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**STATE OF MINNESOTA
IN COURT OF APPEALS
A07-0209**

In the Matter of the
Claim for Benefits by Peter L. Dahl.

**Filed January 15, 2008
Affirmed
Lansing, Judge**

Minnesota Public Safety Officers Benefit Eligibility Panel

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Considered and decided by Dietzen, Presiding Judge; Lansing, Judge; and Willis, Judge.

UNPUBLISHED OPINION

LANSING, Judge

While employed as a deputy sheriff in Rice County, Peter Dahl sustained an injury by falling backward into a chair during a discussion with the sheriff. The Public Safety Officers Benefit Eligibility Panel determined that Dahl's occupational duties and

professional responsibilities put him at risk for the type of injury he sustained and therefore approved his claim for continued health-insurance benefits from the county. Because the panel's decision was supported by substantial evidence and was not arbitrary and capricious, we affirm.

F A C T S

Peter Dahl was employed as a deputy sheriff in Rice County for seventeen years. On August 22, 2005, the Rice County Sheriff called Dahl into a meeting. During the meeting, Dahl stood in "parade rest" position with his hands behind his back. According to Dahl, the sheriff pushed or came into contact with him. Dahl, who had a history of back problems, fell backward and injured his back. As a result of this new injury, Dahl was unable to return to work and he qualified for a Public Employees Retirement Association disability pension.

Dahl then applied to the Public Safety Officers Benefit Eligibility Panel for continued health-insurance benefits. The panel held an initial hearing in October 2006, but concluded that it did not have the necessary paperwork at that time. At a second hearing in December 2006, the panel voted six to one in favor of granting Dahl continued health-insurance benefits. Rice County now appeals the panel's decision.

D E C I S I O N

The Minnesota Public Safety Officer Benefit Eligibility Panel is an administrative agency, and we review its decisions under the Minnesota Administrative Procedure Act. *See* Minn. Stat. § 14.02, subd. 2 (2006) (defining "agency" as used in act). On review, we may reverse, modify, or remand an agency's decision if it (a) violated a constitutional

provision, (b) was in excess of statutory authority, (c) was made on unlawful procedure, (d) was affected by other error of law, (e) was unsupported by substantial evidence, or (f) was arbitrary and capricious. Minn. Stat. § 14.69 (2006). In this case, Rice County argues that the panel's decision was unsupported by substantial evidence and was arbitrary and capricious.

I

To qualify for continued health-insurance benefits, a police officer must suffer a disabling injury that (1) results in the officer's retirement or separation from service, (2) occurs in the course and scope of the officer's duties, and (3) results in the officer receiving a duty-related disability pension. Minn. Stat. § 299A.465, subd. 1 (2006). The panel's role is to determine whether the officer is qualified for benefits. Minn. Stat. § 299A.465, subd. 6 (2006). "In making this decision, the panel shall determine whether or not the officer's . . . occupational duties or professional responsibilities put the officer . . . at risk for the type of illness or injury actually sustained." *Id.*

Rice County argues that the record does not contain substantial evidence that Dahl qualifies for continued health-insurance benefits. Rice County does not dispute that Dahl's injury satisfies the three requirements under subdivision 1. Instead, Rice County argues that Dahl's occupational duties or professional responsibilities did not put him at risk for the type of injury he sustained.

The record, however, contains substantial evidence supporting the panel's determination that Dahl's occupational duties or professional responsibilities did put him at risk for this type of injury. As part of his job, Dahl was wearing equipment that

weighed about thirty pounds. The equipment included an assault vest, two handguns, ammunition belts, and other accessories. At the time of his injury, Dahl was wearing the required equipment, which was positioned at and above his waist.

Wearing this equipment put Dahl at risk for a back injury. The words “at risk” in the statute do not require that the occupational duty be the proximate cause of the injury. *In re Claim for Benefits by Hagert*, 730 N.W.2d 546, 550 (Minn. App. 2007). Dahl’s doctor noted the weight and location of the equipment when describing factors that contributed to the injury. In addition, the panel members’ discussion at the hearing included the observation, based on one of the panel member’s personal knowledge, that wearing or carrying heavy equipment can put the wearer at risk for a back injury. Thus, the record supports the panel’s determination that Dahl was “at risk” for a back injury because he was wearing heavy equipment and that he actually suffered that type of injury.

Rice County argues that police officers are not at risk for back injuries when meeting with their supervisor. But this argument ignores the plain text of the statute. The statute refers to the type of injury, not the specific accident causing the injury. Minn. Stat. § 299A.465, subd. 6. Nothing in the statute requires that Dahl’s occupational duties put him at risk for the particular type of accident that caused the injury. *Cf. In re PERA Police & Fire Plan Line of Duty Disability Benefits of Brittain*, 724 N.W.2d 512, 519 (Minn. 2006) (concluding that words “any act of duty” in related statute “cannot be restricted to hazardous situations, situations of heightened risk, or activities unique to public safety duties”). The issue is not whether wearing the heavy equipment put Dahl at

risk for being pushed by his supervisor and suffering a back injury. Instead, the issue is whether wearing the heavy equipment put Dahl at risk for a back injury. The record contains substantial evidence supporting the conclusion that wearing the heavy equipment put Dahl at risk for a back injury.

We therefore conclude that the record contains substantial evidence supporting the panel's determination that Dahl's occupational duties or professional responsibilities put him at risk for the type of injury he sustained. Because the evidence shows that Dahl was at risk because he was wearing heavy equipment, we need not address the alternative argument that Dahl was at risk because he was standing in "parade rest" position before his injury.

II

An agency's decision is arbitrary and capricious if it is an exercise of the agency's will, rather than its judgment, *Markwardt v. State, Water Res. Bd.*, 254 N.W.2d 371, 374 (Minn. 1977), or "if the decision is based on a whim or is devoid of articulated reasons." *Mammenga v. State, Dep't of Human Servs.*, 442 N.W.2d 786, 789 (Minn. 1989). A decision is not arbitrary and capricious "so long as a rational connection between the facts found and the choice made has been articulated." *In re Excess Surplus Status of Blue Cross & Blue Shield of Minn.*, 624 N.W.2d 264, 277 (Minn. 2001) (quotation omitted).

In this case, the panel issued written findings stating only that Dahl "established that his occupational duties or professional responsibilities did put him at risk for the type

of illness or injury which he sustained, as required by Minn. Stat. § 299A.465, subd. 6.”

The panel’s written findings do not explain the basis for its conclusion.

Immediately before the panel voted, however, the chairman stated that he was supporting the motion because the equipment Dahl was wearing put him at risk. The panel then proceeded to vote in favor of granting the health-insurance benefits. Thus, we can infer that the panel approved the benefits because the equipment put Dahl at risk for a back injury. Because sufficient evidence supported this conclusion, a rational connection exists between the facts found and the panel’s decision. But we emphasize that appellate review can be impeded by insufficient fact-finding and that an agency may undermine the effectiveness of its decisions if it does not adequately state its reasons. Because the record provides a minimally adequate statement of the panel’s reasoning, we conclude that the panel’s decision was not arbitrary and capricious.

Affirmed.