

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?

Virtual first hearing: Discussion of pending petitions and how the parties will proceed. Mandatory trial schedule will be provided. Claimant to testify by deposition in 30 days, IME 45 days thereafter in Claimant filed petitions where there will be an IME(s). Mandatory mediation month will be given as agreed upon by the parties. The dispute will be relisted in 90 days for receipt of moving party's evidence and a Statement of Wages.

a. List any documents required at the first event:

The controlling Bureau document, supersedeas exhibits if applicable, should be uploaded into WCAIS at least 24 hours prior to the scheduled hearing

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

Exhibits. I will not accept any exhibits uploaded as letters to the Judge.

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

Serial: first hearing where trial schedule will be given, interim hearing and final hearing with Claimant's testimony expected. The scheduling may change with certain petitions (Penalty or Utilization Review).

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

It depends on the nature of the request and if there is an objection by opposing counsel

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

All non-testimony hearings will be conducted virtually including C&R hearings. At the present time, all testimony hearings will be scheduled virtually by default. A request for an in-person hearing or objection to a virtual hearing for testimony must be made at the interim hearing on the record.

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

All parties are required to be on video for virtual hearings. Exceptions will be made if there are technical difficulties and video access is not possible. Please advise if this is the case prior to the hearing.

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

If the party is represented, I will first try to locate counsel. If I cannot locate counsel, a record will be made, and I will request that opposing counsel contact the attorney who did not appear and advise them as to what transpired. If the party is not represented, I will send them a letter advising them of the proceedings, that a hearing took place and provide them with the information for the next hearing which would be scheduled in about 30 days.

Do you have special procedures for psychological injury cases?

No.

SUPERSEDEAS PROCEDURES

1. What are your procedures for supersedeas hearings?

Upload supersedeas evidence and controlling documents prior to hearing.

a. Will testimony be heard?

No.

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

Yes, if requested with the basis for the extension. Claimant will have 14 days from the first hearing to submit their documents in opposition.

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

New evidence/good cause and a WCAIS request for reconsideration.

d. Do you generally use written orders for denials?

Yes

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

I will not issue an interim fee approval unless it is in conjunction with a Supersedeas Order.

f. Describe any other procedures for supersedeas hearings:

None

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

N/A

WITNESSES/EXHIBITS

1. What are your rules regarding taking testimony?

Claimant should testify by deposition within 30 days of the first hearing and by way of update at a final hearing. Fact witnesses can testify by deposition or at a hearing upon timely request. All non-testimony hearings will be conducted virtually including C&R hearings. Testimony will be virtual unless an in-person hearing is requested at the interim hearing. Any objection will be ruled upon on a case-by-case basis. Hearings for disfigurement will be in-person. Video participation is required in all virtual hearings.

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

See above No. 1

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

For good cause shown and within the Judge's discretion.

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? No later than the interim hearing.

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

Whoever filed the first petition goes first unless the parties agree to a different order.

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

The parties should upload the Bureau and WCOA documents prior to the first hearing at which time they will be admitted as Judge Exhibits.

7. Do you require counsel to upload exhibits to WCAIS before or after the hearing? Exhibits should be uploaded prior to the hearing at which they will be submitted as evidence. If before, how far in advance of the hearing must they be uploaded? Exhibits should be uploaded as they are developed and at least one business day prior to the hearing. Please check to make sure that all attachments are included with the exhibit.

8. When will you rule on objections to exhibits?

At the hearing when it is submitted.

9. What is your procedure for handling discovery disputes?

Counsel should make a WCAIS request attaching a letter outlining the dispute and their position. Opposing counsel should upload a response in letter form. A ruling will be made at a hearing or by interlocutory order. A conference call may be held depending on the timing and the issue which will be memorialized on the record at the next scheduled hearing.

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

By the closure of the record (at least one business day prior to the final hearing) .

COMPROMISE & RELEASES (C&Rs)

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

At least one business day, the parties should email me an unredacted fully executed C&R agreement including the fee agreement and child support documentation and any other attachments. A redacted and unredacted version of the C&R documents should also be uploaded into WCAIS.

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?

An existing petition can be amended at the hearing.

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?

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At least one business day prior to the hearing, the parties should email me an unredacted fully executed C&R agreement including the fee agreement, child support documentation and any other attachments.

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

Yes. At least one business day prior to the hearing, the parties should email me an unredacted fully executed C&R agreement including the fee agreement and child support documentation and any other attachments. A redacted and unredacted version of the C&R documents should be uploaded.

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?

See “c” above

f. Will you sign bench orders?

No.

g. describe any other procedures you have for C&R Agreements:

Compromise and Release hearings for the foreseeable future will be conducted virtually. All parties must be on video unless other arrangements are made prior to the hearing. Claimant should have a copy of the fully executed, unredacted version of the C&R Agreement in front of them during the hearing. Claimant’s counsel should share their screen showing the fully executed, unredacted version of the C&R Agreement during the hearing.

