pennsylvania
DEPARTMENT OF LABOR & INDUSTRY
BUREAU OF WORKERS' COMPENSATION

NEWS & NOTES

"Serving All Pennsylvanians"

Josh Shapiro, Governor
Nancy A. Walker, Secretary

Labor & Industry
Bureau of Workers' Compensation
651 Boas Street, 8th Floor
Harrisburg, PA 17121
(717) 783-5421
ra-libwc-news@pa.gov

In This Issue

youthrules!

Every year, millions of teens work in part-time or summer jobs. Early work experiences can be rewarding for young workers – providing great opportunities for teens to learn important work skills. Federal and state rules regarding young workers strike a balance between ensuring sufficient time for educational opportunities and allowing appropriate work experiences.

YouthRules! – an innovative approach to bring teens, parents, educators, employers, government, unions and advocacy groups together to ensure young workers have safe and rewarding work experiences.

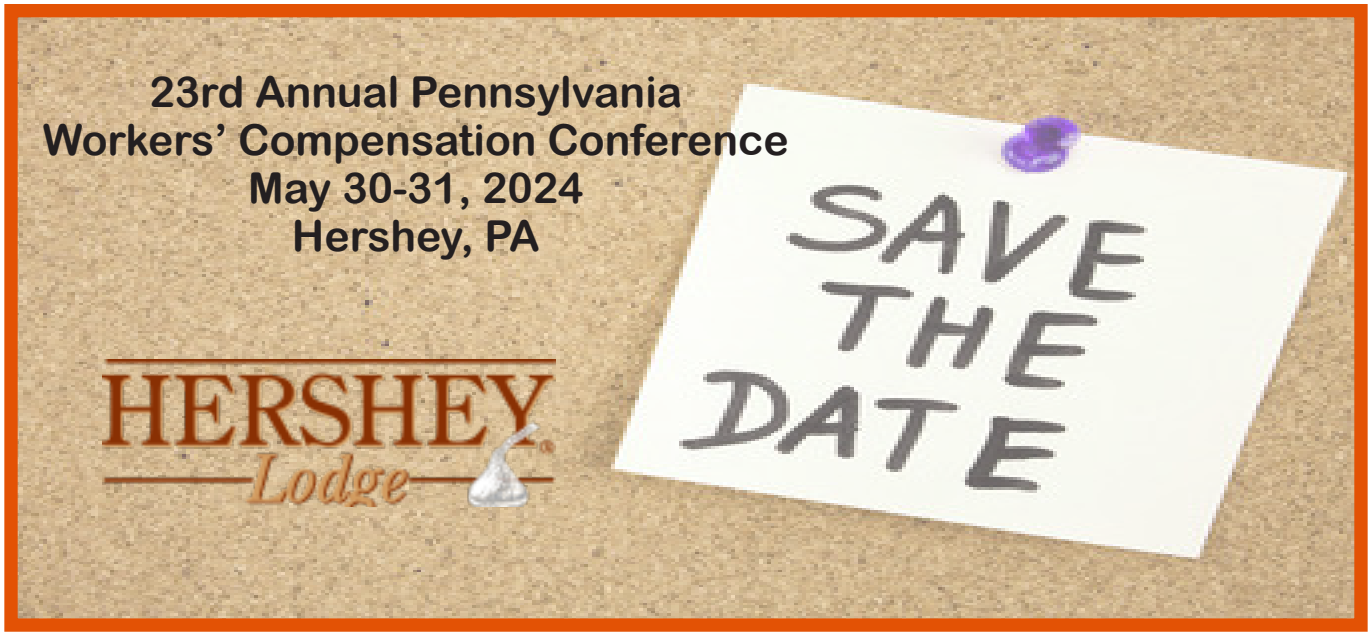
Information about YouthRules! can be found at www.youthrules.dol.gov. For information about the laws administered by the Wage and Hour Division, call the toll-free helpline at 866-4USWAGE.

*Different rules apply to farms, and state laws may have stricter rules.

