

[WCOA-Judges-Office-Contacts \(pa.gov\)](http://www.wcoa.gov/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?

FOR CLAIM & REINSTATEMENT PETITIONS: A virtual first hearing will be scheduled for 30 minutes to allow time for testimony from the Claimant and to establish a trial schedule. Should a counsel desire the first hearing for a Claim or Reinstatement Petition be held as an IN-PERSON HEARING, a request for the same must be made via a WCAIS REQUEST no later than 10 calendar days prior to the hearing date. The counsel requesting the in-person hearing will state: (1) the position of all other counsel of record and any unrepresented parties; and (2) the basis for requesting an in-person hearing. This information will be included as part of the WCAIS REQUEST. If an in-person hearing is scheduled it will not be continued unless good cause is show for the continuance.

FOR C&R PETITIONS & EMPLOYEE CHALLENGE PETITIONS: A virtual first hearing will be scheduled. For C&R Petitions the virtual hearing will be used for Claimant’s testimony regarding the C&R. For Employee Challenge Petitions brief testimony from Claimant may be presented. Should a counsel desire an IN-PERSON HEARING for a C&R or Challenge hearing, the counsel will follow the WCAIS REQUEST requirements stated in Claim & Reinstatement Petitions.

FOR ALL OTHER PETITIONS: A virtual first hearing will be scheduled as a 15 minute pre-trial event. At this pre-trial event a trial schedule will be established that will include a determination as to whether an in-person hearing for testimony is needed. If an in-person hearing is scheduled it will not be continued unless good cause is show for the continuance.

a. List any documents required at the first event:

No documents are required. First Hearing Filings may be provided but are not required. Counsel should be prepared to review documents they wish to make part of the record. (for example, supersedeas evidence, contingent fee agreements, etc...).

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

as Exhibits

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

See Information in No. 1 above.

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

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

Determination of the need for an in-person hearings will be made 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?**

Virtual events such as pre-trials & status hearings may be conducted by audio only or by audio with video. Virtual events where testimony is presented should, whenever possible, be conducted by audio with video.

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

For hearings involving a *pro se* Claimant, if the Claimant fails to appear an Interlocutory Order will be circulated directing Claimant to respond by a date certain and advise whether he/she will be prosecuting or presenting a defense to the pending petition(s). Should the Claimant fail to respond as directed by the Interlocutory Order, a dismissal of the petition or a decision based on the evidence presented by Defendant will be circulated.

7. **Do you have special procedures for psychological injury cases?** No

SUPERSEDEAS PROCEDURES

1. **What are your procedures for supersedeas hearings?**

Supersedeas evidence will be reviewed at the pre-trial.

a. **Will testimony be heard?**

NO

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

YES

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

Supersedeas will be reconsidered upon request, coupled with additional evidence offered in support of or in opposition to the supersedeas.

d. **Do you generally use written orders for denials?**

YES (except when no indemnity benefits are being paid)

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

The request for an interim counsel fee coupled with a copy of the contingent fee agreement and representation that the request for interim fees has (or will be) reviewed with the Claimant.

f. **Describe any other procedures for supersedeas hearings:**

N/A

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

No different procedures are used for Terminations based on Physicians' Affidavit. For Employee Challenges, however, brief testimony from the Claimant will be permitted.

WITNESSES/EXHIBITS

1. What are your rules regarding taking testimony?

[See Answers Below]

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

NO

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

Requests for changes in presentation of testimony will be reviewed on a case-by-case basis.

4. If counsel wishes to present the testimony of a witness (either virtually or in-person), do you require prior notice? If presentation of witness testimony is requested after the pre-trial, prior notice providing the witness's name and amount of time needed is required. If yes, how much notice do you require? Two (2) weeks' notice.

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

Generally, the first petition filed will be the first for which medical testimony is expected when cross petitions exist.

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

Parties may upload. If not uploaded by the parties, then Bureau and WCOA documents will be electronically admitted as Judge's exhibits.

7. Do you require counsel to upload exhibits to WCAIS before or after the hearing? The preference is for exhibits to be uploaded before the hearing to allow time for their review. If before, how far in advance of the hearing must they be uploaded? Preference is for the documents to be uploaded two (2) business days prior to the hearing.

8. When will you rule on objections to exhibits?

Rulings are done on a case-by-case basis.

9. What is your procedure for handling discovery disputes? Either by telephone conference or hearing

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

Preservations of deposition objections may be filed contemporaneously with letter briefs but should be uploaded as separate exhibits in WCAIS.

COMPROMISE & RELEASES (C&Rs)

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

[See Answers Below]

- 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 of existing petitions allowed

- 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?**

YES. A fully executed C&R Agreement is to be provided TWO BUSINESS DAYS in advance of hearing.

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

See Answer to "b." above

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

YES

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

YES

- f. **Will you sign bench orders?**

Yes

- g. **Describe any other procedures you have for C&R Agreements:**

ONLY REDACTED COPIES OF C&R AGREEMENTS AND ACT 109 DOCUMENTS ARE REQUIRED TO BE UPLOADED IN WCAIS.

