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EMPLOYERS GUIDE:

PENNSYLVANIA WORKERS' COMPENSATION CLAIMS THE BASICS

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PENNSYLVANIA WORKERS' COMPENSATION
CLAIMS**

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I. AN OVERVIEW OF THE PENNSYLVANIA WORKERS' COMPENSATION ACT.

A. Exclusive Remedy.

1. Liability of Employers to Employees is exclusively governed by the Workers' Compensation Act. (Section 302(a)).
 - a. The Employer cannot be named as a Defendant or joined as an Additional Defendant in a civil action initiated by their employee for a work related incident. (Section 303).
2. The Act removed jurisdiction from the Civil Courts; a defense which may be raised at any time by the Courts or Parties. Bell v. Kater, 943 A.2d 293 (2008).
3. Exceptions:
 - a. Employee may bring a suit against Employer for failure to carry Workers' Compensation insurance. (Section 1601).
 - b. Employee is injured on Employer's premises but was not acting within the scope of their employment. Tatrai v. Presbyterian University Hospital, 439 A.2d 1162 (1982).
 - c. Employee makes a claim for spoliation, discrimination, or wrongful discharge.
4. Subrogation Right
 - a. Employer's right to subrogation is absolute and can only be waived voluntarily.

B. Construction and Interpretation.

1. The Pennsylvania Workers' Compensation Act is to be construed liberally in order to achieve its humanitarian and remedial purposes
2. The Workers' Compensation Courts have acknowledged that the purpose of the Pennsylvania Workers' Compensation Act is to further the interests

Example: The Employer/Insurer will never be entitled to recovery of attorney fees and litigation costs. Only Claimants are entitled to attorney fees and litigation costs even if they

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file documents in bad faith or even fraudulently.

3. Deadlines are strictly construed, especially against the Employer.

C. When the Workers' Compensation Act Applies.

1. The Workers' Compensation Act applies to all injuries regardless of the date of hire or length of employment. (Section 101).
2. The injury must occur during the course and scope of employment. (Section 301 (a) and (c)).
 - a. This includes aggravation, recurrence, acceleration, or death.

D. Commencement of Benefits.

1. No compensation is paid during the first 7 days unless the disability lasts 14 days or more. (Section 306(e)).
2. After the 7 day wait period, payments must be made for the duration of the disability.

II. ACTIONS AND DEFENSES IN WORKERS' COMPENSATION CLAIMS

A. Mandatory Employer Actions

1. Employer's First Report of Injury (Section 438) - FORM: LIBC-344
 - a. Death of Employee - must be filed with the Bureau within 48 hours
 - b. Injury to Employee - must be filed no less than 7 days from date of injury and no more than 10 days from the date of injury. (Bureau Rule 121.5(c) and 121.5(d)(2)).
 - c. These reports are not admissible against the Employer.
2. Notice of Compensation Payable, Notice of Denial, **OR** Notice of Temporary Compensation Payable
 - i. Notice of Compensation Payable (Section 406.1) - FORM:

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LIBC- 495

- ii. Employer accepts liability; meaning that they agree that an injury occurred and that it was within the course and scope of employment.
 - iii. Employer may agree to pay medical benefits only by checking "medical only" option on form. Waldameer Park, Inc. v. WCAB (Morrison), 819 A.2d 164 (2003).
 - iv. Employer may accept liability by filing an agreement for compensation for disability or permanent injury - FORM: LIBC-336 or 338
- b. Notice of Denial (Section 406.1) - FORM: LIBC-338
- i. Employer denies that Employee suffered a work-related injury
 - ii. Must assert reasonable basis for denial or may be subject to penalties. Johnstown Housing Authority v. WCAB (Lewis), 865 a.2d 999 (2005).
 - iii. See Defenses Section
- c. Notice of Temporary Compensation Payable (Section 406.1) - FORM: LIBC-501
- i. Appropriate when:
 - it is unclear whether or not the injury is work related
 - the injury is minor and return to work within 90 days is anticipated.
 - ii. Will convert to a Notice of Compensation Payable within 90 days from the date of disability if Notice Stopping Temporary Compensation is not filed.
 - iii. Notice of Denial must be filed with Notice Stopping Temporary Compensation Payable - FORM: LIBC-502