News & Notes is a quarterly publication issued to the workers' compensation community by the Bureau of Workers' Compensation (BWC), the Workers' Compensation Office of Adjudication (WCOA), and the Workers' Compensation Appeal Board (WCAB). The publication includes articles about the status of affairs in the workers' compensation community as well as legal updates on significant cases from the Commonwealth Court. Featured is the outstanding article entitled "A View from the Bench," in which judges from the Pennsylvania Workers' Compensation Judges Professional Association summarize recent key decisions from the Commonwealth Court that are of interest to the workers' compensation community.

We trust that stakeholders in the Pennsylvania workers' compensation system will find this publication interesting and informative, and we invite your input regarding suggested topics for inclusion in future publications. Suggestions may be submitted to RA-LIBWC-NEWS@pa.gov.

An incident is just the tip of the iceberg, a sign of a much larger problem below the surface!



Claims Corner

The 2023 annual Trading Partner Agreement collection has closed.

This year's due date has passed, and we thank the Trading Partners who filed their required annual Trading Partner Agreement Application (TPI). As we go forward, the bureau must have accurate, up-to-date information from Trading Partners at all times, so please make updates electronically as they occur. By keeping information current, you can be sure you aren't missing notifications on any claim or EDI matters.

Process improvement is something we take very seriously, so we want to hear your thoughts on this new online process. **Take a brief survey on the TPI process.**

Importance of filing accurate data

Adjusters must submit accurate interested party information, such as the correct employer or a claimant's SSN. Duplicate claims, rejected EDI transactions, and issues with claimant registrations result when unverified or inaccurate data is submitted.

Tips:

- Verification of the accurate employer name is essential when filing a petition. When submitting an online petition, WCAIS returns potential employer matches as part of the submission process. These results are all employers whose information is verified and include their "doing business as" names if applicable. Using employers from the search results whenever possible will help reduce duplicate claims.
- Always verify the spelling of the party's full legal name and the SSN or employer FEIN with the employer before filing an initiating FROI, and don't use nicknames.
- If you receive an email from BWC telling you to use a placeholder due to an SSN error, you must update your system immediately.
- If the claimant doesn't have an SSN, contact BWC with the claimant's full legal name, DOB, and address for a placeholder. The bureau-assigned placeholder is used with Employee ID Type Qualifier code "A" (for assigned by jurisdiction). Adjusters may never make up a placeholder.

Your help in keeping WCAIS information correct is greatly appreciated.

Bureau Welcomes New Chief of Health and Safety

Sean Trepiccione joins the Workers' Compensation as the Chief of the Health and Safety Division. Sean has over 20 years of experience working for both private and public companies and has been responsible for the implementation and execution of various safety, health, risk management, loss prevention, and asset protection programs. Prior to joining BWC, Sean worked for Ollie's Bargain Outlet for 15 years and most recently served as the Safety and Risk Manager for the company.

Sean is a 2004 graduate of Shippensburg University where he majored in Criminal Justice. Sean currently resides in Camp Hill with his wife Janel, 10-year-old triplets, Cael, Christian, and Olivia, and their sweet dog named Millie. A fun fact about Sean is that his last name in Italian means "Three Pigeons." In his spare time, you can find Sean on the sidelines cheering on the triplets in their various sporting events.

WORKPLACE SAFETY COMMITTEE BOX SCORE

Cumulative number of certified workplace safety committees receiving five percent workers' compensation premium discounts:

13,187 committees covering 1,634,306 employees

Cumulative grand total of employer savings $895,296,120 as of Oct. 20, 2023

Pennsylvania

2023 GOSH Conference Health & Safety Booth

Pictured above from left to right are Twyla Jones, Eric Reiner, Barbara White, and Linda Quinby.

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DEPARTMENT OF LABOR & INDUSTRY
BUREAU OF WORKERS' COMPENSATION
PENNSYLVANIA TRAINING FOR HEALTH & SAFETY

HOLIDAY AND WINTER SAFETY TRAINING WEBINARS

Click on any topic below to be re-directed to the registration form.

