

Workers' Compensation Judges' Procedural Questionnaire

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.

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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 judge?

The first hearing on a Claimant's petition will be for the Claimant's testimony. The first hearing on an Employer's petition will usually be supersedeas, with no testimony. Appropriate deadlines are set at the first hearing on all petitions. See 34 Pa. Code Chapter 131

2. Are any first hearing filings or documents required at the first Event with the judge? If so, what are they? **Yes** **No**

Further explanation:

First Hearing filings are not required.

- a. Should first hearing filings or documents be uploaded as Exhibits or as Documents?

Exhibits **Documents**

Further explanation:

If you choose to submit a first hearing filing, please upload it into Documents and Correspondence and NOT as an exhibit.

b. Should first hearing filings be uploaded before or after the first hearing?

Before **After**

Further explanation:

[Click here to enter text.](#)

3. What are your procedures for supersedeas hearings?

a. Will testimony be heard? **Yes** **No**

Further explanation:

In rare circumstances, testimony could be heard, but at least 14 days advance notice should be given to allow proper scheduling.

b. Is additional time generally granted to obtain medical evidence? **Yes** **No**

Further explanation:

Employer's medical evidence should be available at the supersedeas hearing. Claimant may have up to 14 days for submission of supersedeas evidence.

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

If additional evidence is submitted. However, reconsideration does not necessarily mean a change in the actual order. See 34 Pa. Code Section 131.41.

d. Do you generally use written orders for denials? **Yes** **No**

Further explanation:

[Click here to enter text.](#)

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

Submission of the fee agreement. The fee agreement should be a separate exhibit on the merits.

f. Do you have any other procedures for supersedeas hearings not described above? If so, what are they? **Yes** **No**

Further explanation:

[Click here to enter text.](#)

- g. Do you have different procedures for special supersedeas hearings? If so, please describe them? **Yes** **No**

Further explanation:

The issue is very narrow on an Employee Challenge special supersedeas. If no Modification/Suspension Petition has been filed, only those narrow issues will be considered.

4. Do you use a one-day/one-hearing format or serial hearings? Please describe the structure of your hearings. Please indicate if you are willing to change your hearing format upon request of all parties.

After the initial hearing on any petition, I generally only bring the Parties back for additional hearings if additional testimony or oral argument is needed. Otherwise, the matter will close via WCAIS submission at the end of the litigation schedule. An additional hearing may be scheduled at any time during the litigation of the petitions upon request of the Parties.

5. Are you willing to allow counsel to participate in hearings by telephone? **Yes** **No**

Further explanation:

In general, participation by phone is discouraged. However, in extenuating circumstances and with sufficient notice, I will permit counsel to participate by phone.

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

If a party fails to appear at a hearing, the petition may be dismissed or granted, depending on the circumstances. Sometimes a re-listing is given.

7. Do you have any special procedures for psychological injury cases? **Yes** **No**

Further explanation:

In mental/mental cases, Claimant's counsel shall provide a list of the alleged "abnormal working conditions" at the first hearing.

Witnesses/Exhibits:

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

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

Hearing **Deposition**

- b. If counsel wishes to bring a witness to a hearing, do you require prior notice? If so, how much notice do you require? **Yes** **No**

Further explanation:

To allot proper time for hearings, notice should be given at least 30 days in advance of the hearing.

9. Under what circumstances will you permit a party or witness (including an expert witness) to testify by deposition or by phone, rather than appear at the hearing?

Absent extraordinary circumstances, Claimant's testimony must be presented live. Expert witnesses may always testify by deposition. It is preferred that all other witnesses testify live, however, depositions may be permitted under certain circumstances and only with prior permission of the Judge. Witness testimony will be discussed at the first hearing. Counsel should be mindful of following the Judges' Rules on the taking of testimony.

10. What is your procedure regarding the order of testimony with respect to submission of medical evidence, particularly when cross petitions are filed?

