

STATEMENT OF THE ISSUES

1. Whether the Circuit Court erred in reversing the Department of Labor's Decision that the law in effect at the time of Jeffrey Sopko's injury governs the Claimants/Appellees' claim for additional worker's compensation benefits and an increased compensation rate?

The Department of Labor held that the law in effect at the time of injury governs and the Circuit Court reversed.

2. Whether the Circuit Court erred in reversing the Department of Labor's Decision that Claimants/Appellees were not entitled to death benefits pursuant to the version of SDCL 62-4-12 in effect at the time of Jeffrey Sopko's injury?

The Circuit Court reversed the Department's decision that Appellees were not entitled to death benefits.