NOVEMBER 2023

21 Kitchen Safety, Sharps 9:30 – 10:30 a.m.

21 Fire Extinguisher Use 11:00 – 11:30 a.m.

21 Kitchen Safety, Burn and Fire Prevention 1:30 – 2:30 p.m.

22 First Aid Awareness 9:30 – 10:30 a.m.

29 Snow Shoveling Safety 9:30 – 10:30 a.m.

30 Home Fire Safety 9:30 – 10:30 a.m.

30 Cold Weather Injuries 1:30 – 2:30 p.m.

DECEMBER 2023

5 Winter Holiday Safety 1:30 - 2:30 p.m.

6 Driving in Inclement Weather 1:30 - 2:30 p.m.

12 Snowblower Safety 11:00 - 11:30 a.m.

14 Distracted Driving 11:00 - 11:30 a.m.

19 Electrical Extension Cord Safety 11:00 - 11:30 a.m.

21 Aggressive Driving and Road Rage 1:30 - 2:30 p.m.

Whether shoveling your driveway, driving to grandma's house, or helping carve dinner, we have the perfect safety training for you!

WCAIS Virtual Training with Teams

Join us for WCAIS **ENHANCED SEARCH** virtual training on **Thursday, Nov. 30, 2023, 2:00 p.m. - 2:30 p.m. EST.**

Enhanced Search allows for a more comprehensive search than legacy. You will learn many available parameters to search for information on workers' compensation matters.

To join the WCAIS Enhanced Search virtual training, click here on the day and time of the event.

***SAVE THESE DATES!**

January 25, 2024 **Filing a Records/Subpoena Request**

March 28, 2024 **Filing an Appeal**

***Topics may be subject to change.**

Please watch for additional email communications and share this training information with all WCAIS users in your office.

Kids' Chance of PA

Hope, opportunity, and scholarships for kids of injured workers.

At Kids' Chance of Pennsylvania, we're dedicated to helping our kids who need it most – those who need assistance for college or vocational education because a parent was killed or injured in a work-related accident. The hardships created by the death or serious disability of a parent often include financial ones, making it difficult for deserving young people to pursue their educational dreams.

Since its inception in 1997, Kids' Chance of PA has awarded over 1,000 scholarship grants to eligible students amounting to more than $2.6 million in tuition assistance. During the 2022-2023 academic year, we awarded $120,500 in scholarships to 34 students. Through our involvement with the PHEAA/PATH program, in many cases we have been able to double our awards to qualified students, further relieving their financial burden! Twenty-one of our recipients received an additional $56,511 in PATH grants. Kids' Chance of Pennsylvania scholarships are made possible by the generous contributions of our scholar sponsors, corporate and community partners, and donors. Donations can be made on-line and by check, or through corporate donation programs like United Way or SECA. We are proud to announce the establishment of endowment funds to support our scholarship program now and well into the future!

Information on how to send direct donations to the long-term endowment fund will be available on our website soon.

In addition to the donation sources listed above, Kids' Chance of PA holds several fundraising events throughout the year, such as our annual golf outings in Hershey and Plymouth Meeting and our 5K Run/1-Mile Fun Walk in Pittsburgh. We have held both in-person and on-line silent auctions and held our second Classic & Exotic Car Show this year.

As we enter our next quarter century, we challenge all of you to tell at least one eligible family about Kids' Chance of Pennsylvania! Even if the family has young children, we have a Planning For the Future database where we store this information and reach out to the family when the children are old enough. Our mission is about reaching as many students as possible, and we need your help to do that. Please reach out and we will send you information to pass on, or you can direct the family to our website – **https://kidschanceofpa.org**.

A View From the Bench

Clark v. Keystone Lawn Spray (Workers' Comp. Appeal Bd, No. 1468 C.D. 2022, 2023 WL 5729532 (Pa. Cmwlth. Sept. 6, 2023)

In 1982, the claimant worked for employer as a lawn spray technician. On March 2, 1982, he developed a rash when exposed to various chemicals, and the employer accepted the injury by way of a notice of compensation payable. The claimant later filed a claim petition seeking payment of medical bills for treatment of his rash and stomach disorder. He later filed another claim petition alleging further stomach disorders and allergic reactions. The litigation concluded benefits being terminated as of Aug. 16, 1983, in a decision circulated on Sept. 20, 1988.

Subsequently, claimant filed a *nunc pro tunc* appeal in 1993 and a claim petition in 2018 alleging that the 1988 decision was "fraud on the court," with neither being successful.

