

**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, the first five numbers should be redacted before the document is uploaded, unless otherwise specified below. Requests, such as Requests for Continuance and Subpoenas, should also be made through WCAIS.

**[CLICK HERE TO VIEW THE JUDGE'S SPECIAL PROCEDURES DURING THE GOVERNOR'S EMERGENCY DECLARATION DUE TO COVID-19.](#)**

**FIRST EVENTS**

- 1. What is the first event (i.e. pretrial, hearing, conference call) and what will occur?** The first hearing on a Claimant's petition is scheduled for 30 minutes and Claimant is expected to testify, no more than 20 minutes on direct and 10 minutes on cross. (additional time may be allotted if an interpreter was requested) On an Employer petition such as a Modification, Suspension or Termination, the hearing is scheduled for 15 minutes. Supersedeas exhibits should be uploaded into WCAIS before the hearing with counsel for the parties having hard copies at the hearing. I will go over supersedeas exhibits and a record will be made as to the content of those exhibits. Generally, there is no testimony taken. With all petitions, the Judge will set deadlines consistent with Special Rules of Administrative Practice and Procedure Before Workers' Compensation Judges (the "Rules") and Act 147, which deadlines are mandatory and will not be altered absent good cause shown. The Parties should have all relevant Bureau documents uploaded into WCAIS before the first hearing. These may include the Notice of Compensation Payable, the Statement of Wages, prior decisions, supplemental agreements, etc.
- 2. List any documents required at the first Event:** The Parties are to comply with Sections 131.52 and 131.53 of the Rules. A first hearing filing and a responding party 45-day filing is expected. These documents are to be uploaded in WCAIS in Documents and Correspondence.
  - a. Should docs be uploaded as Exhibits or Letters to the Judge?** Letter to Judge
  - b. Should docs be uploaded before or after the first Event?** Before

**SUPERSEDEAS PROCEDURES**

- 1. What are your procedures for supersedeas hearings?** I expect to receive all documents, exhibits and affidavits consistent with 34 Pa. Code Sec. 131.43. These documents should be uploaded into WCAIS before the hearing and a record will be created as to the content of supersedeas exhibits. I may permit the responding party a brief extension of time, if necessary, to obtain medical records, reports, or affidavits and to present the same through WCAIS after the first hearing. Counsel for Claimant should present a written fee agreement at the first hearing, uploaded on the merits in WCAIS, to obtain interim approval of his/her counsel fee. Special supersedeas hearings will be conducted consistent with Section 413(a) of the Act and current case law concerning conduct of such hearings.
  - a. Will testimony be heard?** No
  - b. Is additional time generally granted to obtain medical evidence?** It will be considered on a case by case basis.
  - c. Under what circumstances will you reconsider a supersedeas order?** If the parties submit additional, relevant, new evidence and request reconsideration.
  - d. Do you generally use written orders for denials?** Yes The exception would be when Claimant is only receiving medical benefits; no written order would issue in that case.
  - e. What is required for employee's counsel to obtain interim fee approval?** The submission of a fee agreement and a denial of the request for supersedeas. If the claimant has not testified concerning the fee agreement at a

hearing, then an affidavit from the claimant concerning the understanding and signing of the fee agreement is required as well.

- f. **Describe any other procedures for supersedeas hearings:** N/A
- g. **Describe procedures for special supersedeas hearings, if different:** Other than the timing required pursuant to the Act for holding the first hearing, there are no other or different procedures.

### HEARINGS

1. **Describe the structure of your hearings and whether you are willing to change your hearing format:** I conduct a modified one-day trial procedure. There is typically a first hearing held that is listed for 15 minutes on Employer petitions and 30 minutes listed for Claimant petitions (additional time may be allotted for Claimant's Petitions, if an interpreter was requested). I will then list the dispute for one final hearing with all remaining fact testimony from both parties to be presented at that time, unless the parties have listed additional fact witnesses in their first hearing filing or 45-day filing.
  - a. **Are you willing to change the hearing format upon request?** Choose an item. I will consider modification of the above format on a case by case basis.
2. **Are you willing to allow counsel to participate by telephone?** No I generally expect counsel to appear for scheduled hearings absent an issue related to weather or an emergency. Otherwise, I may consider participation by phone on a case-by-case basis if counsel provides a prior written request at least one (1) day in advance of the hearing. Should counsel upload such a request in WCAIS, the upload must be completed by 2:00 p.m. so that this Judge has an opportunity to review and respond to the request.
3. **What procedure do you follow if a party fails to appear at a hearing?** If a party fails to appear as scheduled for an Event such as a hearing, the party risks having a Decision and Order issued that is adverse.
4. **Do you have special procedures for psychological injury cases?** No [Click or tap here to enter text.](#)

