

[WCOA-Judges-Office-Contacts \(pa.gov\)](#)

Workers' Compensation Automation and Integration System (WCAIS) is the official repository for all documents related to a Dispute (matter pending) before a Hearing Officer. All documents, including evidence and briefs, that would have been submitted to a Hearing Officer by mail or in person prior to WCAIS should be uploaded into WCAIS. If Social Security numbers appear on any such document, the first five numbers should be redacted before the document is uploaded, unless otherwise specified below. Requests, such as Requests for Continuance, Subpoenas, and Extensions of time to file briefs, should also be made through WCAIS.

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First Event/Hearings:

1. What is the first Event (i.e., pretrial, hearing, conference call) and what will occur at the first Event with the Hearing Officer?

First event is treated as a pretrial conference, to clarify issues, clarify evidence to be presented, set Scheduling Order re: submissions, determine # of necessary witnesses, etc.

2. Are any filings or documents required at the first Event with the Hearing Officer? If so, what are they?

Yes No

Further explanation:

Generally, no filings / documents are required at the First hearing. However, if counsel have uploaded Exhibits prior to the First Hearing, I try to at least acknowledge same and ask whether counsel plans to move for their admission at the First or at a subsequent Hearing. If counsel plans to move for Dismissal on Timeliness, they should do so at the First Hearing preferably.

a. Should such filings or documents be uploaded as Exhibits or as Documents?

Exhibits Documents

Further explanation:

Correspondence requesting extensions / continuances, would be Documents. Preferably, such requests should be submitted via WCAIS. Documents upon which counsel to intend to rely upon in their case in chief should be uploaded as Exhibits.

3. Are you willing to allow counsel to participate in hearings by telephone?

Yes No

Further explanation:

Per directive of JM Goduto counsel are to be encouraged to participate via Microsoft Teams.

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

When our (WCOA) in-person protocols are finalized, the complexity of the dispute, the parties' proximity to our office, and the necessity to assess witness credibility all factor into the determination of whether an in-person Hearing is warranted vs a video Hearing. Also, the local jurisdiction's (Harrisburg, Philadelphia, etc.) COVID-19 protocols vis a vie the Commonwealth's COVID-19 protocols, have to be deferred to in making this determination. Further, recent news indicates at least 1 additional variant has been detected. So, any request for in-person Hearing(s) has to be weighed against all of these factors.

As WC Med Fee Review is statewide, as opposed to county localized, I anticipate few requests for in-person Hearings; nonetheless, I would evaluate requests for in-person against all of the above factors and try to accommodate the requests accordingly. Insurers and Providers appear to rely upon a mix of in-state and out-of-state witnesses / experts, which would logistically make virtual video Hearings preferable to in-person. But again, I'd weigh the request for in-person against all of the above factors and attempt to accommodate the request mutually convenient to all.

5. What procedure do you follow if a party fails to appear at an Event?

I will send a Judge's Communication (FTA Memorandum), indicating the risk of dismissal and/or Close of the Record with consideration only of the evidence admitted as of the next Hearing, if the party fails to participate in the next Hearing following the said Judge's Communication (i.e. fails to prosecute their Request for Hearing to Contest Fee Review Determination).

Witnesses/Exhibits:

5. What are your rules regarding the taking of testimony?

a. Do you prefer the testimony be taken at a hearing or by deposition?

In Person Hearing Video Hearing Audio Hearing

Further explanation:

But see also # 4, supra.

b. If counsel wishes to call a witness at a hearing, do you require prior notice? If so, how much notice do you require?

Yes No

Further explanation:

Atleast 2 days.

7. Do the parties need to upload the Bureau documents as exhibits or will they automatically be made Hearing Officer Exhibits?

Parties Upload Judge

Further explanation:

The Parties are to upload the Bureau Documents as Exhibits if relying upon them in their case-in-chief.

8. Do you require that counsel upload exhibits to WCAIS before or after the hearing? If before, what is the latest day before the hearing that they may be uploaded?

Before After

Further explanation:

2 days.

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9. Do you require counsel to bring hard copies of the exhibits to in-person hearings?

Yes No

Further explanation:

No. Exhibits are to be uploaded to WCAIS.

10. When will you rule on objections to exhibits?

When they are being presented for admission, I will elicit opposing counsel's position / objection and provide the movant the opportunity to respond before deciding admissibility.

