

**STATEMENT OF ISSUES**

**I. SHARON KNAPP'S MOTION TO SUBSTITUTE HERSELF AS A PARTY SHOULD BE GRANTED.**

The Department of Labor granted Sharon Knapp's motion to substitute herself in the place of her husband, who died while this claim was in litigation from causes unrelated to his work injury. The Circuit Court reversed the Department of Labor.

*Fredekind v. Trimac, Ltd.*, 566 N.W.2d 148, 151 (SD 1997)

*Goodman v. Sioux Steel*, 475 N.W.2d 563, 565 (SD 1991)

*Carpenter v. Rapid City Red Dogs, L.L.C.*, 751 N.W.2d 292, 294 (SD 2008)

*Dodge v. Precision Construction Products, Inc.*, 820 A.2d 207 (VT 2003)

SDCL § 15-4-1

SDCL § 62-4-11

SDCL § 62-4-6

**II. KNAPP'S WORKERS' COMPENSATION CLAIM SHOULD NOT HAVE BEEN DISMISSED FOR LACK OF JURISDICTION.**

The Department of Labor dismissed Claimant's claim for lack of jurisdiction. The Circuit court affirmed the Department of Labor.

*Martin v. American Colloid Co.*, 804 N.W.2d 65 (SD 2011)

*Nashko v. Standard Waterproofing Co.*, 149 N.E.2d 859 (Ct.App. NY 1958)