This issue should be discussed at the first hearing, as each case may differ i.e. the defendant may or may not need a second IME to address an expansion of the injury. However, generally, the Party that files the first Petition will be required to complete their medical evidence first.

11. Do the parties need to upload the Bureau documents as exhibits or will they automatically be made Judge Exhibits? **Parties Upload** **Judge**

12. 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:

Parties are encouraged to upload exhibits as early as possible but they may be uploaded as late as the day of the hearing. I do not review exhibits prior to the discussion of admissibility during the hearing.

13. Do you require counsel to bring hard copies of the exhibits to the hearing? **Yes** **No**

Further explanation:

If it is easier to view a "hard copy" of the exhibit, having it available is appreciated.

14. When will you rule on objections to exhibits?

If the exhibit is uploaded prior to a hearing, objections to those exhibits will be ruled upon at the hearing. If no additional hearing is anticipated, objections may be uploaded into the Correspondence section in WCAIS and, after hearing from both Parties, the ruling will be made via an Interlocutory Order.

15. What is your procedure for handling discovery disputes, e.g., do you employ telephone conferences, do you prefer to attend certain depositions, etc.?

Issues may be brought to the attention of the Judge via letter uploaded into the Correspondence section in WCAIS. Telephone conferences are used sparingly. I will attend a deposition if I deem it necessary.

16. What is the last day the parties may file written preservations of deposition objections?

The preservation of objections may be submitted with the briefs. They should be submitted as a separate document and uploaded into the Correspondence section in WCAIS.

C&Rs/Stipulations:

17. Please describe your procedures regarding the review of Compromise and Release Agreements.

a. Are you willing to allow amendments of existing petitions or do you require the filing of a separate Petition Seeking Approval of a Compromise and Release Agreement?

Amendments **New Petition**

Further explanation:

However, if you are closing out multipule dates of injury, a separate Petition to Seek Approval of a Compromise and Release Agreement must be filed for each date of injury that is not currently in litigation.

b. Do you require the parties to provide you with a draft of the Compromise and Release Agreement to review before the hearing? If so, how far in advance of the hearing do you need to receive it? **Yes** **No**

Further explanation:

If an expedited order is needed, the parties should notify the judge and upload a FULLY EXECUTED copy of the agreement at least 24 hours before the hearing.

c. Should the parties upload the Compromise and Release Agreement, including the fee agreement and any other attachments, before or after the hearing?

Before **After**

Further explanation:

Neither. Generally, our staff will upload the documents to ensure that Social Security Numbers are appropriately redacted. In some circumstances, we may direct counsel to upload the documents immediately after the hearing.

d. Should the child support documents be uploaded as a separate exhibit? **Yes** **No**

Further explanation:

[Click here to enter text.](#)

- e. What other exhibits should be uploaded as part of the Compromise and Release Agreement or as separate exhibits (i.e., waiver of appeal, medical bills, etc.). Please indicate whether they should be uploaded as part of the Compromise and Release Agreement or as separate exhibits.

Whatever the parties wish to be attached will be uploaded as part of the Agreement, within reason.

- f. When should the social security number and other confidential information be redacted from the C&R agreement and Act 109 documents?

Our staff will redact confidential information before uploading the documents.

- g. Will you sign bench orders? **Yes** **No**

Further explanation:

We are happy to sign bench orders.

- h. Do you have any other procedures for Compromise and Release Agreements not described above? If so, what are they? **Yes** **No**

Further explanation:

Please have all documents signed and be prepared to take testimony at the time scheduled for the hearing.

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

- a. What are your usual procedures regarding the submission, review, and adoption of such Stipulations?

Stipulations may be mailed or uploaded into WCAIS. If a stipulation is overdue, a status hearing may be scheduled.

- b. Should the fee agreement be uploaded as part of the Stipulation or as a separate exhibit? **Part of Stipulation** **Separate Exhibit**

Further explanation:

[Click here to enter text.](#)

- c. Should the child support documents be uploaded as a separate exhibit? **Yes** **No**

Further explanation:

[Click here to enter text.](#)

- d. 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.