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3. Statement of Wages (Section 309) - FORM: LIBC-494C
- a. Compensation Rates are calculated based on an employee's average weekly wage.
 - b. Calculating wages based on 4 - 13 calendar week sections preceding the injury date.
 - i. Each 13 week section is added together and averaged
 - ii. The sum of the three highest sections are added together and divided by 3.
 - This is the average weekly wage
 - iii. The average weekly wage is further reduced by:
 - 1/3 if the amount is \$643.51 or higher
 - is \$429.00 if the average weekly wage is between \$476.67 and \$643.50
 - 10% if the amount is \$476.66 or less

[This is for 2011 injuries]
 - c. Overtime is included in the calculation of average weekly wage
 - d. There is a cap for maximum compensation cap that changes yearly.
 - i. Injuries in 2011 = wage cap \$858.00
 - e. Other methods for calculating Employee's average weekly wage when employment is less than one year:
 - i. Divide the 13 consecutive weeks prior to the injury by 13 (Section 309(d.1));
 - ii. Employed less than a 13 week period:

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Multiply the Hourly rate by the number of hours the employee was expected to work per week (Section 309 (d.2));

B. Mandatory Employee Actions

1. Notice (Section 311)

- a. Employee is required to provide notice to Employer of injury in order to collect benefits
 - i. Several injuries on one date require notice for each separate injury
 - ii. Notice provided within 21 days of injury will date back to date of injury
 - iii. Notice provided after 21 days of injury and to 120 days will date back to date of notice
- b. Notice begins from date Employees knows or should have known about injury. Roschak v. Vulcan Iron Works, 42 A.2d 280 (1945).
- c. Employee has burden of proving Employer received the Notice and compliance is determined by WCJ.
- d. Notice may be oral or written

C. Permissive Employer Actions

1. Petition to Terminate Benefits (Sections 306 and 413) - FORM: LIBC-378

- a. Burden of proof is on the Employer: must show that the Claimant's work related disability has resolved or that disability is no longer related to work injury. Employer may show full recovery by:
 - i. Return to pre-injury job without a loss in earnings

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- * Return to work without more is not enough.
 - ii. Injury has resolved
 - * May submit a Physician's Affidavit of Recovery. FORM: LIBC-497
 - iii. Loss in earnings is related to something else
 - b. Subsequent Petition to Terminate must show a change in Claimant's condition that warranted the subsequent petition above the opinions of another IME physician. Lewis v. WCAB (Giles & Ransome, Inc.), 919 A.2d 922 (2007).
 - c. Cannot terminate benefits by notice
 - d. May terminate benefits by supplemental agreement - it is language specific though and can be overturned by a Worker's Compensation Judge
2. Notice of Suspension or Petition to Suspend benefits (Sections 306 and 413) - FORM: LIBC-378
- a. Burden of proof is on Employer to show that even though the Claimant still suffers from physical impairment - there is no loss in earnings.
 - b. Suspension of Indemnity benefits only
 - c. Suspension of Benefits are appropriate when:
 - i. Return to restricted/limited duty without a loss in earnings (only one that can be done by Notice)
 - * To determine loss in earnings - must meet average weekly wage
 - ii. Refusal to submit to IME or expert interview
 - iii. Refusal of available work that would equal average weekly

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- wage
 - * Must show job availability
- iv. Voluntary withdraw from labor market
 - * Early retirement with no showing of job search following retirement
- v. Incarceration
- vi. Refusal to submit to Reasonable Medical Treatment (Section 306)(f.1)(8).
 - * May suspend for the period of time until Claimant submits to medical treatment
- vii. Refusal to Complete and Return Verification Forms - FORM: LIBC-762
 - * May suspend for the period of time until Claimant produces the forms
- d. Notice of Suspension (Section 413(c)) - FORM: LIBC-751
 - i. effective following the 20 day period allowed for challenge. (Section 413(c)(1)).
 - ii. If challenged a supersedeas hearing will be scheduled.
- e. Can suspend by supplemental agreement - FORM: LIBC-337
- f. Need Notice of Ability to Return to Work - FORM: LIBC-757
- 3. Notice of Modification or Petition to Modify Benefits (Section 413) - FORM: LIBC-378
 - a. Modification of indemnity benefits only
 - b. Modification is appropriate when:

