

[WCOA-Judges-Office-Contacts \(pa.gov\)](http://www.pajudges.org/COA/Judges-Office-Contacts)

JUDGE'S PROCEDURAL RULES AND POLICIES

Workers' Compensation Automation and Integration System (WCAIS) is the official repository for all documents related to a Dispute (matter pending) before a Workers' Compensation Judge. All documents, including evidence and briefs, that would have been submitted to a Workers' Compensation Judge by mail or in person prior to WCAIS should now be uploaded into WCAIS. If Social Security numbers appear on any such document, they should be completely redacted before the document is uploaded, unless otherwise specified below. All communications with the Judge, including but not limited to requests, should be submitted through WCAIS unless otherwise specified by the Judge.

HEARING PROCEDURES

1. What is the first event and what will occur? On a Claimant's petition, the first hearing is listed as a virtual event and is scheduled for 35 minutes. Claimant is expected to testify, no more than 20 minutes on direct and 10 minutes on cross. (Additional time may be allotted if an interpreter was requested.) All participants are expected to appear by video. If one of the parties makes a request in WCAIS for an in person hearing for testimony of Claimant, I will schedule same. On an Employer's petition, such as a Modification, Suspension or Termination, the initial hearing is a virtual hearing scheduled for 15 minutes with all participants expected to appear by video unless there are technical issues, in which case audio participation will be permitted. Supersedeas exhibits should be uploaded into WCAIS before the hearing with counsel for the parties having hard copies at the hearing. I will go over supersedeas exhibits and a record will be made as to the content of those exhibits. No testimony is taken. With all petitions, the Judge will set deadlines consistent with the Special Rules of Administrative Practice and Procedure Before Workers' Compensation Judges (the "Rules") and Act 147, which deadlines are mandatory and will not be altered absent good cause shown. The Parties should have all relevant Bureau documents uploaded into WCAIS as an exhibit before the first hearing. These may include the Notice of Compensation Payable, the Statement of Wages, prior decisions, supplemental agreements, etc.

a. List any documents required at the first event:

The Parties are to comply with Sections 131.52 and 131.53 of the Rules. A first hearing filing and a responding party 45-day filing is expected. These documents are to be uploaded in WCAIS in Documents and Correspondence.

b. Should documents be uploaded as Exhibits or Letters to the Judge?

The first hearing filing and a responding party 45-day filing should be uploaded as a Letter to Judge under Documents and Correspondence in WCAIS.

2. Describe the format of your hearings (e.g., serial, one day – one trial).

I utilize a modified one-day trial procedure. There is typically a first hearing held that is listed for 15 minutes on Employer petitions and 35 minutes listed for Claimant petitions (additional time may be allotted for Claimant's Petitions, if an interpreter was requested). I will then list the dispute for one final hearing with all remaining fact testimony from both parties to be presented at that time, unless the parties have listed additional fact witnesses in their first hearing filing or 45-day filing.

3. Are you willing to change the hearing format upon request?

Consideration for changes will be given on a case-by-case basis.

4. What factors will you consider in deciding whether to conduct a hearing in-person?

Special needs of the parties or witnesses, such as location of the witness, technical issues, safety, and hearing deficiencies. If a party objects to a virtual hearing via a request in WCAIS, wherein testimony of a party or fact witness is to be presented, and/or requests in WCAIS for an in person hearing for testimony of a party or fact witness, said objections and/or requests will be ruled on a case-by case basis.

5. What factors will you consider in deciding whether to conduct a virtual hearing by audio only or by audio with video? All participants are expected to appear at a virtual hearing by video, unless there is a technical issue precluding same.

6. What procedure do you follow if a party fails to appear at a hearing?

If a party fails to appear as scheduled for an Event such as a hearing, the party risks having a Decision and Order issued that is adverse

7. Do you have special procedures for psychological injury cases?

No.

SUPERSEDEAS PROCEDURES

1. What are your procedures for supersedeas hearings?

Supersedeas hearings will be held virtually. I expect to receive all documents, exhibits and affidavits consistent with 34 Pa. Code Sec. 131.43. These documents should be uploaded into WCAIS before the hearing and a record will be created as to the content of supersedeas exhibits. I may permit the responding party a brief extension of time, if necessary, to obtain medical records, reports, or affidavits and to present the same through WCAIS after the first hearing. Counsel for Claimant should present a written fee agreement at the first hearing, uploaded on the merits in WCAIS, to obtain interim approval of his/her counsel fee. Special supersedeas hearings will be conducted consistent with Section 413(a) of the Act and current case law concerning conduct of such hearings.

a. Will testimony be heard?

