

Pennsylvania Workers' Compensation Appeal Board

The Workers' Compensation Appeal Board hears appeals from the Decisions and Orders of the approximately 90 workers' compensation judges throughout the commonwealth in cases involving traumatic injuries, occupational diseases and fatal claims arising in the course of employment. The Board hears argument in Pittsburgh, Philadelphia, Harrisburg, Scranton and Erie. Review by the Board is for errors of law or abuse of discretion and whether the decision of the workers' compensation judge is supported by substantial evidence.

In deciding appeals in all cases involving workplace injuries, diseases and deaths, the Board must resolve a variety of issues such as whether an employment relationship existed, whether the injury was sustained in the course of employment, who among several employers is liable for the claim, whether the accident is the cause in fact of the claimant's injuries, matters of insurance coverage, and the various defenses under the Workers' Compensation Act. The Act also allows employers to take offsets from compensation liability for pension and disability payments to claimants to the extent that they were funded by the employer. Employers are also entitled to subrogation for compensation paid out from any recovery obtained by the claimant as a result of any third party negligence award involving the same injuries.

In 2016 the eight members of the Board issued 1,280 published opinions in addition to 656 supersedeas orders which are applications for a stay of decision pending appeal, and another 497 orders including counsel fee petitions, guardianship appointments and miscellaneous petitions.

Typically, the Board hears argument in panels after which a commissioner is assigned to draft an opinion which is then circulated to the other commissioners who may join the opinion or dissent. A majority of all the fully commissioned members concurring in the opinion is required for the Board to issue a final decision and order.

The members of the Board are appointed by the Governor and confirmed by the Pennsylvania Senate for a term of four years. Currently the Board consists of seven members all of whom are members of the Bar of the Supreme Court of Pennsylvania. The present members of the Board are: Alfonso Frioni, Jr. Chairman; Robert A. Krebs, Immediate Past Chairman; Sandra D. Crawford, Commissioner; Thomas P. Cummings, Commissioner; William I. Gabig, Commissioner; David H. Wilderman, Commissioner; and James A. Zurick, Commissioner. Steven Loux is the Board Secretary and is responsible for accepting all filings of the parties and scheduling argument for the Board.