

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 Claimant initiated Petitions – a Pre-Trial hearing where the litigation schedule, including time to take Claimant's deposition, will be established – these events will be scheduled as virtual events unless otherwise requested or noted. On Employer initiated Petitions – Termination, Suspension, Modification etc. – a Supersedeas hearing will occur. For all other Petitions – Penalty, Physical Exam etc. – a Pre-Trial hearing will occur. All non-testimony hearings will be scheduled as virtual events unless otherwise requested or noted.
 - a. List any documents required at the first Event:** If it is a Supersedeas hearing, Employer is expected to have its Supersedeas evidence uploaded prior to the first hearing. For all other litigation, please upload anything you would like addressed at the first hearing prior to the hearing.
 - b. Should docs be uploaded before or after the first Event?** Anything a Party would like considered as evidence should be uploaded as an Exhibit. Any correspondence should be uploaded as a Letter to the Judge.
- 2. Describe the format of your hearings (e.g., serial, one day – one trial).** I conduct serial hearings on an as needed basis. There will always be a first hearing but if the Parties do not need additional hearings to complete litigation, I am more than happy to complete litigation and submission of evidence via WCAIS. I will almost always schedule a Final Hearing, please review your Hearing Notice, a Final Hearing will either be scheduled for 15 minutes for certification of the record and issuance of a briefing schedule only or it will be scheduled for 60 minutes to include updated testimony from Claimant. Please note, I do strongly prefer fact witness testimony to occur at a hearing as opposed to by deposition. In the event the record is closed via WCAIS, an Interlocutory Order certifying the record is sent to the Parties and they are given an opportunity to object to any exhibits.
- 3. Are you willing to change the hearing format upon request?** I am always willing to discuss the most effective way to litigate the case. If the Parties believe there is a better way to handle a situation in a particular case, I am happy to discuss it with them.
- 4. What factors will you consider in deciding whether to conduct a hearing in-person?** In general, all hearings will be scheduled as virtual hearings. Should the Parties prefer an in-person hearing they may put a request for an in-person hearing into WCAIS and a decision 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?** In general, all hearings will be scheduled as virtual hearings. All participants are expected to attend virtual hearings with both audio and video. Requests to allow a participant to appear by audio only will be granted only in extenuating circumstances.
- 6. What procedure do you follow if a party fails to appear at a hearing?** Absent extraordinary circumstances, I will relist a matter in approximately 30 days to give the absent party an opportunity to appear.
- 7. Do you have special procedures for psychological injury cases?** No.

SUPERSEDEAS PROCEDURES

1. **What are your procedures for supersedeas hearings?** Employer is expected to have its Supersedeas evidence uploaded prior to the first hearing. Claimant will then, generally, be given 14 days in which to respond to Employer's evidence.
 - 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?** If there is new evidence obtained during the course of the litigation and a written request for reconsideration is submitted, supersedeas may be reconsidered. Should either Party desire a hearing to address a request for reconsideration, a Request for same may be uploaded into WCAIS.
 - d. **Do you generally use written orders for denials?** Yes.
 - e. **What is required for employee's counsel to obtain interim fee approval?** Upload a signed copy of the Fee Agreement as an exhibit.
 - f. **Describe any other procedures for supersedeas hearings:** None.
 - g. **Describe procedures for special supersedeas hearings, if different:** None.