No.

b. Is additional time generally granted to obtain medical evidence?

It will be considered on a case-by-case basis.

c. Under what circumstances will you reconsider a supersedeas order?

If the parties submit additional, relevant, new evidence and request reconsideration.

d. Do you generally use written orders for denials?

Yes. The exception would be when Claimant is only receiving medical benefits; no written order would issue in that case.

e. What is required for employee's counsel to obtain interim fee approval?

The submission of a fee agreement and a denial of the request for supersedeas. If the Claimant has not testified concerning the fee agreement at a hearing, then an affidavit from the Claimant concerning the understanding and signing of the fee agreement is required as well.

f. Describe any other procedures for supersedeas hearings:

N/A

g. Describe procedures for special supersedeas hearings, if different:

Other than the timing required pursuant to the Act for holding the first hearing, there are no other or different procedures.

WITNESSES/EXHIBITS

1. What are your rules regarding taking testimony?

See above. Most if not all fact witnesses are expected to testify at a scheduled hearing by video unless an in-person/live hearing is requested in WCAIS, and I approve the request, or alternatively an objection is raised. This Judge expects expert witness testimony to be taken by deposition unless a request is made and approved for good cause shown either at a hearing or in WCAIS.

2. Do you require testimony at a virtual hearing, an in-person hearing, or by deposition?

See above. Most if not all fact witnesses are expected to testify at a scheduled hearing by video unless an in-person/live hearing is requested in WCAIS or an objection is raised to a virtual hearing via a request in WCAIS, at least 14 days in advance of hearing wherein testimony of a party or fact witness is to be presented in which case I will rule on the request or objection on a case-by-case basis. This Judge expects expert witness testimony to be taken by deposition unless a request is made and approved for good cause shown either at a hearing or in WCAIS.

3. Under what circumstances will you change your requirements for presentation of testimony?

See above. Most if not all fact witnesses are expected to testify at a scheduled hearing by video unless an in-person/live hearing is requested in WCAIS or an objection is raised to a virtual hearing via a request in WCAIS, at least 14 days in advance of hearing wherein testimony of a party or fact witness is to be presented in which case I will rule on the request or objection on a case-by-case basis. This Judge expects expert witness testimony to be taken by deposition unless a request is made and approved for good cause shown either at a hearing or in WCAIS. The decision to change the format of the testimony remains within the discretion of this Judge.

4. If counsel wishes to present the testimony of a witness (either virtually or in-person), do you require prior notice? Yes. If yes, how much notice do you require? Counsel should inform this judge at the first hearing if there is a request to change the manner testimony is to be presented or at least 14 days in advance of hearing wherein testimony of a party or fact witness is to be presented.

5. What is your procedure regarding the order of expert medical testimony when cross petitions are filed?

The moving party of the petition filed first should present medical evidence first, absent agreement of counsel or a compelling reason as to why another order should be used.

6. Do the parties need to upload the Bureau and WCOA documents as exhibits, or will you admit them electronically as Judge exhibits?

Yes, the parties need to upload the exhibits, which will be identified as Judge Exhibits.

7. Do you require counsel to upload exhibits to WCAIS before or after the hearing? Before. If before, how far in advance of the hearing must they be uploaded? I prefer that they be uploaded no less than two days prior to the hearing so everyone has a chance to review them prior to the hearing.

8. When will you rule on objections to exhibits?

If the objection is made at the hearing where the exhibits are submitted, or before the next scheduled hearing, I will rule on the objection at that hearing unless the parties feel the issue is such that they want the opportunity to brief it. I rule on preserved objections made during a deposition in my final decision.

9. What is your procedure for handling discovery disputes?

I will hold telephone conferences to see if the dispute can be resolved or if it is raised during a hearing, I will address them at the hearing.

10. What is the last day to file written preservations of deposition objections?

With the final briefs and proposed findings.

COMPROMISE & RELEASES (C&Rs)

1. Describe your procedures regarding the review of C&R Agreements:

C&R hearings will be held virtually absent a request is approved in WCAIS for good cause shown.

a. Are you willing to allow amendments of existing petitions or do you require the filing of a separate Petition Seeking Approval of a C&R Agreement?

Amendments are allowed, unless there is only one petition pending and the parties want a decision on that petition on the merits, then that petition cannot be amended, and a C&R petition must be filed. If the parties want to resolve multiple injury dates, and there is not a petition for all such dates already pending in litigation, the Parties must file a separate petition for each injury date to be resolved. A separate Compromise and Release Agreement is to be used for each injury date with consideration allocated to each Agreement.

b. Are parties required to provide a draft of the C&R Agreement before the hearing? If yes, how far in advance of the hearing do you need to receive it?

