

JUDGE NAME: Robert J. Steiner DISTRICT: Western District ASSIGNED OFFICE: New Castle

[WCOA Judges Office Contacts](#)

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?

Either Claimant counsel or Defendant counsel filing a Petition to/for (LIBC-378) must complete the entirety of the questions asked in the petition, including, but not limited to, Injury Information and Compensation Benefits Information if the Defendant/Employer has accepted liability for this injury. Failure to do so may result in dismissal of the inadequate and incomplete petition. Also, Defendant counsel shall not file boilerplate answers to a Claim Petition raising affirmative defenses for which they have no evidence. Instead, Defendant may properly aver under matters of further defense that Defendant/Employer reserves the right to raise additional defenses based on information that develops in the case. Only Claimant testifies no matter whether or Claimant or Defendant has filed the petition as the moving party. Each party on the record will then advise of any additional evidence they plan to submit. I then place on the record the timeframe for submission of the additional evidence.

a. List any documents required at the first event:

First Hearing Statements are not required but are permitted. The moving party should upload the exhibits necessary to establish a prima facie case. The uploaded exhibits should be uploaded at least 24 hours prior to the commencement of the hearing so that I may review them and be prepared to rule on them at the time of the hearing. At the present time, all first hearings will be a virtual hearing. All Bureau documents should be available in case the WCJ does not have them.

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

Documents should be uploaded as an exhibit.

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

The format of the hearing is determined by the nature of the petition as, in most cases, serial hearings will be conducted.

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

Only at my discretion. Any change in the hearing format will be dictated by the agreement of the parties, reasons for the change, and/or the interests of judicial economy.

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

At this time, I am only conducting in-person hearings in disfigurement cases.

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

Audio participation will be permitted for status hearings. Otherwise, any hearing where testimony will be presented will be virtual unless the opposing party consents to audio-only participation in advance.

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

The hearing will be conducted and will be continued and rescheduled. The party who failed to appear will be given the opportunity to explain their absence at that time.

7. Do you have special procedures for psychological injury cases?

a. Will testimony be heard?

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

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

d. Do you generally use written orders for denials?

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

f. Describe any other procedures for supersedeas hearings:

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

None.

SUPERSEDEAS PROCEDURES

1. What are your procedures for supersedeas hearings?

Supersedeas will be addressed at the first hearing.

Claimant testimony will be heard and/or Claimant counsel will submit Claimant's affidavit in lieu of testimony.

Additional time of up to 14 days in regular supersedeas requests with the consent of opposing counsel. Additional time of up to 7 days is permitted on special supersedeas requests with the consent of opposing counsel.

Reconsideration may be requested but reconsideration rulings are only made after a hearing is scheduled and conducted for submission of new evidence or changed circumstances.

An Interlocutory Order will be issued for denials or granting of supersedeas requests.

Counsel seeking approval of a fee should submit an executed Fee Agreement as an exhibit.

Procedures are in accordance with the Pennsylvania Workers' Compensation Act and the WCJ Rules.

There is no difference.

WITNESSES/EXHIBITS

1. What are your rules regarding taking testimony?

At my discretion, witness testimony will be at a hearing or by deposition. If counsel intends to call a witness at a hearing, I must be notified at least one (1) month before the hearing is scheduled and prior to the issuance of the Judge's Notice of Hearing being sent out so that I can schedule appropriate time for the testimony.

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

Witness testimony at a virtual hearing or by deposition in accordance with the Rules may be scheduled.

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

The need for in-person testimony will be determined on a case-by-case basis.

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? See answer to Question 1.

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

The party with the burden of proof will be required to proceed first. This will be discussed and determined at the first hearing. I will admit all Bureau records that are on file with the Bureau as a Judge's Exhibit. The parties should upload any Bureau document that has not been filed with the Bureau so that a complete record can be established.

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

Exhibits should be uploaded at least 24 hours prior to the hearing so that I may review them and be prepared to rule on them at the hearing.

7. Do you require counsel to upload exhibits to WCAIS before or after the hearing? Before the hearing. If before, how far in advance of the hearing must they be uploaded? At least 24 hours before the scheduled hearing.

8. When will you rule on objections to exhibits?

I will rule on all objections to exhibits at the time they are offered at a hearing. I have modified the Rules and Regulations that objections can be submitted with closing letter briefs because I believe that it is necessary that the parties know what my ruling is and depending on that ruling, either party may want to present additional evidence which they would be unable to do if the objection is not preserved in writing until the submission of the letter briefs.

9. What is your procedure for handling discovery disputes?

A telephone conference may be conducted to address discovery disputes.

10. What is the last day to file written preservations of deposition objections? See answer to Question 8.

COMPROMISE & RELEASES (C&Rs)

1. Describe your procedures regarding the review of C&R 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 C&R Agreement?**
- 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?**
- c. Should the parties upload the signed C&R Agreement, including the fee agreement and any other attachments, before or after the hearing?**
- d. Should child support documents be uploaded as a separate exhibit?**
- e. Should Social Security numbers and other confidential information be redacted from the C&R Agreement and Act 109 documents?**
- f. Will you sign bench orders?**
- g. Describe any other procedures you have for C&R Agreements:**

Executed Compromise and Release Agreements for my review must be uploaded at least 24 hours prior to the scheduled hearing.

Existing petitions may be amended, but a separate Compromise and Release Petition is required if the parties seek a decision on the merits of a pending petition. Additionally, if the Compromise and Release Petition has language that settles any and all injuries while employed with that particular employer, a separate Compromise and Release Petition and Agreement must be filed for each of those other dates of injury, unless there is a pending petition relative to that date of injury that may be amended to a Compromise and Release Petition.