### WITNESSES/EXHIBITS

1. **What are your rules regarding taking testimony?** See above. Most if not all fact witnesses are expected to testify live at a scheduled hearing.
  - a. **Do you prefer testimony at a hearing or by deposition?** Hearing [Click or tap here to enter text.](#)
  - b. **If a counsel wishes to bring a witness to a hearing, do you require prior notice? Yes If yes:**
    - i. **How much notice do you require?** See answer for first hearing procedures and expectations for testimony. See also answer for final hearing expectations. In addition, the parties should provide notice 30 days in advance of the planned hearing for testimony so I can schedule the hearing for the length of time needed and get the notices sent out in a timely manner. Please submit the name of the witnesses and how much time will be needed for their testimony, including cross-examination.
2. **Under what circumstances will you permit a party or witness (including an expert witness) to testify by deposition, phone, or videoconference, rather than appear at the hearing?** If the party or witness is out of state or in such poor health that they cannot travel to the hearing location, I will permit testimony by phone, depending on what objections may have been made. In limited circumstances, if the parties agree, I will consider fact witness testimony to be presented by deposition. I prefer that expert witnesses testify by deposition.
3. **What is your procedure regarding the order of testimony with respect to submission of medical evidence, particularly when cross petitions are filed?** The moving party of the petition filed first should present medical evidence first, absent agreement of counsel or a compelling reason as to why another order should be used.
4. **Do the parties need to upload the Bureau and WCOA documents as exhibits or will you admit them electronically as Judge exhibits?** Parties Upload is preferred.

5. **Do you require counsel to upload exhibits to WCAIS before or after the hearing?** Before **If before:**
  - a. **What is the latest day before the hearing that they may be uploaded?** I prefer that they be uploaded no less than two days prior to the hearing so everyone has a chance to review them prior to the hearing.
6. **Do you require counsel to bring exhibit hard copies to the hearing?** No [Click or tap here to enter text.](#)
7. **When will you rule on objections to exhibits?** If the objection is made at the hearing where the exhibits are submitted, or before the next scheduled hearing, I will rule on the objection at that hearing unless the parties feel the issue is such that they want the opportunity to brief it. I rule on preserved objections made during a deposition in my final decision.
8. **What is your procedure for handling discovery disputes, e.g. do you employ telephone conferences, do you prefer to attend certain depositions, etc.?** I will hold telephone conferences to see if the dispute can be resolved. I am willing to attend depositions if necessary, but I prefer to have the witness attend a hearing.
9. **What is the last day to file written preservations of deposition objections?** With the final briefs and proposed findings.