In 2021, the claimant filed the claim petition that is the subject of the current Commonwealth Court opinion. Claimant alleged that he suffered acquired porphyria, a group of disorders from a buildup of natural chemicals, on March 2, 1982, when he was over-exposed to lawn care chemicals. The employer raised the *res judicata* and collateral estoppel defense. The workers' compensation judge agreed with the employer and dismissed the claim petition. The board affirmed.

The Commonwealth Court also affirmed. The court cited its decision in *Pocono Mountain Sch. Dist. V. Kojeszewski (WCAB)*, 280 A.3d 12 (Pa. Cmwlth. 2022) wherein it explained that *res judicata* is a judicial doctrine that "bars action on a claim, or any part of a claim, which was the subject of a prior action, or could have been raised in that action." It further explained that for res judicata to apply both actions must have "an identity of issues, an identity of causes of action, identity of persons and parties to the action, and identity of the quality or capacity of the parties suing or being sued." It further explained that collateral estoppel bars re-litigation of an issue decided in a prior action.

The court discussed its application of res judicata and collateral estoppel in a similar scenario in *Lowe v. WCAB (Pennsylvania Mines Corp.)*, 683 A.2d 1327 (Pa. Cmwlth. 1996), explaining that the doctrines prohibit an employee from "relitigating the merits of an original medical diagnosis underlying a prior termination petition." The court also rejected the claimant's attempt to avoid bar of his claim by characterizing his alleged diagnosis as an occupational disease, rather than an injury, relying on the case of *Robachinski v. WCAB*, 380 A.2d 952 (Pa. Cmwlth. 1977). In *Robachinski*, the claimant filed a claim for work-related anthracosilicosis that disabled him on Oct. 13, 1973. The claim was denied. However, the claimant was not barred from later filing another claim for anthracosilicosis with a disability date of Aug. 13, 1975, given the progressive nature of the disease. The court distinguished the instant case from *Robachinski* because the claimant's 2021 claim petition involved the same date of disability as the previously litigated petitions. Accordingly, the court held that the workers' compensation judge did not err in concluding that the 2021 claim petition was barred by *res judicata*/ collateral estoppel.

City of Philadelphia v. Healey (WCAB), No. 1158 C.D. 2021, 2023 WL 4094901 (Pa. Cmwlth. Ct. June 21, 2023)

In May 2019, claimant, a firefighter with the City of Philadelphia, filed a limited claim petition alleging that he developed kidney cancer as a result of his employment as a firefighter. Specifically, claimant asserted that for 13 years, he was exposed to various chemicals and substances which caused his kidney cancer. A notice of compensation denial was issued, and litigation ensued over causation. Both parties submitted evidence, including expert testimony.

Claimant's expert testified that, among other substances, claimant was exposed to trichlorethylene ("TCE") which was a major risk factor in the development of kidney cancer. Based in part on this testimony, the judge granted the claim petition under Section 108(r) of the act. Employer appealed, and the board affirmed. Employer then petitioned the Commonwealth Court for review. The only issue raised to the court was whether the WCJ erred by relying on claimant's TCE exposure to grant the claim petition under Section 108(r). More specifically, employer argued that interpreting Section 108(r) of the Act to include TCE as a Group 1 carcinogen after Act 46 became law on July 7, 2011, makes Section 108(r) of the Act reliant on the IARC's ever-changing Group 1 carcinogen list and, thus, the General Assembly unconstitutionally delegated its lawmaking authority to the IARC.

By way of brief history, on July 7, 2011, Act 46 added Section 108(r) to the Act, which defines the term occupational disease to include, inter alia, "[c]ancer suffered by a firefighter which is caused by exposure to a known carcinogen [that] is recognized as a Group 1 carcinogen by the International Agency for Research on Cancer ('IARC'). 77 P.S. § 27.1(r). Employer argued that when Act 46 became law in July 2011, TCE was not

classified as a Group 1 carcinogen by the IARC. TCE was listed as a Group 2a carcinogen which is a substance that is "probably carcinogenic to humans." Therefore, because TCE was added as a Group 1 carcinogen in 2014, years after Act 46 became law in 2011, Section 108(r) of the Act hinges on the IARC's Group 1 carcinogen list and, thus, the General Assembly unconstitutionally delegated its lawmaking authority to the IARC.

