

I. WHETHER JENNIFER WAS ENTITLED TO WORKER'S COMPENSATION BENEFITS.

A.

WHETHER JENNIFER WAS GUILTY OF WILLFUL MISCONDUCT WHICH BROUGHT ABOUT HER SELF-INFLICTED INJURY.

B.

WHETHER JENNIFER FALSELY TESTIFIED ABOUT A MATERIAL FACT IN THESE PROCEEDINGS WHICH WOULD DISQUALIFY HER FROM RECEIVING WORKER'S COMPENSATION BENEFITS.

The trial court granted summary judgment in favor of Jennifer finding that she did have a work-related injury in spite of the above defenses.

II. WHETHER THE TRIAL COURT CORRECTLY DETERMINED THE WORKER'S COMPENSATION BENEFITS PAYABLE TO JENNNIFER.

A.

WHETHER JENNIFER WAS ENTITLED TO TEMPORARY TOTAL DISABILITY (TTD).

B.

WHETHER JENNIFER WAS ENTITLED TO PERMANENT PARTIAL DISABILITY (PPD).

The trial court found that Jennifer was entitled to received \$2,215.38 for TTD, \$8,640.22 for PPD, and \$1,672.70 for medical expenses totaling \$12,528.30. In addition to that amount the court also awarded prejudgment interest at 10% totaling \$5,510.88. Total judgment then was \$17,739.18.

III. WHETHER THE VFW WAS ENTITLED TO A JURY TRIAL ON THE QUESTION OF WORKER'S COMPENSATION.

The trial court held that no right to a jury trial exists in a worker's compensation case even when the claimant is proceeding under SDCL 62-3-11.

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LEGAL ISSUES PRESENTED FOR REVIEW BY APPELLEE

- I. WHETHER THE TRIAL COURT HAD SUFFICIENT EVIDENCE TO REMOVE THE ISSUE OF APPELLANT/EMPLOYER'S ACTUAL OR CONSTRUCTIVE KNOWLEDGE OF ITS EMPLOYEES WORKING OVERTIME FROM THE JURY

The trial court ruled that no actual or constructive knowledge existed on the part of Defendant/Employer.

- II. WHETHER THE TRIAL COURT ERRED BY FAILING TO RESOLVE THE LEGAL ISSUE OF ENTITLEMENT TO CLAIMED EXEMPTIONS UNDER PLAINTIFFS' WAGE AND HOUR CLAIMS

The trial court did not rule on the legal issues.