A draft copy is required 72 to 48 hours in advance of the scheduled hearing. To avoid errors/mistakes, please proofread the entire draft Compromise and Release Agreement. Make sure the names and addresses of Claimant, Employer and Insurer are the same as listed on the last Judge's Notice of Hearing. If there is a correction that needs to be made, an Interested Parties Update Form must be filed in WCAIS. Also, all of the Paragraphs of the Compromise and Release Agreement must be consistent with each other. For example, keep the language consistent as to the date indemnity wage loss and/or medical benefits are to be paid through and that no medical expenses are to be paid for dates incurred on or after (insert date). Additionally, if incurred medical benefits are being paid through a certain date, do not state the Compromise and Release Agreement settles all past and present medical benefits.

The executed Compromise and Release Agreement with attached Fee Agreement and itemized Bill of Costs and CMS documents must be uploaded to be marked as a Joint Exhibit at least 24 hours before the scheduled hearing.

The fully completed and unredacted Act 109 Documents must be uploaded as a separate exhibit. The Social Security number and date of birth must be redacted from the Compromise and Release Agreement. The unredacted Act 109 Documents will be deleted with the circulation of the decision.

I do not sign bench orders, but at the conclusion of the hearing, I advise whether or not the Compromise and Release Agreement will be approved and a formal decision is generally issued within a day or two of the hearing.

The Compromise and Release Agreement should reflect for resignation of employment as being executed as part of the settlement but it should not be attached to the Compromise and Release Agreement.

STIPULATIONS RESOLVING DISPUTES

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

Stipulations should comply with the WCJ Rules, which includes execution by Claimant as well as counsel.

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

Fee Agreement should be described in the Stipulation but the Fee Agreement should be uploaded as a separate exhibit.

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

The fully completed and unredacted Act 109 Affidavit and Lien Search should be uploaded as a separate exhibit which will then be deleted upon circulation of the decision.

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

It is not necessary to upload all medical bills referenced in the Stipulation.

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

Any other relevant exhibits should be uploaded as separate exhibits as only the Stipulation will be attached to the decision.

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

The Social Security number and date of birth should be redacted from the Stipulation before it is uploaded.

7. Describe any other procedures you have for stipulations:

The parties should be specific in describing what issues/petitions are being resolved by the Stipulation pursuant to the WCJ Rules.

BRIEFS AND PROPOSED FINDINGS

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

The record is closed at a final hearing. The need for subsequent WCAIS submissions of evidence must be addressed at the final hearing to prevent disputes regarding their admissibility.

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

The time requirements for submission of documents will be established at the final hearing and if the documents are not timely submitted, they will not be considered.

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

I prefer letter briefs rather than Proposed Findings of Fact, Conclusions of Law and Order, which are normally due 30 days from the final hearing, or with the agreement of counsel up to 60 days from the final hearing. Only one (1) timely submitted brief extension of 30 days or less will be granted.

MANDATORY MEDIATIONS

1. List the offices where you conduct mandatory mediations:

I conduct mediations at the Butler and New Castle hearing locations.

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

At this time, all mediations will be conducted virtually.

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

Audio with video is preferred as any exceptions must be discussed and approved by counsel.

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

No, unless counsel agree for good cause.

5. Do you require a Mediation Statement? Yes

If yes: a. What information do you require in that Statement?

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

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

A Mediation Statement must include the background of the case, types of pending petition(s), nature and extent of the accepted injury, the average weekly wage and benefit rate, age of Claimant, lien amounts, outstanding medical expenses, whether Claimant is receiving or has applied for Social Security disability and/or Medicare benefits, and whether a resignation will be required. Counsel are expected to exchange a demand and offer prior to the scheduled mediation.

Counsel discretion.

Submission one (1) to two (2) days in advance is required.

6. If there is a request to postpone a mandatory mediation, will it be rescheduled? Yes; discretion of counsel **If so, how long until it is rescheduled?** Normally between 60 and 90 days.

7. Are you willing to conduct more than one mandatory mediation session per Dispute?

Yes, if necessary.

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

At least one (1) day prior to the scheduled mediation.

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

I require mediations to cut to the chase.

VOLUNTARY MEDIATIONS

1. Do you conduct Voluntary Mediations?

Yes.

2. How should the parties request a Voluntary Mediation?

The parties must request approval through the Judge Manager.

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

Butler and New Castle hearing locations.

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

At this time, all Voluntary Mediations are virtual.

5. Do you mediate Disputes assigned to you for hearing and decision?

Yes, but only with agreement of counsel.

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, and there are no special procedures.

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

At this time, only virtual mediations.

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

Audio with video preferred; but with agreement of counsel, audio only may be conducted.

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

Same as for Mandatory Mediations.

10. Do you require a Mediation Statement? Yes

If yes: a. What information do you require in that Statement?

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

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

Same as for Mandatory Mediations.

Same as for Mandatory Mediations.

Same as for Mandatory Mediations.

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

Generally, 30 to 60 days.

12. Are you willing to conduct more than one voluntary mediation session per Dispute?

Yes, if necessary

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?

Contact the mediating Judge for approval and then advise me.

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

Same as for Mandatory Mediations.

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

Same as for Mandatory Mediations.

REQUESTS/MISCELLANEOUS

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

As soon as possible with consent of opposing party, but at least 24 hours in advance.

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

Upon request and at my discretion.

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

Not normally accepted.

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

Yes, to respect the beginning times of other cases.

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

Contact my assistant or by calling 724-498-1070.

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.)?

Consistent with posted WCOA Policy as it is not anticipated that virtual events will need canceled.