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- i. increase or decrease in disability
 - * Employer has burden of showing that the disability has changed or been reduced, that work is available to the employee, and that the employee is capable of performing the work.
- ii. risk of recurrence of disability if employee returned to work
 - iii. return to work with a loss in earnings (only one that can be done by Notice)
- iv. earning power assessment
- v. proof of available work
 - * If the Employer cannot prove available work then there is a presumption of total disability. Kachinski v. WCAB (Vepco Construction Co.), 532 A.2d 374 (1987).
- vi. impairment rating evaluation requested after 60 days of 104 weeks
- vii. Disability resolves into specific loss
- c. Notice of Modification (Section 413) - FORM: LIBC-751
 - i. effective following the 20 day period allowed for challenge
 - ii. If challenged a supersedeas hearing will be scheduled.
- d. Can Modify by supplemental agreement - FORM: LIBC-339
- e. Need Notice of Ability to Return to Work - FORM: LIBC-757
- 4. Petition for Review (Section 413(a)) - FORM: LIBC-378
 - a. Purpose:

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- i. Correct a mistake in description of injury
 - ii. Correct a mistake in calculation of average weekly wage
 - iii. Review Medical Treatment or Billing
 - iv. Correct the Date of Injury
- b. Burden is on filing party for correction of mistake:
 - i. Prove material mistake of fact or law was made at time NCP was filed.
- c. Burden on filing party for review of medical treatment:
 - i. Employer burden: when causal relationship is obvious, the employer must show that the new symptoms are not related.
- c. Employee may also file a Petition for Review

D. Permissive Employee Actions

1. Claim Petition (Sections 406.1, 410, and 411) - FORM: LIBC-362 or 363
 - a. If the Employer refuses to accept liability for a work related injury, the Employee may file a Claim Petition
 - b. Burden of Proof: Employee must show that injury occurred during employment and was causally related to work related accident
2. Petition to Reinstate Benefits (Section 413) - FORM: LIBC-378
 - a. After Termination or Final Receipt
 - i. Appropriate when there is a recurrence of disability after full recovery
 - ii. Burden is on Employee:

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- * prove the petition is timely
 - * prove that the work related injury has recurred by showing that disability has increased or recurred after the date of the prior award AND their physical condition has changed in some manner
- iii. Can reinstate medical and indemnity benefits
- iv. May also be done by signing a supplemental agreement if w/in time period otherwise unenforceable
- v. Same burden of proof if benefits were terminated by final receipt
- * EXCEPTION: If argument is that disability did not cease at the time of signing agreement then need to file a Petition to Set-aside.
 - Employee Burden is substantial evidence that disability due to the injury had not ceased
 - * Time period is not applicable when final receipt was signed as a result of fraud, intentional or unintentional deceit, or improper action - runs from point Claimant should have been aware of above conduct.
- b. After Suspension or Modification
- i. recurrence of disability or loss of earning power after return to pre-injury job with no restrictions
- * Burden on Employee to show reason for suspension no longer exists by no fault of employee, earning power is affected, and original disability continues.
 - * Employee has added burden to show that the work related injury is causing the disability

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- Employer can counter this argument
- ii. recurrence of disability or loss of earning power after return to pre-injury job with restrictions
 - * Presumption that disability is causally related to continuing work injury - Employee must show proof
- iii. recurrence of disability or loss of earning power after return to modified job
 - * Burden of proof within 500 weeks of partial disability period
 - Employee must prove by no fault of theirs, their work related injury is causing disability and that the disability in the original claim continues
 - * Burden of proof after 500 weeks of partial disability period
 - Employee must show precise and credible evidence that they have NO ability to generate earnings and the medical condition has worsened
 - Must have medical evidence in support
- iv. recurrence of disability or loss of earning power after discharge from modified job
 - * Employee must prove that the work related injury prevents a return to pre-injury job and that there is a loss of earnings
- v. after voluntary withdrawal from pre-injury job
 - * Employee entitled to partial benefits when quits pre-

