

[WCOA-Judges-Office-Contacts \(pa.gov\)](http://wcoa-judges-office-contacts.pa.gov)

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?

If petition is a Claim, Reinstatement, Challenge, Claimant-initiated Review Petition or Petition to Seek Approval of a Compromise & Release Agreement, Claimant's testimony will be taken. If the petition is a Termination, Suspension or Modification Petition, the first hearing will be a supersedeas hearing. Otherwise, the first hearing will be in the nature of a pre-trial hearing.

a. List any documents required at the first event:

Supersedeas documents and any documents that will be used during Claimant's testimony at the first event must be uploaded as Exhibits in advance of the first event.

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

See answer to # 1a above.

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

Serial.

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

No.

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

Hearings (including Compromise & Release hearings) will be conducted virtually unless (1) the hearing is a first hearing on a petition involving a scar or claim for disfigurement or (2) this Judge approves a party's written request for an in-person hearing made no later than 14 days prior to the scheduled hearing date. Factors in considering a party's request for an in-person hearing include whether the hearing involves testimony from one of the parties in the dispute, the petition in dispute and the position of the opposing party or parties to the request for an in-person hearing.

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

It is anticipated that virtual hearings will be conducted by audio with video whenever technologically feasible.

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

If the party filing the petition fails to appear at a first hearing, a motion to dismiss the petition may be entertained. Otherwise, the first hearing will be continued for 30 days at which time a motion to dismiss the petition will be entertained should the party whom proper notice has been given fails again to appear at the scheduled hearing.

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

No.

SUPERSEDEAS PROCEDURES

1. What are your procedures for supersedeas hearings?

See below.

a. Will testimony be heard?

No, unless a party requests in writing no later than 7 days in advance of the supersedeas hearing that testimony be heard.

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

Yes, upon request.

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

A request to reconsider a supersedeas order must be made in writing and sufficiently explain the reason for the request. A hearing will be scheduled on the reconsideration request.

d. Do you generally use written orders for denials?

Yes.

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

Requests to obtain interim fee approval must be made in writing. A copy of the signed fee agreement must be uploaded in conjunction with the request.

f. Describe any other procedures for supersedeas hearings:

N/A

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

N/A

WITNESSES/EXHIBITS

1. What are your rules regarding taking testimony?

See below.

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

Testimony of fact and vocational expert witnesses will be taken at a virtual hearing (audio with video whenever technologically feasible) unless this Judge approves a party's written request for an in-person hearing made no later than 14 days prior to the scheduled hearing date. The testimony of medical expert witnesses can be taken by deposition.

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

See answer to #4 in Hearing Procedures above.

4. If counsel wishes to present the testimony of a witness (either virtually or in-person), do you require prior notice? Yes & in writing with witness(es) identified if same not identified at an earlier hearing. If yes, how much notice do you require? At least 30 days prior to next scheduled hearing.

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

The order of expert medical testimony will be discussed at the first hearing.

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

This Judge will upload the applicable Bureau and WCOA documents electronically as Judge exhibits prior to the first hearing.

7. Do you require counsel to upload exhibits to WCAIS before or after the hearing? Before the hearing. If before, how far in advance of the hearing must they be uploaded? As soon as practicable, such that the other parties have adequate opportunity to review the exhibits prior to the hearing.

8. When will you rule on objections to exhibits?

When the exhibits are moved into evidence at a hearing.

9. What is your procedure for handling discovery disputes?

Parties shall notify this Judge in writing if they object to a discovery request, the basis for the objection and whether a conference call or separate hearing is required to resolve or further discuss the discovery dispute.

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

The parties may file written preservations of deposition objections with their brief.

COMPROMISE & RELEASES (C&Rs)

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

See 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?

This Judge allows an existing petition to be amended to a Petition to Seek Approval of C&R 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 must e-mail a draft of the C&R Agreement to this Judge no later than 2 days before the scheduled 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?

The executed C&R Agreement, the fee agreement and all other non-Act 109 documents should be uploaded as one stand-alone exhibit prior to the hearing.

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

Two separate Act 109 exhibits must be uploaded before the hearing: 1) an Unredacted Act 109 exhibit showing Claimant's Social Security number and date of birth on both the Attestation page and PA child support website page; and 2) a Redacted Act 109 exhibit with Claimant's Social Security number, but not his or her date of birth, redacted from the Attestation page and PA child support website page.

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

Claimant's Social Security number should not be indicated on the executed C&R Agreement and any other non-Act 109 document attached to the C&R Agreement. With respect to the Act 109 exhibits, see answer to # 1d in Compromise & Releases above.

f. Will you sign bench orders?