11. What is your procedure for handling discovery disputes. For example, do you employ telephone conferences or prefer to attend certain depositions virtually?

If I have a discovery dispute pending, I am following JM's suggestion, where I issued an Interlocutory Order holding the issue in abeyance until it's Argued before me by counsel.

12. Will the Hearing Officer allow the parties to present written argument with respect to timely made objections?

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Sure.

Stipulations:

13. Please provide the following information regarding Stipulations resolving Disputes:

- a. What are your usual procedures regarding the submission, review, and adoption of such Stipulations?
I try to regularly check WCAIS for Stipulations requiring my adoption into Orders, then generally dispose of them w/I the same day I see them in WCAIS.
- b. What other exhibits should be uploaded as part of the Stipulation or as separate exhibits (i.e., medical bills, etc.)? Please indicate whether they should be uploaded as part of the Stipulation or as separate exhibits.

The Provider's bills are generally uploaded as part of the Bureau documents.

- c. When should the social security number and other confidential information be redacted from the Stipulation? Always.
- d. Do you have any other procedures for Stipulations not described above? If so, what are they? None.
 Yes No

Further explanation:

[Click here to enter text.](#)

Close of Record/Briefs:

14. Are you willing to close a case by electronic submission via WCAIS or is a final hearing required?
 Electronic Submission Final Hearing

Further explanation:

Disputes resolved before relistings generally are closed via Electronic Submission; fully contested Disputes are closed via Final Hearing.

15. What are the time requirements for the submission of briefs and other post-hearing submissions? Do you have any procedure if the briefs or post-hearing submissions are not received in a timely manner?

My preference is 30-day Joint; 30/15 or 30/30 if staggered.

The parties / Counsel are directed to 1 Pa. Code Sec. 31.15(a)(2) – ext. of time req, as to Briefs is to be req. at least 5 days before the due date for filing same.

16. Please describe your preferences for the format and content of briefs and post-hearing submissions.

Letter Briefs. No post-hearing submissions after the evidentiary record is closed. No “rebuttal” Briefs, as such are not countenanced in the CCR.

Voluntary Mediation:

17. Are voluntary mediations available upon request? Yes No

If so, who conducts the mediations?

Per the directive of the JM 8/18/2023, the WC Med Fee Review Hrg Ofc's may conduct Mediation of FR cases. The directive indicates the FRHOs are to at least initially make themselves available for Mediations at least once monthly.

In accordance with this directive, I will make myself available for Mediations 2nd Wednesday each month for now.

My Assistant should be contacted and provided the Bureau File #, Dispute(s) #(s), and counsel for the parties' e-mail addresses & phone #s. My Assistant will then schedule & issue the Teams invites. These will be slotted for 45 minutes initially.

Further explanation:

Requests/Miscellaneous:

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

Parties / Counsel are directed to 34 Pa. Code Sec. 131.13 (c); (d)(2); (f). Day-of or day-before Requests should not be made, particularly if a pattern of such untimely Requests is apparent..

19. Do you conduct off the record conference calls?

Yes No

Further explanation:

No.

20. Do you accept faxes from the parties? If so, under what circumstances?

Yes No

Further explanation:

No.

21. Do you accept e-mails from the parties? If so, under what circumstances?

Yes No

Further explanation:

Requests for Continuances are to be made via WCAIS, as WCAIS is the Record. E-mailed Requests are discouraged, and, if there is a pattern of day-of or day-before Requests, likelihood is high that such late Requests may be denied moving into 2023 and beyond. With often likely 21-24 Hearings on each of my 2 Hearing Days, last minute e-mail to my Able Assistants is frowned upon as, again, WCAIS is the Record. Last minute notifications (i.e. day of notifications) of Withdrawals or Stipulations are also frowned upon.

23. Do you adhere strictly to duration listed for a hearing or are you willing to go over the allotted time?

Yes No

Further explanation:

When relisting Disputes, I gauge how long the next Hearing should be and ask my assistant to slot it accordingly. Example, Oral Argument on a discovery dispute I have slotted for an hour,

24. What is the best way to contact you in an urgent/emergency situation?
WCAIS, then my Assistant.

25. What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)? I simply follow the Commonwealth policy applicable to WCOA.

/s/

Derrick W. Coker, FRHO, 09/19/2023