STIPULATIONS RESOLVING DISPUTES

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

Stipulations are to be uploaded into WCAIS as an exhibit. All Stipulations will be reviewed. After review they will be adopted as findings of fact. If a difficulty is noted with the Stipulation, counsel will be contacted and the Stipulation reviewed.

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

Part of Stipulation. If, as part of the Stipulation, the parties agree that counsel fees are to be paid, the fee agreement should be attached to the Stipulation.

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

YES. Child Support Documents should be uploaded as a **SEPARATE** exhibit. Confidential information such as the Social Security Number must be redacted.

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

Other exhibits may be offered with the Stipulation as the parties or their counsel deem appropriate and may be attached to the Stipulation. Confidential information such as the Social Security Number must be redacted.

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

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

Social Security Numbers and other confidential information should **ALWAYS** be redacted

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? Cases will close via WCAIS Submission. At the last scheduled hearing (the “final” hearing), a closing schedule will be provided. This closing schedule will consist of (1) the evidentiary record closing date and (2) the due date for letter briefs. Evidence **MATERIAL TO THE DISPUTE’S DISPOSITION** must be uploaded into WCAIS by the evidentiary record closing date. Evidence **NOT** uploaded by the evidentiary record closing date will not be made part of the record. Evidence **NOT MATERIAL TO THE DISPUTE’S DISPOSITION** (evidence such as Act 109 documents, litigation costs, quantum meruit statements) may be submitted contemporaneous with the letter brief as separate exhibits.

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

[See Answer Above]

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

A one-to-three-page letter brief is all that is required. The letter brief should address all the evidence and issues relevant to the resolution of dispute. Proposed Findings & Conclusions are not required but may be submitted in addition to the required letter brief.

MANDATORY MEDIATIONS

1. List the offices where you conduct mandatory mediations:

Harrisburg WCOA Office, and the Chambersburg and Gettysburg remote hearing sites.

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

Case by case basis.

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

Willingness of parties to utilize an audio only format or utilize an audio with video format.

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. Virtual participation to be determined on a case-by-case basis.

5. Do you require a Mediation Statement? NO If yes:

a. What information do you require in that Statement?

NO MEDIATION STATEMENT IS REQUIRED. The participants, however, should know: (1) the Average Weekly Wage (AWW) and compensation rate (or, if in dispute, their respective proposals for the AWW and compensation rate), (2) whether a demand or offer has been communicated and, if so, the amounts communicated, (3) whether surgery is scheduled or proposed, and (4) whether Medicare/Medicaid issues exist.

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?

N/A

6. If there is a request to postpone a mandatory mediation, will it be rescheduled? The mandatory mediation will be rescheduled at the election of the adjudicating judge. If so, how long until it is rescheduled? Length of time for mediation is dependent on availability of time and location.

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

NO. Only one scheduled mandatory mediation will be conducted. If the parties request an additional mediation session, and the adjudicating judge agrees that an additional session would be beneficial, a voluntary session will be scheduled.

8. What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested? Five (5) business days

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

VOLUNTARY MEDIATIONS

1. Do you conduct Voluntary Mediations?

YES

2. How should the parties request a Voluntary Mediation?

Via WCAIS

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

The Harrisburg WCOA Office & the Chambersburg and Gettysburg hearing sites.

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

All Districts.

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

YES. All parties to the dispute must first agree, either on the record at a hearing, or via a statement filed in WCAIS as correspondence.

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. Requirements set on a case-by-case basis.

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

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?

Willingness of parties to utilize an audio only format or utilize an audio with video format.

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 participation to be determined on a case-by-case basis.

10. Do you require a Mediation Statement? NO If yes:

a. What information do you require in that Statement?

NO MEDIATION STATEMENT IS REQUIRED. The participants, however, should know: (1) the Average Weekly Wage (AWW) and compensation rate (or, if in dispute, their respective proposals for the AWW and compensation rate), (2) whether a demand or offer has been communicated and, if so, the amounts communicated, (3) whether surgery is scheduled or proposed, and (4) whether Medicare/Medicaid issues exist.

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?

N/A

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

Length of time for mediation is dependent on availability of time and location.

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

YES - IF adjudicating judge agrees that an additional session would be beneficial, an additional session will be scheduled.

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?

Five (5) business days

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

REQUESTS/MISCELLANEOUS

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

Absent an emergency, ten (10) business days' notice.

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

Conference calls are used on a case-by-case basis.

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

WCAIS is the preferred method for communication. Should the communicating party not have access to WCAIS, or should the situation be an emergency, e-mails may be used as an alternative method of communication.

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

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

The way that works for the counsel/party attempting to contact me.

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.)?

FOR IN-PERSON HEARINGS: Liberal grant of continuances for In-Person Hearings in snow or emergency situations will be allowed. If all In-Person Hearings are being cancelled due to a snow or emergency situation, a Cancellation Notice will be posted on the WCAIS Dashboard.

FOR VIRTUAL HEARINGS: Virtual Hearings will be held as scheduled insofar as they are being conducted remotely. A liberal grant of continuances for Virtual Hearings will be allowed in emergency situations.