The parties are expected to upload the signed C&R documents at least one day and in advance of the C&R hearing.

c. Should the parties upload the signed C&R Agreement, including the fee agreement and any other attachments, before or after the hearing?

Before.

d. Should child support documents be uploaded as a separate exhibit?

Yes. Only unredacted child support documents need to be uploaded.

e. Should Social Security numbers and other confidential information be redacted from the C&R Agreement and Act 109 documents?

It only needs to be redacted from the C&R Agreement and any other documents that the parties want to be attached to the decision.

f. Will you sign bench orders?

No.

g. Describe any other procedures you have for C&R Agreements: N/A

STIPULATIONS RESOLVING DISPUTES

1. What are your usual procedures regarding the submission, review, and adoption of stipulations?

They should be completely signed and uploaded into WCAIS as an exhibit. They should address all petitions they are resolving. I will attach the Stipulation to my decision approving it.

2. Should the fee agreement be part of the stipulation or separate exhibit?

As part of Stipulation, if the parties want it attached to the decision that will circulate approving the Stipulation. If the parties do not want it attached to the decision, then it should be uploaded as a separate exhibit if it is not already part of the record.

3. Should child support documents be uploaded as a separate exhibit?

Yes. Only unredacted child support documents need to be uploaded.

4. What other exhibits should be uploaded (i.e. medical bills, etc.)?

Whatever the parties want to have attached to the Stipulation, that will be attached to my decision when circulated, should be included as part of the Stipulation exhibit.

5. Should other exhibits uploaded as be part of the stipulation or as separate exhibits?

Separate if not specifically referenced in the Stipulation and only if necessary and relevant to the final adjudication of the Stipulation.

6. When should Social Security numbers and other confidential information be redacted from the stipulation and Act 109 documents?

The Social Security number should not be referenced in the Stipulation or in any attached documents. Since the Act 109 documents are marked and admitted as a separate exhibit, the Social Security number should remain on these documents.

7. Describe any other procedures you have for stipulations: N/A

BRIEFS AND PROPOSED FINDINGS

1. Will you close a case via WCAIS submission or is a final hearing required? WCAIS Submission

2. What are the time requirements for final submissions and what procedures are taken when time requirements are not met?

I generally have a concurrent briefing schedule, which is due 30 days after the record close date. I set the record close date at the final hearing. I will allow Claimant's counsel to submit litigation costs and Act 109 documents with the brief and proposed findings, and if no objection is received within 3 days they will be admitted. If no extension is requested to the briefing schedule, then the Dispute goes into Waiting for Decision status as of the date the last brief is due. I do not contact counsel asking for briefs and proposed findings. I will review any brief and proposed findings submitted after the due date that is received prior to the circulation of the decision.

3. Describe any preferences regarding the format and content of final submissions:

Submissions should include Proposed Findings of Fact, Proposed Conclusions of Law, a Proposed Order, and a supporting brief that specifically sets forth the issues to be decided and legal argument. Support for the Proposed Findings of Fact must contain a specific cite to the record with deposition and hearing transcript references referred to by page and line(s). All references to the Act, governing regulations and case law must be properly cited.

MANDATORY MEDIATIONS

1. List the offices where you conduct mandatory mediations:

All mandatory mediations will be held virtually unless special permission is granted for an in-person mediation at the time of scheduling. If a special permission in-person mediation is granted, it will be held in Pottsville WCOA for cases assigned to that office and Hazleton WCOA for cases assigned to that office.

2. What factors will you consider in deciding whether to conduct a mandatory mediation virtually or in person?

Requests will be considered on a case-by-case basis, and in-person mediations will only be considered in exigent circumstances.

3. What factors will you consider in deciding whether to conduct a virtual mandatory mediation by audio only or by audio with video?

I prefer virtual mediations to be conducted by video, although I will allow audio participation if the parties require it due to technical issue.

4. Are you willing to allow counsel or a party to participate virtually in an in-person mandatory mediation? If so, under what circumstances?

Yes.

5. Do you require a Mediation Statement? Yes. If yes:

a. **What information do you require in that Statement?** Please submit attached [Mediation Conference Disclosure Report](#).

b. **What documents, if any, must accompany the Statement?**

N/A.

c. How far in advance of the mediation must the parties submit the Statement and accompanying documents?

One day.