If the documents are part of the agreement, they should be uploaded with the stipulation.

- e. When should the social security number and other confidential information be redacted from the Stipulation and Act 109 documents?

Our staff will redact confidential information before uploading the documents.

- f. Do you have any other procedures for Stipulations not described above? If so, what are they? **Yes** **No**

Further explanation:

[Click here to enter text.](#)

Close of Record/Briefs:

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

Further explanation:

A final hearing is NOT scheduled for the submission of evidence. The parties should notify the Judge when all of their evidence has been uploaded into WCAIS.

20. 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?

Briefs are preferred, but not required. The Judge may circulate a decision without waiting for an overdue brief. See 34 Pa. Code Section 131.101.

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

Briefs should be brief, with a summary of the facts, a statement of the issues, and a legal argument. Quantum Meruit submissions, child support documents, preserved objections and litigation costs may be submitted at the same time as briefs, but should be submitted as individual exhibits, not as part of the brief.

Mandatory Mediations

22. Please list the offices at which you conduct mandatory mediations.

I conduct mandatory mediations in Allentown. I will entertain requests to conduct mediations in other locations with the agreement of the parties and the Office of Adjudication.

23. Do you require the parties to execute an agreement to mediate? If so, please describe the matters to be addressed by the agreement. **Yes** **No**

Further explanation:

[Click here to enter text.](#)

24. Do you require all participants (claimant, adjustor/employer representative, counsel) to attend the mediation personally? Under what circumstances do you permit a participant to attend by telephone, if any? **Yes** **No**

Further explanation:

Absent extenuating circumstances, Attorneys must attend the mediation in person. I prefer the Parties to attend in person as I believe it makes for a more productive mediation however, this is not a requirement.

25. Do you require a Mediation Statement? **Yes** **No**

If so:

- a. What information do you require in that Statement?

The following information should be included: A summary of the litigation status, the Average Weekly Wage and Weekly Compensation Rate, a summary of negotiations to date, and the amount of authority.

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

None. However, I find copies of diagnostic studies and surgical reports helpful.

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

The mediation statement should be submitted 72 hours in advance. Mediation may be cancelled for failure to comply with this deadline.

26. Once you receive a mediation request, what is the usual amount of time that elapses until the mediation takes place?

Mediations are scheduled by the litigating judge.

27. Are you willing to conduct more than one session per Dispute? **Yes** **No**

Further explanation:

Click here to enter text.

28. If a party wants to request cancellation or postponement of a mediation on a Dispute assigned to you:

a. Should the party contact you or the mediating judge?

It is preferable that the parties contact both of us.

b. If you are to be contacted, what is the latest day before the mediation that cancellation or postponement, absent an emergency situation, can be requested?

The day before the scheduled mediation.

29. Is there anything else the parties should know or do in advance of the mediation?

Yes No

Further explanation:

Please summarize all outstanding medical bills, co-pays, and liens. Be prepared to discuss the status of third party actions, Social Security Disability applications, Social Security benefits, Medicare set-asides, and any other credits or benefits that would impact negotiations.

Voluntary Mediations:

30. Do you conduct Voluntary Mediations? Yes No

Further explanation:

I conduct voluntary mediations upon request. Availability for voluntary mediations varies based upon my schedule.

31. Please list the offices at which you will mediate a Dispute.

I conduct voluntary mediations in Allentown. I will entertain requests to conduct mediations in other locations with the agreement of the parties and the Office of Adjudication.

32. Are you willing to mediate Disputes that are assigned to you for hearing and decision?

Yes No

Further explanation:

Yes, by agreement of the parties, in accordance with the Judges' Rules.