STIPULATIONS RESOLVING DISPUTES

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

The parties must make a WCAIS request requesting approval of the Stipulation and stating whether one or all petitions are being resolved. Stipulations must be uploaded into WCAIS as an exhibit. The child support documentation and Fee Agreement (where applicable) should be attached to the uploaded Stipulation. If the child support documentation is applicable, the social security number and date of birth must be redacted from the uploaded Stipulation packet. An unredacted version of the child support documentation should be uploaded as a separate exhibit.

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

The fee agreement should be part of the stipulation.

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

No. The child support documentation and fee agreement should be attached to the Stipulation. The social security number and date of birth must be redacted from the uploaded Stipulation packet and an unredacted version of the child support documentation should be uploaded as a separate exhibit.

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

Whatever the parties feel is required with the Stipulation

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

Part of the Stipulation

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

Stipulations must be uploaded into WCAIS as an exhibit. The child support documentation and fee agreement should be attached to the uploaded exhibit. The social security number and date of birth must be redacted from the uploaded Stipulation packet and an unredacted version of the child support documentation should be uploaded as a separate exhibit.

7. Describe any other procedures you have for stipulations:

The Stipulation must state whether it resolves all petitions. If it does not, it must specify which one(s) it resolves and which one(s) remain pending.

BRIEFS AND PROPOSED FINDINGS

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

A final hearing is required where I will certify all evidence on the record and issue a Briefing schedule.

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

A briefing schedule is set at the final hearing. Any request for extension of the briefing schedule must be made prior to the expiration of the briefing schedule in the Request Brief Extension in WCAIS with a reason and a new proposed filing date provided. The position of opposing counsel must be noted in the extension request. This Judge will generally grant the request for good cause. Parties who do not file a timely brief or timely request an extension for filing their brief risk a decision being issued without that party's brief. The Responding Party's brief is due within the time specified per the briefing schedule regardless of when or whether the moving party's brief has been submitted unless an extension is expressly requested.

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

Evidence submitted with the brief that was not discussed at the final hearing will not be admitted into evidence or considered. This Judge prefers Briefs that contain a summary of the evidence with an analysis as to credibility.

MANDATORY MEDIATIONS

1. List the offices where you conduct mandatory mediations:

Virtual mandatory mediations using TEAMS will be conducted for Philadelphia and Springfield.

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

By default, Mediations will be scheduled virtually using TEAMS. In-person mediations must specifically be requested with the position of the parties given. An in-person mediation will be considered based upon good cause shown as per the discretion of this Judge.

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

Mediations will be conducted via TEAMS video using break-out rooms. I will allow audio if there are technical difficulties.

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

Either all parties are virtual or in-person.

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

a. What information do you require in that Statement?

The Statement should not be more than 2 pages and should contain Claimant's age, date of hire, date of injury, date last worked, job title, assigned judge, aww and compensation rate, status of litigation, status of settlement discussion, outstanding medical bills, outstanding litigation costs, nature of injury, unemployment compensation information, status of third-party lien or other liens, status of SSD/Medicare, strengths, and weaknesses of your case.

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

None.

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

At least one business day.

6. If there is a request to postpone a mandatory mediation, will it be rescheduled? Click or tap here to enter text. If so, how long until it is rescheduled? The mediation will be cancelled, and the parties can request a voluntary mediation when they are ready.

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?

At least one business day

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

Counsel must be prepared with all information pertinent to the mediation, with settlement authority and a representative with authority must be available during the mediation

VOLUNTARY MEDIATIONS

1. Do you conduct Voluntary Mediations?

Yes.

2. How should the parties request a Voluntary Mediation?

The parties should email me directly to schedule at hsanangelo@pa.gov for dates/ times and then make a WCAIS request for the agreed upon timeslot.

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

Philadelphia and Springfield.

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

Yes. All 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.

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

By default, Voluntary Mediations will be scheduled virtually using TEAMS. In-person mediations must specifically be requested with the position of the parties given. An in-person mediation will be considered based upon good cause shown as per the discretion of this Judge.

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

Mediations will be conducted via TEAMS video using break-out rooms. I will allow audio if there are technical difficulties.

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

I would prefer all virtual or in-person.

10. Do you require a Mediation Statement? Yes. Please see information under Mandatory Mediations above. If yes:

a. What information do you require in that Statement?

Same as for mandatory mediations.

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

None.

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

Same as for mandatory mediations. At one business day.

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

I try to accommodate the scheduling time-frames of the 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?

The mediating Judge.

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

Please provide as much notice as possible.

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

Counsel must be prepared with all information pertinent to the mediation, with settlement authority and a representative with authority must be available 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?

A request to continue a hearing should be uploaded into WCAIS as soon as the need arises. The request to continue a hearing must provide the status of the litigation to date, the reason the continuance is requested, the amount of time being requested including the date of any deposition scheduled beyond the current trial schedule, and the position of opposing counsel.

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

Case by case within the Judge's discretion.

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

To schedule voluntary mediations or if there is an emergency. Opposing counsel must be copied. All other communication from counsel should be made via WCAIS.

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

Yes to a hearing and no to a mediation.

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

Email at hsanangelo@pa.gov or email or call to my secretary.

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.)?

Virtual events will be held regardless of weather-related closures. For in-person events, if the Philadelphia School District has a delayed opening or is closed, any events are cancelled.