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**RULES AND REGULATIONS**

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**TITLE 34. LABOR AND INDUSTRY****PART VII. WORKERS' COMPENSATION APPEAL BOARD****CHAPTER 111. SPECIAL RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE  
BEFORE THE WORKERS' COMPENSATION APPEAL BOARD****SUBCHAPTER A. GENERAL PROVISIONS****§ 111.1. Scope**

- (a) This chapter applies to proceedings before the Board under the act and the Disease Law.
- (b) Subsection (a) supersedes 1 Pa. Code § 31.1 (relating to scope of part).

**§ 111.2. Applicability of General Rules of Administrative Practice and Procedure**

- (a) This chapter is intended to supersede 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure). The General Rules of Administrative Practice and Procedure are not applicable to activities of and proceedings before the Board.
- (b) Subsection (a) supersedes 1 Pa. Code § 31.4 (relating to information and special instructions).

**§ 111.3. Definitions**

- (a) The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act — The Pennsylvania Workers' Compensation Act (77 P. S. §§ 1 — 1041.4 and 2501 — 2708).

Appeal — A proceeding to review a ruling or decision by a judge.

Board — The Workers' Compensation Appeal Board.

Bureau — The Bureau of Workers' Compensation of the Department.

Disease Law — The Pennsylvania Occupational Disease Act (77 P. S. §§ 1201 — 1603).

Filing — Delivery by mail, in person or electronically. If filing by mail, it is deemed complete upon deposit in the United States mail, as evidenced by a United States Postal Service postmark, properly addressed, with postage or charges prepaid. If filing by hand delivery or electronically, the filing date is the Board's date of receipt.

Judge — A workers' compensation judge assigned by the Office of Adjudication as provided in section 401 of the act (77 P. S. § 701) or assigned by the Office of Adjudication to determine a petition filed under the Disease Law.

Office of Adjudication — The Office of the Department created under section 1401(a) of the act (77 P.S. § 2501 (a)).

Party — A petitioner or respondent. An act required or authorized by this chapter, to be done by or to a party, may be done by or to that party's counsel of record.

Petitioner — Anyone seeking to review a ruling or decision by a judge or the moving party in a petition filed under Subchapter D (relating to other petitions).

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Respondent — Anyone in whose favor the matter was decided by the judge or other than the moving party in any petition filed under Subchapter D.

Service — Delivery in person, by mail or electronics. If service is by mail, it is deemed complete upon deposit in the United States mail, as evidenced by a United States Postal Service postmark, properly addressed, with postage or charges prepaid.

Supersedeas — A temporary stay affecting a workers' compensation case.

- (b) Subsection (a) supersedes 1 Pa. Code §§ 31.3, 31.11 and 33.34 (relating to definitions; timely filing required; and date of service).

**SUBCHAPTER B. APPEALS****§ 111.11. Content and form**

- (a) An appeal or cross appeal shall be filed with the Board on a form provided by the Board. All references to forms mean paper forms or an electronic format prescribed by the Board and published in the *Pennsylvania Bulletin* or the Department's web site located at [www.dli.state.pa.us](http://www.dli.state.pa.us). All forms must contain the following information:
- (1) The name and address of the claimant, name and address of the defendant, date of the injury, type of petition, Bureau claim number, insurance carrier and circulation date of the decision at issue.
  - (2) A statement of the particular grounds upon which the appeal is based, including reference to the specific findings of fact which are challenged and the errors of the law which are alleged. General allegations which do not specifically bring to the attention of the Board the issues decided are insufficient
  - (3) A statement of the relief which is requested.
  - (4) A statement whether the petitioner seeks an opportunity to file a brief or present oral argument or whether the case should be heard on the record without brief or oral argument.
  - (5) Identification of the judge whose decision is in question, including as an attachment, a copy of that judge's decision.
  - (6) A proof of service as specified in § 111.12(d) (relating to filing, service and proof of service).
- (b) An appeal or a cross appeal shall be served on all parties and the judge.
- (c) A request for supersedeas, if desired, shall be indicated on the appeal and shall conform to § 111.21 (relating to content and form).
- (d) Subsections (a) — (c) supersede 1 Pa. Code §§ 31.5, 33.1 – 33.4, 33.11, 33.12, 35.17 and 35.20.

**§ 111.12. Filing, service and proof of service**

- (a) When filing by mail or in person, an original and two copies of each appeal or cross appeal shall be filed. Only the original appeal shall have attached a copy of the judge's decision which is in question as required by § 111.11(a)(5) (relating to content and form).
- (b) When filing electronically, the Board will obtain a copy of the judge's decision from the Office of Adjudication.

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- (c) The petitioner shall serve a copy of any appeal upon all parties and the judge.
- (d) The respondent shall serve a copy of any cross appeal upon all parties and the judge.
- (e) The petitioner or respondent shall, concurrently with the filing of an appeal or a cross appeal, on a form prescribed by the Board or in substantial compliance therewith, file a proof of service with the Board containing:
  - (1) A statement of the date of service.
  - (2) The names of parties and judge served.
  - (3) The mailing address, the applicable zip code and the manner of service on the parties and judge served.
- (f) Subsections (a) — (e) supersede 1 Pa. Code §§ 31.26, 33.15, 33.32, 33.33 and 33.35 — 33.37.