### COMPROMISE & RELEASES (C&Rs)

1. **Describe your procedures regarding the review of C&R Agreements:** [Click or tap here to enter text.](#)
  - 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?** Amendments If there is only one petition pending and the parties want a decision on that petition on the merits, then that petition cannot be amended, and a C&R petition must be filed. If the parties want to resolve multiple injury dates, and there is not a petition for all such dates already pending in litigation, the Parties must file a separate petition for each injury date to be resolved. A separate Compromise and Release Agreement is to be used for each injury date with consideration allocated to each Agreement.
  - b. **Are parties required to provide a draft of the C&R Agreement before the hearing?** No **If yes:**
    - i. **How far in advance of the hearing do you need to receive it?** [Click or tap here to enter text.](#)
  - c. **Should the parties upload the C&R Agreement, including the fee agreement and any other attachments, before or after the hearing?** After [Click or tap here to enter text.](#)
  - d. **Should child support docs be uploaded as a separate exhibit?** Yes These documents need to be uploaded as separate exhibits because they contain Social Security numbers. These documents should be uploaded only if they are complete and fully executed and the lien search was done within 20 days of the hearing held to approve the C&R.
  - e. **What other exhibits should be uploaded as part of the C&R Agreement or as separate exhibits (i.e., waiver of appeal, medical bills, etc.?)** Whatever the parties want to include as part of the C&R Agreement, that will be attached to my decision when circulated, should be included as part of the C&R Agreement exhibit. I do not attach the child support documents to my decision so they should not be attached to the C&R Agreement.
  - f. **Should they be a part of the C&R Agreement or separate exhibits?** Separate if not specifically referenced in the C&R Agreement and only if necessary as well as relevant to the final adjudication of the C&R.
  - g. **When should SSNs and other confidential information be redacted from the C&R Agreement and Act 109 documents?** The Social Security number should always be redacted from the Compromise and Release Agreement. However, since the Act 109 documents are marked and admitted as a separate exhibit, the Social Security number should remain on these documents.
  - h. **Will you sign bench orders?** Yes but I cannot sign bench orders as part of a Skype/phone hearing so please do not upload them, whether as an exhibit or some other document type.
  - i. **Describe any other procedures you have for C&R Agreements:** No

## STIPULATIONS (STIPs) RESOLVING DISPUTES

1. **What are your usual procedures regarding the submission, review, and adoption?** They should be completely signed and uploaded into WCAIS as an exhibit. They should address all petitions they are resolving. I will attach the Stipulation to my decision approving it.
2. **Should the fee agreement be part of the stip or separate exhibit?** Part of Stipulation if the parties want it attached to the decision that will circulate approving the Stipulation. If the parties do not want it attached to the decision, then it should be uploaded as a separate exhibit if it is not already part of the record.
3. **Should child support documents be uploaded as a separate exhibit?** Yes [Click or tap here to enter text.](#)
4. **What other exhibits should be uploaded (i.e. medical bills, etc.)?** Whatever the parties want to have attached to the Stipulation, that will be attached to my decision when circulated, should be included as part of the Stipulation exhibit.
  - a. **Should they be part of the stip or a separate exhibit?** Separate if not specifically referenced in the Stipulation and only if necessary and relevant to the final adjudication of the Stipulation.
5. **When should SSNs and other confidential information be redacted from the stip and Act 109 documents?** The Social Security number should not be referenced in the Stipulation or in any attached documents. Since the Act 109 documents are marked and admitted as a separate exhibit, the Social Security number should remain on these documents.
6. **Describe any other procedures you have for stips:** N/A

## BRIEFS AND POST-HEARING SUBMISSIONS

1. **Will you close a case via WCAIS submission or is a final hearing required?** WCAIS Submission
2. **What are the time requirements for submissions and what procedures are taken when time requirements aren't met?** I generally have a concurrent briefing schedule, which is due 30 days after the record close date. I set the record close date at the final hearing. I will allow Claimant's counsel to submit litigation costs and Act 109 documents with the brief and proposed findings, and if no objection is received within 3 days they will be admitted. If no extension is requested to the briefing schedule, then the Dispute goes into Waiting for Decision status as of the date the last brief is due. I do not contact counsel asking for briefs and proposed findings. I will review any brief and proposed findings submitted after the due date that is received prior to the circulation of the decision.
3. **Describe any preferences regarding the format and content of submissions:** Submissions should include Proposed Findings of Fact, Proposed Conclusions of Law, a Proposed Order, and a supporting brief that specifically sets forth the issues to be decided and legal argument. Support for the Proposed Findings of Fact must contain a specific cite to the record with deposition and hearing transcript references referred to by page and line(s). All references to the Act, governing regulations and case law must be properly cited.