WITNESSES/EXHIBITS

1. **What are your rules regarding taking testimony?** Claimant's initial testimony on Claimant generated Petitions will first occur by deposition, then, Claimant will testify in an updated fashion at the final hearing. Otherwise, absent extraordinary circumstances, all testimony, with the exception of medical and vocational experts, will be expected to be presented at a hearing.
2. **Do you require testimony at a virtual hearing, an in-person hearing, or by deposition?** Claimant's initial testimony on Claimant generated Petitions will first occur by deposition, then, Claimant will testify in an updated fashion at the final hearing. Otherwise, absent extraordinary circumstances, all testimony, with the exception of medical and vocational experts, will be expected to be presented at a hearing. Should the Parties prefer an in-person hearing they may put a request for an in-person hearing into WCAIS and a decision will be made on a case-by-case basis.
3. **Under what circumstances will you change your requirements for presentation of testimony?** Changes to the requirements for presentation of testimony may be made by request and 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? Yes. If yes, how much notice do you require?** I require at least 30 days' notice of the intent to present testimony of a witness. Due to the different amounts of time allotted for different types of hearings, my staff needs sufficient time to fit a hearing with testimony into my schedule. Please do not assume that testimony of your witness "will be short" and therefore you do not need to request a hearing for testimony. Other than for C&R hearings, I do not take testimony at 15-minute hearings.
5. **What is your procedure regarding the order of expert medical testimony when cross petitions are filed?** Unless otherwise agreed to by the Parties, the Party who files the first Petition must present their evidence first.

Should additional Petitions be filed during the course of the litigation, the order of presentation of evidence will be discussed at the first hearing on the newly filed Petition.

6. **Do the parties need to upload the Bureau and WCOA documents as exhibits, or will you admit them electronically as Judge exhibits?** I will admit them electronically as a Judge's exhibit.
7. **Do you require counsel to upload exhibits to WCAIS before or after the hearing?** I strongly prefer that exhibits be uploaded before the hearing. **If before, how far in advance of the hearing must they be uploaded?** Please have the exhibits uploaded at least 36 hours before the hearing.
8. **When will you rule on objections to exhibits?** Objections to exhibits will be ruled upon at the next hearing following the upload of the exhibit or at the final hearing. If no final hearing occurs, I send out an Interlocutory Order outlining the exhibits and advising the Parties that they have 14 days to advise me of any objection to any exhibit. If you feel there will be a substantial dispute over a particular exhibit, I encourage you to request a final hearing to address the objection on the record.
9. **What is your procedure for handling discovery disputes?** I handle discovery disputes on a case-by-case basis. Depending upon the substance of the dispute, in the past, I have held conference calls, hearings and/or issued Interlocutory Orders.
10. **What is the last day to file written preservations of deposition objections?** The day the brief is due. Written preservation of objections should include a separate writing for each deposition in which objections are being preserved and they should be uploaded as the next consecutive exhibit for the respective Party.

COMPROMISE & RELEASES (C&Rs)

1. **Describe your procedures regarding the review of C&R Agreements:** Whether the C&R will be presented at an in-person or a virtual hearing, I require 2 copies the fully executed C&R documents to be uploaded into WCAIS at least 36 hours prior to the hearing – one original and one redacted. Not doing so will result in the hearing being rescheduled. Please note, all the C&R documents may be uploaded as one exhibit.
 - 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?** Not only do I allow it, I prefer the amendment of existing petitions.
 - 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?** Whether the C&R will be presented at an in-person or a virtual hearing, I require 2 copies the fully executed C&R documents to be uploaded into WCAIS at least 36 hours prior to the hearing – one original and one redacted. Not doing so will result in the hearing being rescheduled. Please note, all the C&R documents may be uploaded as one exhibit.
 - c. **Should the parties upload the signed C&R Agreement, including the fee agreement and any other attachments, before or after the hearing?** Please upload C&R Agreement and all associated documents at least 36 hours BEFORE the hearing.
 - d. **Should child support documents be uploaded as a separate exhibit?** No.
 - e. **Should Social Security numbers and other confidential information be redacted from the C&R Agreement and Act 109 documents?** I require 2 copies of the fully executed C&R documents to be uploaded into WCAIS at least 36 hours prior to a hearing – one original and one redacted.
 - f. **Will you sign bench orders?** If it is an in-person hearing, yes. I do not sign bench orders for virtual hearings.

g. Describe any other procedures you have for C&R Agreements: None.