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- injury due to work related injury pain
- * If other source of income - entitled to offset
- vi. After voluntary withdrawal from modified job
- * Employee entitled to benefits when modified job requires unreasonable travel distance or retirement due to injury
- vii. After voluntary withdrawal from labor market
- * Employee must show that was forced from entire labor market
- viii. After Modification/Suspension for Bad Faith Conduct
- * Employee must prove that by no fault of their own, earning power is affected, and original disability continues
 - * No presumption that disability is the cause of loss of earnings
- ix. After Failure to Attend IME
- * Employee is entitled upon presentation for IME
- x. After Refusal of Reasonable and Necessary Medical Treatment
- * Employee is entitled upon showing that reasons for the suspension no longer exist
- xi. After Failure to submit verification forms
- * Benefits resume automatically when employee complies with completing the verifications
- xii. After incarceration

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* Employee is entitled to reinstatement upon release

c. Claimant's Benefits may be reinstated by agreement. FORM: LIBC-339

3. Petition for Review (Section 413(a)) - FORM: LIBC-378

a. Purpose:

- i. Correct a mistake in description of injury
- ii. Correct a mistake in calculation of average weekly wage
- iii. Correct the Date of Injury
- iv. Modify or expand the definition of an injury
- v. Review medical treatment or billing
- vi. Challenge a benefit offset

b. Burden is on filing party for correction of mistake:

- i. Prove material mistake of fact or law was made at time NCP was filed.
- ii. WCJ can correct and amend without a Petition at their discretion

c. Burden to expand/modify description of injury

- i. Prove that the injury is causally related to work related accident.

d. Burden on filing party for review of medical treatment:

- i. Employee burden: if causal relationship is not obvious then Employee must show that the new symptoms are related to the accepted work accident

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- * Must show through unequivocal medical evidence
 - * If causal relationship is obvious then there is a presumption that new symptoms are related.
- e. Employer may also file a Petition for Review
4. Penalty Petition (Section 435) - FORM: LIBC-686
- a. Purpose: discourage violations of the Workersø Compensation Act
 - b. Burden: prove violation of the Act
 - c. Penalties are discretionary
 - d. WCJ can award up to a 50% penalty on the partyø requested damages.
 - e. Claimant can request attorney fees and litigation costs

E. Miscellaneous Actions

1. Independent Medical Examination (IME) - (Section 314)
- a. Defendant expert assesses Claimantø condition (required to attend)
 - b. Entitled to every 6 months
 - c. May Petition for an IME if Claimant refuses. FORM: LIBC 499
2. Serve Verification Forms (Section 204 (c), 311, and Bureau Regulations 123.4 and 123.5 FORMS: LIBC 756A and B, 750, and 760)
- a. Employee reports income and condition on these forms (required to fill out w/in 30 days)
 - b. Entitled to every 6 months

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- c. Employee is liable for fraud for knowingly, with intent to defraud, responding with incorrect information on these forms. (Section 1102).
 - d. Information may lead to an offset, modification, suspension, or termination.
3. Impairment Rating Evaluation (IRE) - (Sections 306(a.2) and (b)(3)) - FORMS: LIBC 766, 765, 767, and 764
- a. Purpose: Covert disability from total to partial and cap benefits at 500 weeks if the Claimant is found less than 50% disabled.
 - b. Available to Employer once Claimant has reached 104 weeks of disability
 - i. Receipt of 104 weeks is calculated from the date first payment is received
 - c. Self-executing IRE
 - i. Employer requests an IRE within 60 days after Claimant receipt of 104 weeks of benefits and the rating is less than 50% disabled.
 - ii. May file a Notice of Change in Disability - FORM: LIBC-764
 - iii. Employee may still challenge notice
 - d. Entitled to 2 in a 12 month period. (Section 306(a.2)(6))
 - e. Must be conducted pursuant to the AMA Guidelines
 - i. Guidelines require that the Claimant be at MMI
 - f. If the parties cannot agree on which physician will conduct the IRE then the Employer may request the Bureau to appoint an IRE physician.