After an analysis of relevant case law, the court held that there was no impermissible delegation of legislative authority. The court, citing precedent, wrote:

[A] career firefighter may establish direct exposure to a Group 1 carcinogen by evidence of his occupational exposure to fire smoke, soot, diesel exhaust, and other hazardous substances such as asbestos, and expert medical/ scientific evidence identifying the Group 1 carcinogens present in those substances. See, e.g., Caffey . . . (career firefighter's testimony of occupational exposure to fire smoke, soot, and diesel exhaust, combined with expert medical testimony as to causal relationship between [his] cancer and firefighting exposures to these substances, could support an award of medical benefits under Sections 108(r) and 301(f) of the Act).

In summary, Section 108(r)'s reference to the IARC Group 1 agents merely indicates which cancer claims can fall under the statutory section; claimant did not automatically receive benefits simply because the IARC listed TCE as a Group 1 carcinogen. The court said that while research may change Group 1 designations, a claimant's evidentiary burden remains the same. As such, merely referencing the IARC's Group 1 standards was not a delegation of legislative authority. Simply put, the claimant still has to meet his burden of showing exposure to the substance, and that the substance is linked to his type of cancer. He did just that through his own credible testimony and that of his medical expert.

The Hershey Company v. Shawn Woodhouse (WCAB), 300 A.3d 529 (Pa. Cmwlth. 2023).

In The Hershey Company v. Shawn Woodhouse (WCAB), the Commonwealth Court held that claimant failed to provide timely notice pursuant to Sections 311 and 312 of the Workers' Compensation Act. In so holding, the Commonwealth Court reversed the WCAB, who had affirmed the WCJ that claimant had provided constructive notice of a work-related injury through a series of communications.

By way of background, claimant had a history of diabetic neuropathy when he started working for employer in May 2017. The following month, claimant received treatment for a right diabetic foot. He was not permitted to return to work due to a prescribed DARCO boot. Claimant was off work from June 2017 through August 2017. His leave was not treated as work-related.

In September 2017, claimant was released to return to work with the restriction that he wears regular shoes due to his diabetic foot condition. On Nov. 6, 2017, claimant passed out at work and was taken by ambulance to the hospital, where he underwent emergency surgery resulting in an amputation of the toes of his right foot. On Jan. 2, 2018, claimant sent an email to his employer advising that he was taken by ambulance to the hospital, had foot surgery, and was awaiting a release from his physician. Claimant returned to work in March 2018. One month later, he underwent an amputation of his right leg. Claimant did not return to work.

On Dec. 1, 2019, claimant filed a claim petition alleging a work injury on Nov. 6, 2017 in the nature of an aggravation of his diabetic foot ulcer and seeking specific loss benefits for the amputation of the lower part of his right leg. Employer alleged that the claim petition was its first notice regarding a work injury.

The WCJ granted the claim petition for specific loss of the right foot toes but denied benefits for the below-the-knee amputation. Regarding notice, the WCJ stated that it was a "close call" but found that employer had constructive notice of claimant's injury by November 2017.

Claimant and employer appealed to the WCAB, which affirmed the WCJ's decision regarding timely constructive notice but reversed the denial of specific loss benefits for claimant's right leg amputation.

Employer appealed the constructive notice issue to the Commonwealth Court, which reversed the WCAB. The court initially referenced Sections 311 and 312 of the Act. Section 311 provides that in cases where the relationship between the injury and the employment is not known to the employee, the 120-day notice does not begin until the employee knew of the injury or should have known through the exercise of due diligence. Section 312 provides that the notice should inform the employer that the employee sustained an injury in the course of employment on or about a specific date. The court noted that the burden to prove notice is on the employee. Further, the question of whether adequate notice was provided is a mixed question of law and fact. The determination is a "fact-intensive inquiry, taking into consideration the totality of the circumstances."

In the present matter, the court found that claimant knew of the alleged causal connection between his amputation and his employment in November 2017 but did not provide timely notice until the filing of the claim petition in December 2019. The court relied on claimant's testimony in which he admitted that in 2017, following a discussion with his doctors, he believed that the amputation of his toes in November 2017 was related to his employment. He admitted that he did not advise his employer that his amputation was due to his employment. Claimant further admitted that during orientation, he was instructed to immediately report any work injury.