STIPULATIONS RESOLVING DISPUTES

- 1. What are your usual procedures regarding the submission, review, and adoption of stipulations?** The Parties should upload the executed Stipulation as a Joint Exhibit. They should also put a request into WCAIS regarding the approval of the same. Please be sure to specifically indicate in the Stipulation which Petitions are resolved by the terms of the Stipulation and which Petitions, if any, will remain pending. Once I have reviewed the Stipulation and determined everything is in order, I will issue a decision approving the same.
- 2. Should the fee agreement be part of the stipulation or separate exhibit?** If the Parties would like it attached to the decision approving the Stipulation, it should be part of the Stipulation.
- 3. Should child support documents be uploaded as a separate exhibit?** If the Parties would like it attached to the decision approving the Stipulation, it should be part of the Stipulation.
- 4. What other exhibits should be uploaded (i.e. medical bills, etc.)?** Anything the Parties would like to be attached to the Stipulation and decision approving the same should be uploaded with the Stipulation.
- 5. Should other exhibits be uploaded as part of the stipulation or as separate exhibits?** Anything the Parties would like to be attached to the Stipulation and decision approving the same should be uploaded with the Stipulation. Anything that they need to submit but do not necessarily want attached to the decision (i.e., Child Support Documents, Fee Agreements etc.) may be uploaded as separate exhibits.
- 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 from the Stipulation as the Stipulation will be attached to the Judge's decision. Act 109 Documents only need to be redacted if they are being attached to the decision approving the Stipulation.
- 7. Describe any other procedures you have for stipulations:** None.

BRIEFS AND PROPOSED FINDINGS

- 1. Will you close a case via WCAIS submission or is a final hearing required?** In general, I will have a final hearing for certification of the record and issuance of a briefing schedule. Closing the case via WCAIS submission may occur on occasion. In those cases, I will send an Interlocutory Order to the Parties certifying the record and providing a briefing scheduled. In the Order, I give both Parties 14 days to advise me of any discrepancies in the record.
- 2. What are the time requirements for final submissions and what procedures are taken when time requirements are not met?** In general, I give 90-day concurrent briefing schedules. If a brief is not timely filed, the Parties are contacted by my office reminding them of an overdue brief. If after the Parties are contacted by my office, no extension request is submitted and/or granted, the Parties risk having a decision issued without consideration of their brief.
- 3. Describe any preferences regarding the format and content of final submissions:** I prefer an unbiased summary of the evidence followed by argument with supporting caselaw.

MANDATORY MEDIATIONS

- 1. List the offices where you conduct mandatory mediations:** The Allentown hearing office.

2. **What factors will you consider in deciding whether to conduct a mandatory mediation virtually or in-person?** I will consider the preference of the Parties when deciding to conduct a mandatory mediation virtually or in-person. However, if the mediation is to be conducted in-person all participants must be in-person, conversely if it is a virtual mediation, all participants must attend virtually.
3. **What factors will you consider in deciding whether to conduct a virtual mandatory mediation by audio only or by audio with video?** I strongly prefer virtual mediations by video and audio but will consider request for audio only mediations in extenuating circumstances.
4. **Are you willing to allow counsel or a party to participate virtually in an in-person mandatory mediation? If so, under what circumstances?** No. If the mediation is to be conducted in-person all participants must be in-person, conversely if it is a virtual mediation, all participants must attend virtually.
5. **Do you require a Mediation Statement?** Yes.
If yes:
 - a. **What information do you require in that Statement?** The description of injury, the average weekly wage and compensation rate, the amounts of any outstanding medical bills, the current posture of the litigation (i.e., what testimony has been taken), any other information you believe would be helpful in understanding the case.
 - b. **What documents, if any, must accompany the Statement?** It would be very helpful, though not required, if any relevant diagnostic study reports were attached to the mediation Statement.
 - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** 48 hours.
6. **If there is a request to postpone a mandatory mediation, will it be rescheduled?** Generally, yes.
If so, how long until it is rescheduled? How long until it is rescheduled depends upon my availability. It is generally, at least 60 days out.
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?** The day before.
9. **What else should the parties know or do before the mediation?** Please communicate with your opponent at some point prior to the mediation to exchange a demand and/or an offer and to discuss any other issues that may arise – child support, Medicare status etc.