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4. Offsets (Section 204(a)).
 - a. Employee is required to report receipt of benefits to employer (Section 204 (c)).
 - b. Calculated on net benefits not gross benefits. Philadelphia Gas Works v. WCAB (Amodei), 964 A.2d 963 (2009).
 - c. May receive offset for:
 - i. unemployment compensation (Bureau Regulation 123.6(a))
 - * Must actually be receiving the benefits
 - ii. severance benefits (Bureau Regulation 123.11(a)).
 - * Must be paid by employer liable for compensation benefits
 - * Applicable only when severance is permanent
 - iii. pension benefits (Bureau Regulation 123.8(a)).
 - * Limited to percentage of benefits funded by employer
 - iv. Social security old age retirement benefits (Bureau Regulation 123.7(a)).
 - * Entitled to 50% credit against benefits
 - * Will not apply if Claimant was already receiving these benefits prior to work injury
 - d. Employee may Petition for Review of Offset - FORM: LIBC-378
 - e. Must give employee 20 days notice of intent to take an offset. (Bureau regulation 123.4)

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5. Vocational Evaluations/Labor Market Survey (Section 306(b)(2)) - FORM: LIBC-499
 - a. Purpose: assess the earning capacity of Claimant
 - b. May aid in suspension or modification of benefits

6. Utilization Review (Section 306(f.1)(5) and (6))
 - a. Employer may request prospective, concurrent, or retrospective review of medical treatment within 30 days of receipt of the proper bill and report
 - i. Bills must be submitted on a HFCA Form 1450 or 1500
 - ii. Medical Bills must be submitted beginning 10 days of treatment and then once a month for any month in which treatment is rendered
 - b. A Utilization Review challenges the reasonableness and necessity of medical treatment.
 - c. Employer pays costs (Section 306)(f.1)(6)(iii)).
 - d. Forms:
 - i. Notice of Assignment of Utilization Review Request - FORM: LIBC-514
 - ii. Utilization Review Request - FORM: LIBC-601
 - iii. Utilization Review Determination Face Sheet - FORM: LIBC-604
 - iv. Petition for Review of Utilization Review Determination - FORM: LIBC-603

7. Notice of Ability to Return to Work - FORM: LIBC 757
 - a. Notice must be given to Employee that he is able to return to work

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in any some capacity

- b. Should send when there is a change in employee's physical condition
- c. Notice must be prompt

8. Fee Review (Section 306)(f.1)(5)) - FORM: LIBC-507

- a. May be filed by providers in order to review the amount and timeliness of Employer payments for treatment
- b. Time for filing fee review:
 - i. within 30 days following dispute or within 90 days from original billing date
 - ii. Cannot extend time by resubmitting the bill
 - iii. Wrong address does not toll time period if address is known to the provider

9. Mediation Request (if not mandatory)

- a. Sometimes referred to a Settlement Conference
- b. Must request mediation with assigned Judge

F. Miscellaneous Defenses

1. Employer Defenses

- a. Statute of Limitations: May be raised at any time, including on appeal.
 - i. A claim petition must be filed within 3 years after the date of injury or the claim is barred. (Section 315).
 - ii. Repetitive injury is calculated from the last day of work or the last day the aggravation occurred.

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- b. Notice: Employee failed to provide timely notice of injury.
 - i. Employee did not report the injury within 120 days. (Section 311).
 - ii. Employee has burden of proving Employer's receipt of notice
 - iii. Claim Petition does not constitute notice.
 - iv. Exception: No notice is required if Employer has actual knowledge of the occurrence of an injury. Sheetz v. WCAB (Firestone Tire & Rubber Co.), 522 A.2d 146 (1987).

