that the two firefighters were “killed in the line of duty” because they were “involved in firefighting duties which exposed them to the risk of being killed” *at the time of their heart attacks*. 431 N.W.2d at 114. The supreme court reached this determination even though one of the firefighters died at home from complications of a stroke more than a week after he suffered the heart attack. *See id.* at 112, 114.

Here, relator’s experts opine that Deputy Lannon sustained his initial on-duty injury—PTSD and depression—while performing the duties peculiar to a public safety officer that exposed him to the risk of being killed—here, by suicide. The evidence that Deputy Lannon sustained job-related PTSD and depression that “very likely” led to his death by suicide is sufficient to support a finding under the preponderance of the evidence standard that he was “killed in the line of duty.” *See* Minn. Stat. §§ 299A.43-.44; Minn. R. 1400.7300, subp. 5 (providing that the preponderance-of-the-evidence standard applies in a contested-case proceeding, unless the substantial law provides a different standard); *City of Lake Elmo v. Metro. Council*, 685 N.W.2d 1, 4 (Minn. 2004) (explaining that to meet the preponderance-of-the-evidence standard, “it must be more probable that the fact exists than that the contrary exists”). That Deputy Lannon ultimately died while on medical leave but still employed as a sheriff’s deputy does not affect this analysis under applicable precedent.

Our conclusion that the ALJ erred by granting summary disposition to the department is not dispositive of whether relator will ultimately succeed in demonstrating

that Deputy Lannon was “killed in the line of duty” within the meaning of the death-benefit statute. At the evidentiary hearing, the department will have an opportunity to contest the opinions of relator’s mental-health experts and to present any evidence that could support a differing view of the cause(s) of Deputy Lannon’s PTSD, depression, and death. Our holding is limited to the conclusion that the meaning of the phrase “killed in the line of duty,” as used in the death-benefit statute, is broad enough to encompass a death by suicide resulting from PTSD caused by performing the duties peculiar to a public safety officer and therefore precludes summary disposition in favor of the department.

### **DECISION**

The ALJ erred by granting summary disposition to the department on relator’s application for the death benefit for a surviving spouse of a public safety officer “killed in the line of duty.” We conclude that “killed in the line of duty,” as used in Minn. Stat. § 299A.44, includes a death by suicide resulting from PTSD caused by performing duties peculiar to a public safety officer. Accordingly, survivors of such an officer may qualify for the death benefit provided by Minn. Stat. § 299A.44. We further conclude that relator has presented sufficient evidence to raise a genuine issue of material fact as to whether Deputy Lannon’s death by suicide meets that qualification. We therefore reverse and remand to the Office of Administrative Hearings for further proceedings consistent with this opinion.

**Reversed and remanded.**