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Temporary Total Disability Discontinuance - What Constitutes a Job Refusal Under Minn. Stat. 176.101 Subd. 1(i)?

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In *Curtis v. Indep. School Dist. No. 721, New Prague Area Schools* (2022), the W.C.C.A. clarified application of Minn. Stat. § 176.101, subd. 1(i) to bar an employee's entitlement to Temporary Total Disability (TTD) benefits as a matter of law based on refusal of a suitable job offer.

The employee worked at New Prague Area Schools as a paraprofessional in 2013, primarily in the preschool programs. During her employment, the employee sustained two separate work injuries. The nature and extent of the work injuries was disputed.

While off work for the second injury, the employee's treating doctor released her to work with restrictions of five pounds lifting and no overhead lifting. The employer offered the employee a job within her restrictions, which required her to monitor the halls, locker rooms, and parking lot at the senior high. The employee's treating doctor agreed she could perform the senior high monitoring job.

The employee accepted the job offer and worked for four days before telling her QRC that she would no longer work at the senior high due to personal safety concerns. The employee met with her QRC, representatives from the employer, and representatives from her union to discuss the specific duties and her concerns. She was told the job was to observe and report, but she refused to work in the position.

The employee filed a Claim Petition seeking, in part, Temporary Total Disability benefits from the day she refused to return to work in the position at the senior high school.

At hearing, and the compensation judge found the Employee unreasonably refused a suitable job offer which barred her entitlement to temporary total disability benefits from the day of the refusal, per to Minn. Stat. § 176.101, Subd. 1(i). Pursuant to the statute, TTD benefits cease if the employee refuses an offer of work that is consistent with the rehabilitation plan. The statute also provides once TTD has ceased under this provision, *it may not be recommenced*.

The employee appealed the judge's finding, arguing she could not be barred from future TTD benefits under Minn. Stat. § 176.101, subd. 1(i) because she was not receiving TTD benefits at the time of the alleged refusal. The employee also contended she did not refuse the offer but instead tried the job and considered it unsuitable for her.

On appeal, the W.C.C.A. reversed the compensation judge's finding on this issue, clarifying Minn. Stat. § 176.101, subd. 1(i) bars entitlement to future TTD benefits *only* if the employee is receiving TTD at the time of the job refusal. Since the

employee here was not receiving TTD benefits at the time of the job refusal, the statute did not apply, and the employee was not barred from entitlement to TTD benefits as a matter of law.

However, the W.C.C.A. modified the compensation judge's order, holding an unreasonable job refusal may still be a factual basis for denying benefits. The Court thus found, based on the testimony at hearing, the judge's finding that the employee had unreasonably refused a position within her restrictions was reasonable.

Takeaway: If an employee refuses a suitable job offer, or rejects a suitable job offer after attempting to return, Minn. Stat. § 176.101, subd. 1(i) bars entitlements to TTD only if the employee is receiving TTD benefits at the time of the refusal. Nevertheless, refusing a suitable job offer could still be a reasonable basis to deny on-going TTD benefits. If you are not sure about whether Minn. Stat. § 176.101, subd. 1(i) applies or whether you have a basis to deny benefits based on a job refusal, reach out to an attorney at Brown & Carlson, and we will be more than happy to answer any questions.

Full W.C.C.A. decision: <https://mn.gov/workcomp-stat/2022/Curtis%20-%20008-30-22.html>

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