VOLUNTARY MEDIATIONS

1. **Do you conduct Voluntary Mediations?** Yes.
2. **How should the parties request a Voluntary Mediation?** Please contact me directly via email – catsabatin@pa.gov
3. **List the locations where you conduct in-person voluntary mediations:** Allentown. It is possible that I could conduct in-person voluntary mediations in other locations subject to administrative approval.
4. **Will you conduct virtual voluntary mediations? If yes, for which WCOA Districts will you conduct them?** Yes. I will conduct virtual voluntary mediations for any office in the Commonwealth.

5. **Do you mediate Disputes assigned to you for hearing and decision?** With very rare exception, 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. I do not have any special procedures for such cases.
7. **What factors will you consider in deciding whether to conduct a voluntary mediation virtually or in-person?**
I will consider the preference of the Parties when deciding to conduct a voluntary mediation virtually or in-person. However, if the mediation is to be conducted in-person all participants must be in-person, conversely if it is a virtual mediation, all participants must attend virtually.
8. **What factors will you consider in deciding whether to conduct a virtual voluntary mediation by audio only or by audio with video?** I strongly prefer virtual mediations by video and audio but will consider request for audio only mediations in extenuating circumstances.
9. **Are you willing to allow counsel or a party to participate virtually in an in-person mandatory mediation? If so, under what circumstances?** No. If the mediation is to be conducted in-person all participants must be in-person, conversely if it is a virtual mediation, all participants must attend virtually.
10. **Do you require a Mediation Statement?** Yes.
If yes:
- What information do you require in that Statement?** The description of injury, the average weekly wage and compensation rate, the amounts of any outstanding medical bills, the current posture of the litigation (i.e. what testimony has been taken), any other information you believe would be helpful in understanding the case.
 - What documents, if any, must accompany the Statement?** It would be very helpful, though not required, if any relevant diagnostic study reports were attached to the mediation Statement.
 - How far in advance of the mediation must the parties submit the Statement and accompanying documents?** 48 hours.
11. **After you approve a Voluntary Mediation Request, how long until it is scheduled?** I do not approve Voluntary Mediation Requests until the Parties have agreed on a date certain so it will be scheduled immediately upon approval of the request.
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?** The mediating Judge.
14. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** The day before.
15. **What else should the parties know or do before the mediation?** Please communicate with your opponent at some point prior to the mediation to exchange a demand and/or an offer and to discuss any other issues that may arise – child support, Medicare status etc.

REQUESTS/MISCELLANEOUS

1. **How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?** Please upload Requests for continuances, changes in hearing times, and extensions as soon as you are aware you need a continuance, change in hearing time, or extension. Absent an emergency, these requests should be made no less than 36 hours prior to the event.
2. **Under what circumstances do you conduct off the record conference calls?** I strongly prefer to address issues via email or during a hearing so there is a record of the communication. However, I will consider requests for a conference call on a case-by-case basis.
3. **Under what conditions/circumstances do you accept e-mails from parties?** I will accept email from the Parties at any time provided all opposing Parties are copied on the correspondence. However, if requests for extensions, continuances etc., are sent via email, the sender will be asked to resubmit the same into WCAIS. Please note, under no circumstances should evidence be submitted via email.
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?** Via email at catsabatin@pa.gov or by contacting my assistant by the phone number or email address listed at the top of this document.
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.)?** With respect to inclement weather, in-person events may be converted to virtual events when possible or they will be rescheduled; virtual events will remain as scheduled. Please watch your email and/or the WCAIS dashboard for the latest updates during inclement weather. Emergency (non-weather related) cancellations will be addressed on a case-by-case basis; in those circumstances, the WCAIS dashboard is the best source of information.

Please see the Teams/Virtual Events Tips & Training tile on our website for more information on how to use Microsoft Teams for WCOA Hearings and Mediations.