The court rejected the argument that the "totality of the circumstances" established constructive notice. While claimant had multiple communications with employer between June 2017 and 2018, the communications did not satisfy Section 312 of the Act, nor did they establish notice through a "series of communications". The court referenced the Supreme Court's decision in Gentex Corp. v. WCAB (Morack), 23 A.3d 528 (Pa. 2011) in which the Supreme Court held that notice "may be given over a period of time or in a series of communications if the exact nature of the injury is not immediately known by the claimant." In the cases relied upon by the Genex Court, the employee either mentioned in their initial conversation that they thought the injury was work-related or immediately advised their employer of their injury and stating they were unsure if the injury was work-related. See, State Workmen's Insurance Fund v. WCAB (Wagner), 677 A.2d 892 (Pa. Cmwlth. 1996) and Kocher's IGA v. WCAB (Dietrich), 729 A.2d 145 (Pa. Cmwlth. 1999).

The court distinguished the present matter from Gentex as claimant did not advise employer that he thought his foot surgery was work-related or that he suspected it was work-related until the filing of the claim petition. Further, the Commonwealth Court held that the facts of the present case did not rise to the level of constructive notice for the following reasons: claimant knew he suffered a work injury in November 2017; claimant knew he was to immediately report suspected work injuries to employer; and claimant sent an email to employer within the 120 days failing to reference a causal relationship.

Therefore, as claimant failed to provide adequate notice as required by Sections 311 and 312 of the Act, the Order of the WCAB was reversed.

Hollis v. C&R Laundry Servs. LLC (WCAB), No. 1233 C.D. 2021, 2023 WL 4851632 (Pa. Cmwlth. Ct. July 31, 2023)

This matter involves claimant's appeal from the WCAB opinion affirming the WCJ's decision that granted the claim petition for a closed period of time and then terminated benefits. In addition to appealing the determination that claimant was fully recovered, claimant alleged that the WCJ erred by finding that the claim petition's allegation of "left rotator cuff pathology" was not well-pleaded for purposes of the Yellow Freight motion. Finding no error, the Commonwealth Court affirmed without any dissents.

By way of background, claimant filed a claim petition on Sept. 24, 2019, alleging a work-related injury in the nature of "left rotator cuff pathology/ cervical left side radiculopathy, [Cervical, Thoracic, Lumbar] sprain/ strain." On Nov. 6, 2019, employer filed an untimely answer. The WCJ later granted claimant's motion pursuant to Yellow Freight System, Inc. v. WCAB (Madara), 423 A.2d 1125, 1127 (Pa. Cmwlth. Ct. 1981) to have all well-pleaded facts alleged in the claim petition deemed admitted. The parties litigated the matter, with claimant testifying and presenting medical evidence of ongoing disability and employer presenting medical evidence that claimant was fully recovered. Claimant's medical expert testified that he diagnosed claimant with, among other things, post-traumatic rotator cuff tendinopathy of the left shoulder. Employer's orthopedic expert testified that claimant's left shoulder injury was limited to strains and sprains, and opined that the left shoulder tendinosis was not causally-related to the work injury. The WCJ found employer's medical experts to be more credible than claimant's; the claim petition was granted, but benefits were terminated as of the date of the orthopedic IME. The WCJ found that employer had sustained its burden and overcame the Yellow Freight rebuttable presumption of ongoing disability. The WCJ also found that the "left rotator cuff pathology" allegation in the claim petition was not a well-pleaded fact. Because this was not an actual medical diagnosis, the WCJ reasoned, it was legally insufficient or definitive of the shoulder injury. Claimant appealed and the WCAB affirmed.

Addressing the question of a well-pleaded allegation, the Commonwealth Court cited to Ascencio v. WCAB (Dept. of Corrections), No. 471 C.D. 2017 (Pa. Cmwlth. Ct. Nov. 28, 2017), in which the court held that an allegation of a "heart injury" was "vague," and "not a medical diagnosis and . . . there was no pathology defined" for Yellow Freight purposes. The court noted that the rotator cuff is merely a group of muscles and tendons in the

shoulder, and so a "pathology" to that body part could mean any number of different things, from tendinopathy to sprain to tear. Because this terminology did not actually identify what the nature of the shoulder injury was, employer would have had problems determining their responsibility for medical treatment. Accordingly, "left rotator cuff pathology," without an actual medical diagnosis, was not well-pleaded.

