

August 9, 2004

**AMENDED SUPPLEMENTAL
LETTER DECISION**

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RE: HF No. 45, 1993/94 – Mary Vu vs. John Morrell & Co.

Dear Counsel:

I am writing in response to Ms. Garcia's letter dated August 4, 2004. The Department's Supplemental Decision dated May 25, 2004, references SDCL 62-1-1(7) as the statute that defines "temporary disability, total or partial." Claimant's date of injury is January 6, 1989. The statutes in effect at the date of injury apply to the rights of all parties in any claim for workers' compensation benefits. Helms v. Lynn's Inc., 542 N.W.2d 764 (S.D. 1996). In 1989, SDCL 62-1-1(7) defined "temporary disability, total or partial." The Department's Supplemental Decision is hereby amended to reflect that the version of SDCL 62-1-1(7) used was the version in effect in 1989.

Sincerely,

Heather E. Covey
Administrative Law Judge