- c. Employee's injury is not related or occurred during the course or scope of employment.
 - i. The following injuries are considered outside the scope of employment and are not compensable:
 - * Employee's injury was intentionally self-inflicted;
 - * Employee violated the law ;
e.g.: use of illegal drugs
 - * Employee violated the Employer's Orders;
e.g.: fixing a tire on a truck when employer ordered that tires be fixed by professionals. Nevin Trucking v. WCAB (Murdock), 667 A.2d 262 (1995).
 - * A third party causes an injury to an employee for personal reasons (personal animosity);
e.g.: two co-workers get into an altercation at work due to drug-related habits. Helm v.

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WCAB (U.S. Gypsum Co.), 591 A.2d 8 (1991).

- * Intoxication; and
- * Hostile Attack.

ii. Section 301(a)

d. Res Judicata, Collateral Estoppel, and Judicial Estoppel

i. Res Judicata bars future suits with the same cause of action between parties when a final judgment on the merits has been rendered. Maranc v. WCAB (Bienenfeld and Nationwide Mutual Insurance Company), 751 A.2d 1196 (2000).

- * The doctrine of Res Judicata applies when a cause of action was actually litigated as well when a cause of action *could have been litigated*.

ii. Collateral Estoppel precludes re-litigation of issues where legal and factual determinations were made even in situations when there is a different cause of action between the two parties. Mason v. WCAB (Hilti Fastening Systems Corp.), 657 A.2d 1020, 1023 (1995).

iii. Judicial Estoppel precludes a party from taking a position on a legal matter that is contrary to their position in prior litigation when that position was successful. Associated Hospital Service of Philadelphia v. Pustilnik, 497 Pa. 221, 439 A.2d 1149, 1151 (1981).

e. Fraud (Section 1102)

2. Employee Defenses

a. Claim by Estoppel

i. An employer is estopped from denying liability when they

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have made benefit payments. Kelly v. WCAB (DePalma Roofing), 669 A.2d 1023 (1995).

- b. Res Judicata, Collateral Estoppel, and Judicial Estoppel (see above)
- c. Unreasonable contest
 - i. Employee can seek payment of attorney fees and litigation costs if Employer's filing or contest is unreasonable

III. SETTLEMENT - COMPROMISE AND RELEASE (Section 449) - FORM: LIBC: 755

- A. Compromise and Release Agreement must be heard before the Workers' Compensation Judge so that they can ascertain that Claimant understands the contents of the agreement.
- B. The Compromise and Release Agreement is not valid until it is approved by a Workers' Compensation Judge.
 - a. An order will be issued by the Judge approving the settlement
 - 1. Payment is due 30 days from date the Agreement is approved
 - a. Benefits must be paid up unto the Settlement payment is made
 - 2. Set aside a Compromise and Release Agreement:
 - a. Must show fraud, misrepresentation, concealment, or mutual mistake of fact Farner v. WCAB (Rockwell Int'l), 869 A.2d 1075 (2005).
 - 3. Medical Care Set Aside Requirement
 - a. Current Medicare Beneficiary and settlement is \$10,000.00 or more
 - b. Medicare eligible and settlement is \$250,000.00 or more

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- i. Eligible if will become a beneficiary within 30 months
 - c. There is no safe harbour if SSA does not approve settlement and parties follow through with settlement
 - d. Agreement should include language that Claimant agrees to hold employer/insurer harmless to any future medical expense
- C. Settlement of a non-litigated matter
 - 1. Employer must request that a judge be assigned to approve the settlement agreement
 - 2. FORM: LIBC-378

IV. CONCLUSION

Key to being successful in PA compensation matters is open communication and understanding that the Compensation System is not quick nor does it favor the interests of the Employer/Insurer.

Medical Records can only be subpoenaed with the matter is in litigation. Any new records received should be forwarded immediately regardless for review. They may contain information that would allow a change in benefits.

DEADLINE INDEX

Deadlines in Pennsylvania are strictly adhered to - especially for the Employer/Insurer.