Yes.

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?

One of the parties should submit a request in WCAIS for the approval of the parties' stipulation.

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

If the stipulation references a counsel fee, the fee agreement should be part of the stipulation exhibit that is uploaded into WCAIS and circulated with the decision approving the stipulation.

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

Child support documents should be uploaded as a separate exhibit. They are not circulated with the decision approving the parties' stipulation.

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

The parties can upload other exhibits as part of their stipulation, provided they are referenced in the stipulation. Whether those exhibits should be circulated with the decision approving the stipulation is subject to this Judge's discretion.

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

See answer to #4 in Stipulations above.

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

Claimant's Social Security number should not be indicated on the executed stipulation and any other non-Act 109 document attached to the stipulation. With respect to the Act 109 exhibits, see answer to #1d in Compromise & Releases above.

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?

A final hearing is required to close a case.

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

The deadline for submitting briefs and uploading any remaining evidence into WCAIS is set at the final hearing. No request for an extension of time from the deadlines set at the final hearing will be entertained unless the request is submitted in writing prior to the due date.

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

Any document more than 5 pages in length must be paginated prior to being uploaded as an Exhibit into WCAIS. Proposed Findings of Fact and Conclusions of Law must cite the specific page(s) in the Exhibit or transcript upon which the assertion or statement being made in the Proposed Findings or Conclusions of Law can be located.

MANDATORY MEDIATIONS

1. List the offices where you conduct mandatory mediations:

Reading field office. However, mediations will be conducted virtually (audio with video whenever technologically feasible) unless this Judge approves a party's written request for an in-person mediation made no later than 14 days prior to the scheduled mediation date.

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

See answer to #1 in Mandatory Mediations above. Factors in considering a party's request for an in-person mediation include the number of parties, the complexity of the issues, the petition(s) in dispute and the position of the opposing party or parties to the request for an in-person mediation.

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

It is anticipated that mediations will be conducted by audio with video whenever technologically feasible.

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, if the other parties are agreeable to allowing the party participate virtually.

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

a. What information do you require in that Statement?

See the sample [Mediation Statement](#) attached here.

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?

The Mediation Statement must be submitted no later than 2 days prior to the mediation.

6. If there is a request to postpone a mandatory mediation, will it be rescheduled? Yes. If so, how long until it is rescheduled? The parties should specify in the request a mutually agreeable date by which the mediation should be relisted. Otherwise, the mediation will be relisted in 30 to 60 days, assuming a time slot remains open.

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

Yes, upon agreement of the parties.

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

Absent an emergency, a request to cancel or postpone the mediation should be made no later than 24 hours before the mediation.

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

Prior to the mediation, counsel for employer must confirm that someone with authority to settle the claim is available by phone during the mediation.

VOLUNTARY MEDIATIONS

1. Do you conduct Voluntary Mediations?

Yes.

2. How should the parties request a Voluntary Mediation?

The parties should upload a request in WCAIS.

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

Reading field office.

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

Yes. Eastern and Central Districts.

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

No.

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. The unrepresented party will be queried at the beginning of the mediation as to whether they wish to go forward with the mediation without counsel. Otherwise, no special procedures are contemplated.

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

See answer to #1 and 2 in Mandatory Mediations above.

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

See answer to #3 in Mandatory Mediations above.

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, if the other parties are agreeable to allowing the party to participate virtually.

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

a. What information do you require in that Statement?

See the sample [Mediation Statement](#) attached here.

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?

The Mediation Statement must be submitted no later than 2 days prior to the mediation.

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

As soon as possible after the request for voluntary mediation is approved.

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

Yes, upon agreement of the parties.

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?

They should contact the mediating Judge.

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

Absent an emergency, a request to cancel or postpone the mediation should be made no later than 24 hours before the mediation.

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

Prior to the mediation, counsel for employer must confirm that someone with authority to settle the claim is available by phone during the mediation.

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, requests for continuances and changes in hearing times must be made no later than 24 hours before the date of the scheduled hearing. Requests for extensions must be made no later than the previously assigned deadline.

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

Conference calls will be conducted off the record, unless this Judge or the parties request that a court reporter be present.

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

This Judge accepts e-mails from the parties, provided all counsel of record and unrepresented parties are copied on the e-mail. A copy of the e-mail and any response thereto will be uploaded into the dispute's Documents and Correspondence tab.

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

No.

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

In an emergency situation, one or both of the parties should e-mail this Judge and his assistant.

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.)?

Snow/emergency cancellations and delays for the Reading state office building will be posted in WCAIS.