## MANDATORY MEDIATIONS

1. **List the offices where you conduct mandatory mediations:** Pottsville WCOA for cases assigned to that office and Hazleton WCOA for cases assigned to that office.
2. **Do you require all participants to attend in-person?** Yes
  - a. **Under what circumstances do you permit attendance by phone?** I prefer that all parties attend in person. If a party is out of state or in such poor health that he/she cannot travel to the mediation location, I will permit participation by phone, depending on any objections that may have been made.
3. **Do you require a Mediation Statement?** Yes **If yes:**
  - a. **What information do you require in that Statement?** [Mediation Conference Disclosure Report](#)

- b. **What documents, if any, must accompany the Statement?** Please see the Mediation Disclosure Report.
- c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** One day.
4. **After you approve a Mediation Request, how long until it's scheduled?** Mediation dates are provided by the litigating Judge and there are a range of dates that the parties may pick that cover the timeline of litigation. The parties should pick a point/date in the litigation timeline where they will be prepared to have a meaningful mediation.
5. **Are you willing to conduct more than one session per Dispute?** Yes [Click or tap here to enter text.](#)
6. **If the party wants to request cancellation or postponement of a mediation on a Dispute assigned to you, should they contact you or the mediating Judge?** You **If you:**
  - a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** Three days.
7. **What else should the parties know or do before the mediation?** The parties should have discussed mediation before the mediation date. The parties should have discussed parameters of authority for resolving the case.

### **VOLUNTARY MEDIATIONS**

1. **Do you conduct Voluntary Mediations?** Yes [Click or tap here to enter text.](#)
2. **List the offices where you conduct voluntary mediations:** Pottsville WCOA
3. **Do you mediate Disputes assigned to you for hearing and decision?** Yes [Click or tap here to enter text.](#)
4. **Do you mediate Disputes in which one or both parties are unrepresented?** Yes **If yes:**
  - a. **Describe any special procedures:** N/A
5. **Do you require parties to execute an agreement to mediation?** Yes **If yes:**
  - a. **Describe the matters addressed by the agreement:** [Voluntary Mediation Agreement](#)
6. **Do you require all participants to attend in-person?** Yes
  - a. **Under what circumstances do you permit attendance by phone?** I prefer that all parties attend in person. If a party is out of state or in such poor health that he/she cannot travel to the mediation location, I will permit participation by phone, depending on any objections that may have been made.
7. **Do you require a Mediation Statement?** Yes **If yes:**
  - a. **What information do you require in that Statement?** Mediation Conference Disclosure Report - unless it is a case assigned to me for decision
  - b. **What documents, if any, must accompany the Statement?** Please see the Mediation Disclosure Report.
  - c. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** One day.
8. **After you approve a Mediation Request, how long until it's scheduled?** Whenever I have an opening in my schedule, which is amenable to both parties.
9. **Are you willing to conduct more than one session per Dispute?** Yes [Click or tap here to enter text.](#)
10. **If the party wants to request cancellation or postponement of a mediation on a Dispute assigned to you, should they contact you or the mediating Judge?** You **If you:**

- a. **What is the latest day before the mediation that cancellation or postponement, absent an emergency, can be requested?** Three days.

11. **What else should the parties know or do before the mediation?** [Click or tap here to enter text.](#)

### **REQUESTS/MISCELLANEOUS**

1. **How far in advance do you require Requests for continuances, changes in hearing times, and extensions to be uploaded into WCAIS?** I would like to receive them no less than two days prior to the scheduled event.
2. **Under what circumstances do you conduct conference calls?** I determine whether to allow them on case-by-case basis and time permitting.
3. **Under what circumstances do you accept faxes and e-mails from parties?** I prefer that everything be done through WCAIS, but if that is not possible, I will accept emails through the Pottsville office resource account and will accept faxes. Both will be uploaded into WCAIS as Correspondence. I do not want duplicate requests/correspondence. If it has been uploaded or requested through WCAIS, do not email, fax, or mail it also. I receive notifications when parties upload an exhibit or letter into WCAIS; there is no need to submit a Miscellaneous Request, or other request, concerning the same as well.
4. **Do you adhere strictly to duration listed for a Hearing or Mediation?** I adhere strictly to hearing duration, but I will routinely go over allotted time for mediations.
5. **What is the best way to contact you in an urgent situation?** Call the Pottsville WCOA and ask to speak to my secretary.
6. **What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?** If the WCOA does not authorize closure of our office, I will generally hold scheduled hearings and mediations. If possible, I will decide on the workday prior to an expected snow or weather event as to whether hearings or mediations should be cancelled. Cancellation or delay information will be posted to the WCAIS dashboard. Counsel should monitor the WCAIS dashboard for any communication that may impact their scheduled hearings or mediations and relay this information to their clients.