- 1. 48 Hours: Employer First Report of Injury with Death of Employee
- 2. 5 Days: Notice Stopping Temporary Compensation Payable
 - a. Must be mailed within 5 days of the last date of payment
 - b. Must enclose a Notice of Denial
- 3. 7 Days: Notice of Suspension or Modification
 - a. Must be filed within 7 days of the date of modification or suspension

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4. 7 Days: Wait period to determine extent to injury
 - a. If injury resolves within 7 days then no indemnity benefits are owed.
5. 7 Days: Employer's First Report of Injury (except Death)
 - a. Must be mailed to Bureau - is not acceptance of injury
 - b. Calculated from date of injury
 - c. Cannot be submitted prior to 7 days or after 10 days.
6. 14 Days: Injury exceeds 14 days then must pay for first 7 days.
7. 20 Days: Answer to Petitions
 - a. Answers are calculated from the date the Petition is Assigned to a Judge
 - b. Answers to Petitions are filed with the Judge not the Bureau
 - c. Failure to Answer may result in Yellow Freight Motion which will preclude Employer from denying any factual averments.
8. 20 Days: Appeal final decision to WCAB
 - a. Calculated from the date the workers' compensation judge's decision is circulated.
9. 20 Days: Request for Amendment/Correction of WCJ decision
 - a. Calculated from date of circulation
10. 20 Days: Notice of Offset
 - a. Offset will not begin until notice period expires
11. 20 Days: Appeal WCJ decision to approve C&R agreement
12. 20 Days: Employee file a challenge to Notice
13. 21 Days: Notice of Compensation Payable, Notice of Temporary Compensation Payable, Notice of Denial, or Agreement for Compensation
 - a. Calculated from date notice is provided to employer
 - b. Statement of wages must be filed with Notice of Compensation

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- Payable or Notice of Temporary Compensation Payable.
- c. Can agreed to pay medical benefits only.
14. 21 Days: Benefit payments must start
- a. Calculated from date of injury or notice if notice is given over 21 days from injury date
15. 21 Days: Automatic Supersedeas Request (on Petition)
- a. Calculated from date of medical examination
16. 21 Days: Employee Notice to Employer of Injury
- a. Benefits will date from time of injury if notice is given within this period.
 - b. Repetitive Injury (ex. Carpal Tunnel Syndrome) - each work day is considered a new injury
 - c. Notice can be oral or written notice to supervisor
17. 30 Days: Timely payments for benefits
- a. Calculated from date of proper invoice form and report
 - b. If payments were made in the past without report - cannot demand one at a later date and withhold payment
18. 30 Days: Utilization Review Request
- a. Calculated from date of proper invoice form and report
 - b. Tolloed if contesting liability (i.e. Claimant filed a Claim Petition)
 - c. May request a UR prospectively too
19. 30 Days: Answer Employee Verification Forms
- a. Calculated from date Claimant receives forms
20. 30 Days: Fee Review Request by Provider
- a. Calculated from date dispute of treatment is made
 - b. Cannot be requested more than 90 days from the original billing date.

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21. 30 Days: Appeal WCAB decision to Commonwealth Court or Appeal Commonwealth Court Decision to PA Supreme Court
 - a. Calculated from the date of publication
22. 90 Days: Notice of Temporary Compensation Payable Converts
 - a. Calculated from date disability began
23. 90 Days: Claimant is required to treat with Employer doctor
 - a. Only applicable if requirements are met otherwise can treat with any doctor
24. 120 Days: Employee Notice to Employer of Injury
 - a. After 21 days through 120 days benefits begin from date of notice not injury.
 - b. After 120 days = barred forever.
25. 104 weeks of Benefits: Impairment Rating Evaluation Request
 - a. Calculated from date Claimant receives payment for benefits
 - b. If requested within 60 days of 104 weeks of benefits then it can be self executing if found to be under 50%.
26. 3 Years: Claim for Injury must be filed or barred forever. Calculated from date of injury
27. 3 Years: Request for Reinstatement of Benefits
 - a. Calculated within the date of the most recent payment
 - b. Burden is on Claimant to show receipt date for last payment
28. 300 Weeks: Disability occurs for occupation disease
 - a. Calculated from last date of employment/exposure
29. 500 Weeks: Length of Time Claimant can receive partial disability benefits
30. 500 Weeks: Must file Petition to Reinstate Benefits after date of Suspension

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