Addressing the question of full recovery, the court rejected claimant's argument that since neither of employer's experts testified that claimant was fully recovered from a "left rotator cuff pathology" injury, there was insufficient evidence to terminate benefits. The court explained that since this allegation was not well-pleaded, there was no presumption of ongoing disability, and the burden remained with claimant to prove the existence of an ongoing shoulder injury. Since the WCJ rejected claimant's medical expert's diagnosis of a post-traumatic rotator cuff tendinopathy and credited employer's medical expert's diagnosis of a mere shoulder strain and sprain, which was fully recovered, the court concluded that this was substantial evidence to support the full recovery.

Jose Gonzalez v. Guizzetti Farms, Inc. (WCAB), No. 144 C.D. 2022, 2023 WL 2979052 (Pa. Cmwlth. Ct. April 18, 2023)

In Gonzalez v. Guizzetti Farms, Inc. (WCAB), the Commonwealth Court addressed three issues: (1) the retroactive application of Act 111 for injuries sustained prior to Act 111's effective date; (2) whether the enactment of Act 111 constituted an unlawful delegation of legislative authority; and (3) whether the employer is entitled to a credit for partial disability benefits previously paid under the former Section 306(a.2) of the Act.

By way of background, claimant sustained a work injury on Feb. 12, 2006 that was accepted by the employer by issuance of a notice of compensation payable. Claimant's benefits were modified from total to partial disability after the employer filed a notice of change of workers' compensation disability status based on a Sept. 5, 2008 IRE. Employer paid 500 weeks of partial benefits to claimant from Sept. 5, 2008 to April 6, 2018. On Jan. 12, 2018, claimant filed a timely modification petition which was granted by the WCJ on Jan. 14, 2019, reinstating claimant's total disability benefits as of Sept. 5, 2008. On March 20, 2020, employer filed a modification petition after a Dec. 17, 2019 IRE was conducted using the 6th Edition of the AMA Guides, finding claimant has a 29 percent impairment rating. Employer did not submit any evidence establishing the 500 weeks of partial disability benefits had been paid to claimant. The WCJ granted the modification petition, modifying claimant's benefits to partial disability effective date of Dec. 17, 2019. Appeals were filed by both parties to the WCAB. The board affirmed the WCJ's decision.

As to claimant's first argument, the court, consistent with its other recent decisions, held that Act 111 applies retroactively as to compensation benefits paid to a claimant prior to Act 111's effective date. In so finding, the court focused on the express language in Section 3 of Act 111 that states credit "shall be given" for weeks of partial and total disability benefits paid to a claimant prior to Act 111's effective date. 77 P.S. § 511.3. The court emphasized that it "cannot ignore the express legislative intent in Section 3 of Act 111."

Next, in line with its decision in Pennsylvania AFL-CIO v. Commonwealth, 219 A.3d 306, 316 (Pa. Cmwlth. 2020), the court rejected claimant's argument that Act 111 is unconstitutional. The court once again held that the General Assembly has legislative power, as delegated by Article II, Section 1 of the Pennsylvania Constitution, to adopt the 6th Edition of the Guides as its own standards, which existed at the time Act 111 was enacted. Rejecting claimant's arguments, the court found the board properly affirmed the WCJ's decision granting the modification petition based on the Dec. 17, 2019 IRE.

Lastly, the court addressed employer's arguments as to its entitlement to a credit for the 500 weeks of partial disability benefits paid to claimant previously. The court agreed that Section 3(2) of Act 111 expressly grants employer a credit for previous payments of partial disability, finding the board erred in concluding that the Jan. 14, 2019 WCJ decision reinstating claimant's benefits nullified the prior payments made to claimant. The court remanded the modification petition back to the WCJ to further develop the record, if necessary, and for determination on employer's entitlement to a credit under Section 3(2) of Act 111.

This is a quarterly publication of the
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651 Boas Street, 8th Floor
Harrisburg, PA 17121

Questions or comments regarding this publication should be forwarded to
RA-LIBWC-News@pa.gov.

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