6. If there is a request to postpone a mandatory mediation, will it be rescheduled?

Yes, if the parties request it to be rescheduled. **If so, how long until it is rescheduled?** It is dependent on what openings are available on the mediating Judge's schedule.

7. Are you willing to conduct more than one mandatory mediation session per Dispute?

Yes.

8. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?

Three days.

9. What else should the parties know or do before the mediation?

The parties should have discussed mediation before the mediation date. The parties should have discussed parameters of authority for resolving the case.

VOLUNTARY MEDIATIONS

1. Do you conduct Voluntary Mediations?

Yes.

2. How should the parties request a Voluntary Mediation?

WCAIS

3. List the locations where you conduct in-person voluntary mediations:

All voluntary mediations will be held virtually unless special permission is granted for an in-person mediation at the time of scheduling. If a special permission in-person mediation is granted, it will be held in Pottsville WCOA.

4. Will you conduct virtual voluntary mediations? If yes, for which WCOA Districts will you conduct them?

Yes. For any district.

5. Do you mediate Disputes assigned to you for hearing and decision?

Yes.

6. Do you mediate Disputes in which one or both parties are unrepresented? If yes, describe any special procedures you have for such cases:

Yes.

7. What factors will you consider in deciding whether to conduct a voluntary mediation virtually or in-person?

Voluntary mediations will only be scheduled virtually, except if a request for an in-person mediation is made at the time of scheduling for exigent circumstances, which will be determined on a case-by-case basis.

8. What factors will you consider in deciding whether to conduct a virtual voluntary mediation by audio only or by audio with video?

Requests will be considered on a case-by-case basis, and in-person mediations will only be considered in exigent circumstances.

9. Are you willing to allow counsel or a party to participate virtually in an in-person voluntary mediation? If so, under what circumstances?

Yes. Virtual mediations may be conducted by audio or video at the individual participant's discretion.

10. Do you require a Mediation Statement? Yes, except for cases wherein I am the litigating Judge. If yes:

a. What information do you require in that Statement?

Please submit the attached [Mediation Conference Disclosure Report](#).

b. What documents, if any, must accompany the Statement?

Please submit the attached [Voluntary Mediation Agreement](#).

c. How far in advance of the mediation must the parties submit the Statement and accompanying documents?

One day.

11. After you approve a Voluntary Mediation Request, how long until it is scheduled?

Whenever I have an opening in my schedule, which is amenable to both parties.

12. Are you willing to conduct more than one voluntary mediation session per Dispute?

Yes.

13. If the party wants to request cancellation or postponement of a voluntary mediation on a Dispute assigned to you, should they contact you or the mediating Judge?

Me.

14. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?

Three days.

15. What else should the parties know or do before the mediation?

The parties should have discussed mediation before the mediation date. The parties should have discussed parameters of authority for resolving the case.

REQUESTS/MISCELLANEOUS

1. How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?

I would like to receive them no less than two days prior to the scheduled event.

2. Under what circumstances do you conduct off the record conference calls?

I determine whether to allow them on a case-by-case basis and time permitting.

3. Under what conditions/circumstances do you accept e-mails from parties?

I prefer that everything be done through WCAIS, but if that is not possible, I will accept emails through the Pottsville office resource account and will accept faxes. Both will be uploaded into WCAIS as Correspondence. I do not want duplicate requests/correspondence. If it has been uploaded or requested through WCAIS, do not email, fax, or mail it also. I receive notifications when parties upload an exhibit or letter into WCAIS; there is no need to submit a Miscellaneous Request, or other request, concerning the same as well

4. Do you adhere strictly to the duration listed for a Hearing or Mediation?

I adhere strictly to hearing duration, but I will routinely go over allotted time for mediation.

5. What is the best way to contact you in an emergency situation?

Please call my assistant at the telephone number listed on the top of this form.

6. What is your snow/emergency cancellation policy regarding in-person and virtual events (i.e., do you follow a specific school district closing schedule, etc.)?

If the WCOA does not authorize closure of our office, I will generally hold scheduled hearings and mediations. If possible, I will decide on the workday prior to an expected snow or weather event as to whether hearings or mediations should be cancelled. Cancellation or delay information will be posted to the WCAIS dashboard. Counsel should monitor the WCAIS dashboard for any communication that may impact their scheduled hearings or mediations and relay this information to their clients. If our office is closed, I will hold in-person hearings as a virtual hearing. Office closure will not affect the holding of scheduled virtual hearings or virtual mediations unless the Judge or participating parties are unable to attend due to loss of power.