33. Are you willing to mediate Disputes in which one or both parties are not represented by counsel? If so, do you have any special procedures? Yes No

Further explanation:

[Click here to enter text.](#)

34. Do you require the parties to execute an agreement to mediate? If so, please describe the matters addressed by the agreement. **Yes** **No**

Further explanation:

[Click here to enter text.](#)

35. Do you require all participants (claimant, adjustor/employer representative, counsel) to attend the mediation personally? Under what circumstances do you permit a participant to attend by telephone, if any? **Yes** **No**

Further explanation:

Absent extenuating circumstances, Attorneys must attend the mediation in person. I prefer the Parties to attend in person as I believe it makes for a more productive mediation however, this is not a requirement.

36. Do you require a Mediation Statement? **Yes** **No**

Further explanation:

[Click here to enter text.](#)

If so:

- a. What information do you require in that Statement?

The following information should be included: A summary of the litigation status, the Average Weekly Wage and Weekly Compensation Rate, a summary of negotiations to date, and the amount of authority.

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

None. However, I find copies of diagnostic studies and surgical reports helpful.

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

The mediation statement should be submitted 72 hours in advance. Mediation may be cancelled for failure to comply with this deadline.

37. Once you receive a mediation request, what is the usual amount of time that elapses until the mediation takes place?

Voluntary mediations are scheduled as promptly as possible, given the schedules of the participants.

38. Are you willing to conduct more than one session per Dispute? **Yes** **No**

Further explanation:

[Click here to enter text.](#)

39. If a party wants to request cancellation or postponement of a mediation on a Dispute assigned to you:

a. Should the party contact you or the mediating judge?

It is preferable that the parties contact both of us.

b. If you are to be contacted, what is the latest day before the mediation that cancellation or postponement, absent an emergency situation, can be requested?

The day before the mediation.

40. Is there anything else the parties should know or do in advance of the mediation?

Yes **No**

Further explanation:

Please summarize all outstanding medical bills, co-pays, and liens. Be prepared to discuss the status of third party actions, Social Security Disability applications, Social Security benefits, Medicare set-asides, or any other credits or benefits that would impact negotiations.

Requests/Miscellaneous:

41. What is your procedure regarding continuances, changes in hearing times and extensions, i.e., how far in advance do you require the Request be uploaded into WCAIS?

The parties should, as much as possible, adhere to the requirements of the Judges' Rules at 34 Pa. Code Section 131.13. If your case resolves and you plan to present the C&R at the following hearing, it is requested that the Parties notify the Judge's office so that any extra time available may be used for other cases.

42. Do you conduct/permit conference call? If so, under what circumstances? **Yes** **No**

Further explanation:

Conference calls should be used sparingly to discuss issues that do not need to be discussed on the record. If necessary, the discussion should be confirmed, in writing.

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

Yes No

Further explanation:

Communications via WCAIS are preferred above all. Faxes are acceptable but email communication is preferred. The Parties should be certain to copy opposing counsel on all email communications.

44. Do you adhere strictly to duration listed for a hearing or mediation or are you willing to go over the allotted time? Yes No

Further explanation:

Each circumstance requires its own evaluation. Sometimes it is necessary to proceed with testimony beyond the allotted time.

45. What is the best way to contact you in an urgent/emergency situation?

For urgent or emergent situations during business hours call the Allentown Hearing Office at 610-366-6060. Outside of normal business hours, Parties may email me at catsabatin@pa.gov but there is no guarantee that I will be checking my email outside of normal business hours.

46. What is your snow/emergency cancellation policy (i.e., do you follow a specific school district closing schedule, etc.)?

The WCAIS Dashboard is always the first and best place to look for closing or cancellation information.

I follow the Allentown School District for cancellation of hearings and/or mediations due to inclement weather. If the Allentown School District is closed, my hearings and/or mediations will automatically be canceled and rescheduled. If the Allentown School District has only a delay, my hearings/mediations will proceed as scheduled. Allentown School District closing information may be found on WFMZ.com. The Parties should also check the WCAIS Dashboard.

In the rare event the Allentown Hearing Office, itself, has a delay or closes (please note, this is separate from hearings/mediations being canceled; i.e. hearings/mediations can be canceled but the actual office still opens on time), this information be posted on the WCAIS Dashboard.