

# The Overview of The Workers' Compensation Appeal Board and The Appeal Process

Presentation by:

- **Alfonso Frioni, Jr., Esq., Chairman**
- **Robert A. Krebs, Esq., Commissioner**
  - The Pennsylvania Workers' Compensation Appeal Board

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## Pennsylvania Acts: June 2, 1915...

- **Act 338:** Workmen's Compensation Act, effective January 2, 1916;
- **Act 339:** Bureau of Workmen's Compensation, effective immediately;
- **Act 340:** Workmen's Insurance Fund, effective July 1, 1915;
- **Act 341:** Regulation of Liability Insurance, effective immediately;
- **Act 342:** Allowing mutual insurance associations;
- **Act 343:** Amendment to Act 338, exempting domestic servants and agricultural workers.

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**1915-1972**

**Workmen's Compensation Board maintained oversight & fact finding authority over the entire workmen's compensation system.**



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**1915**  
**Workmen's Compensation Board**



3 Commissioners + Board Secretary  
Harry A. Mackey, Chairman (Philadelphia)  
James W. Leech (Ebensburg)  
John A. Scott (Indiana)

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**1972**

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**1972**



Gov. Milton Shapp



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**WORKMEN'S  
COMPENSATION **APPEAL**  
BOARD**



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**In 1972 REFEREES ➔ Finders of Fact**



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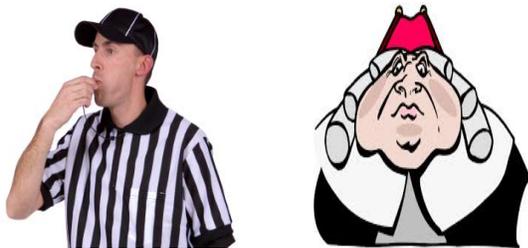
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**In 1996,  
Act 57, REFEREES ➔ Workers Comp Judges**



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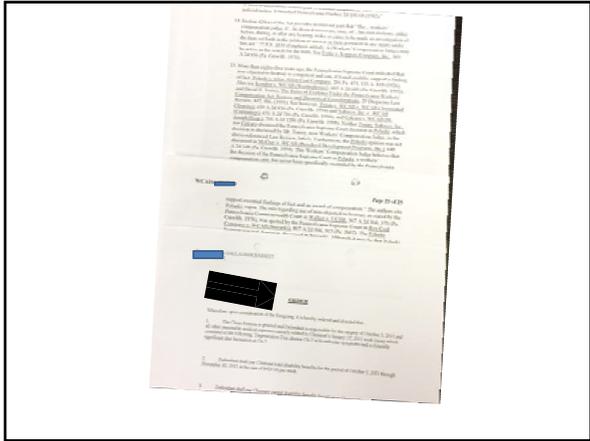
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Twenty day (20)  
appeal period from  
date of WCJ Order to  
W.C.A.B.

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**Commissioners of The Workers'  
Compensation Appeal Board**



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**Alfonso Frioni, Jr., Esq., Chairman & Commissioner**  
**Sandra D. Crawford, Esq., Commissioner**  
**Thomas P. Cummings, Jr., Esq., Commissioner**  
**Robert A. Krebs, Esq., Commissioner**  
**William I. Gabig, Esq., Commissioner**  
**Susan M. McDermott, Esq., Commissioner**  
**David H. Wilderman, Esq., Commissioner**  
**James A. Zurick, Esq., Commissioner**  
**William L. Trusky, Jr., Secretary**

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**Supersedeas Request**



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## Supersedeas:

- The Standard:

Pennsylvania Public Utility Commission v. Process Gas Consumers Group, 467 A.2d 805 (Pa. 1983).

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Once the Appeal is filed and Acknowledged the case is scheduled for hearing.

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## WCAB SCHEDULE OF HEARINGS:



**pennsylvania**  
DEPARTMENT OF LABOR & INDUSTRY  
WORKERS' COMPENSATION APPEAL BOARD  
**WORKERS' COMPENSATION APPEAL BOARD**  
**SCHEDULE OF HEARINGS FOR 2016**

All hearing lists will close 40 days prior to date of hearing

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
PHILA	2, 3, 4		5, 6, 7		1, 2, 3		2, 3, 4		18, 19, 20		6, 7, 8	
PITTS	20, 21	2, 3		4, 5		6, 7	31		1		2, 3	
HNB	6, 7		20, 21		15, 16					7		
SCRN		15, 16		18, 19		19, 20			14, 15			20, 21
JTOWN		30		25							16	
ERIE			22						28			

**ALFONSO FRIONE, JR., CHAIRMAN**

Commissioners: Sandra D. Crawford  
William T. Gabig  
Susan M. McDermott  
David H. Wilcoman  
Secretary: William L. Inusky, Jr.

Thomas P. Cummings  
Robert A. Krebs  
James A. Zurick

UCD# ILV 08-13

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**Decide the case!**

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Standard of Review same as Commonwealth Court:  
*“Substantial, competent evidence and errors of law...”*



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**Circulation of Opinions:  
A Majority of the Board (5) must Approve**




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Opinion Type	Status	Commissioner	Last Updated By	Last Date Updated On	Determination	Circulation Date
Majority Opinion	Circulated	Cummings, Thomas	Wright, Mary	08/19/2015	Advised	08/19/2015

Summary of Votes/Comments:

Order	Reviewer	Name	Date Received	Date Due	Vote	Comment	Flag	Date/Time of Vote
1	Active	McDonnell, Susan	08/19/2015	08/19/2015	Approve	2015-08-11 Tom: On p. 5, line 9 "any"		8/19/2015 8:42:46 AM
2	Active	Frost Jr., Anthony	08/19/2015	08/19/2015				
3	Active	Krebs, Robert A.	08/19/2015	08/19/2015				
4	Active	Gilley, William I.	08/19/2015	08/19/2015	Approve			8/19/2015 1:41:05 PM
5	Alternate	Crawford, Sandra D.						
6	Alternate	Zurck, James						
7	Alternate	Woodsman, David						

Vote

Enter Vote:  Approve  
 Concur in Result Only  
 Concur Only  
 Enter Concurring Opinion  
 Enter Dissenting Opinion  
 Pass

Comments:

Flag:  Conference  
 Read Flag  
 Suggest to Resubmit

Cancel View

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**WCAB Administrative Meetings  
Philadelphia & Pittsburgh**

- Administrative issues
- Rehearing Petitions
- Disagreements on circulated decisions
- New case law affecting current cases

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Appeal from W.C.A.B. to  
Pennsylvania Commonwealth Court



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Pennsylvania Supreme Court



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Petitions before the Board:

- Re-hearing
- Guardianship
- Disfigurement

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