**§ 111.13. Processing of appeals and cross appeals**

- (a) Upon receipt of an appeal or a cross appeal, the Board will acknowledge receipt to all parties. The date of acknowledgment will be 3 days subsequent to the date the acknowledgment is mailed.
- (b) The Board will, in addition to acknowledging receipt of the appeal or the cross appeal, establish the briefing schedule and indicate that the appeal and the cross appeal will be scheduled for oral argument unless all parties agree to submission of the case on only briefs or record.
- (c) Subsections (a) and (b) supersede 1 Pa. Code § 33.31 (relating to service by the agency).

**§ 111.14. Motions to quash**

- (a) A party may submit a motion to quash an appeal or a cross appeal within 20 days of service of the appeal or the cross appeal.
- (b) A motion to quash shall be served on all parties.
- (c) A motion to quash shall be accompanied by a proof of service conforming to § 111.12(d) (relating to filing, service and proof of service), insofar as applicable.
- (d) The Board shall dispose of a motion to quash in conformity with the procedures set forth in § 111.35 (relating to dispositions of petitions).
- (e) An original and two copies of a motion to quash shall be filed.
- (f) Subsections (a) — (e) supersede 1 Pa. Code §§ 31.26, 33.15, 33.32, 33.33, 33.35 — 33.37, 35.54 and 35.55 and also supersede Chapter 35, Subchapter D.

**§ 111.15. No other pleadings allowed**

- (a) Other than a motion to quash as set forth in § 111.14 (relating to motions to quash) and a cross-appeal, as set forth in § 111.11 (relating to content and form), no answer or other pleading may be filed or considered in conjunction with an appeal or a cross appeal.
- (b) Subsection (a) supersedes 1 Pa. Code §§ 31.24, 31.25, 33.41, 33.42, 33.61, 35.1, 35.2, 35.5 — 35.7, 35.9 — 35.11, 35.14, 35.18, 35.19, 35.23, 35.24, 35.27 — 35.30, 35.35 — 35.41, 35.48 — 35.51, 35.54, 35.55, 35.211, 35.213, 35.231, 35.241 and 35.251.

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**§ 111.16. Briefs: content and form and time for filing**

- (a) A brief on behalf of a petitioner shall be filed with the Board at or before the date of oral argument. If oral argument is waived, petitioner shall file a brief within 30 days of the date of the Board's acknowledgment of receipt of the appeal as set forth in § 111.13 (relating to processing of appeals and cross appeals).
- (b) A brief on behalf of a respondent shall be filed with the Board 30 days after oral argument. Otherwise, the respondent shall file a brief with the Board within 60 days of the date of the Board's acknowledgment of receipt of the appeal as set forth in § 111.13.
- (c) Upon written request of a party directed to the Secretary of the Board or upon oral request at the time of oral argument, and with notice to all parties, the Board may extend or shorten the time for filing of the party's brief only for good cause shown. A party shall present a request to extend or shorten the time at or before the date set for filing that party's brief.
- (d) Briefs not filed with the Board in accordance with the schedule in this section or as modified by the Board under subsection (c), will not be considered and will result in disposition of the appeal without further notice or consideration of the brief of the party failing to comply with these deadlines or schedule.
- (e) Briefs, except as otherwise allowed, shall consist of the following items, separately and distinctly set forth:
  - (1) A short statement of the questions involved.
  - (2) A statement of the facts by the petitioner, or counterstatement of the facts by the respondent.
  - (3) The argument.
  - (4) A short conclusion setting forth the precise relief sought.
  - (5) A proof of service as specified in § 111.12(d) (relating to filing, service and proof of service) insofar as applicable.
- (f) An original and two copies of briefs shall be filed.
- (g) Briefs shall be served on all parties.
- (h) Subsections (a) — (g) supersede 1 Pa. Code §§ 31.15, 33.37, 35.212 and 35.221 and also supersede Chapter 35, Subchapter F.

**§ 111.17. Oral argument**

- (a) The Board will schedule oral argument in every appeal or cross appeal unless all parties to the appeal or the cross appeal, upon receiving the acknowledgment of appeal or cross appeal, indicate that no oral argument is requested, or that it is waived.
- (b) The Board will hear oral argument on appeals and cross appeals according to a schedule prepared in advance for each calendar year. Oral argument will be conducted in Harrisburg, Philadelphia and Pittsburgh and in other locations throughout this Commonwealth, as the Board may schedule, or, as is appropriate in the Board's judgment.
- (c) Oral argument will be scheduled at the earliest possible date pursuant to the schedule as established by the Secretary of the Board.

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- (d) Parties shall be advised as far in advance as possible of the date of oral argument by the acknowledgment of appeal or cross appeal as specified in § 111.13 (b) (relating to processing of appeals and cross appeals).
- (e) Oral argument shall consist of a presentation, including rebuttal, if necessary, by the petitioner and respondent.
- (f) A petitioner or respondent represented by counsel need not be present at oral argument.
- (g) Oral argument may be conducted before one or more members of the Board.
- (h) Subsections (a) — (g) supersede 1 Pa. Code §§ 33.51, 35.204, 35.214 and 35.221.

**§ 111.18. Decisions of the Board**

- (a) The decision of the Board on an appeal and a cross appeal shall be issued as promptly as possible following oral argument or the receipt of briefs, whichever occurs later.
- (b) Decisions of the Board on an appeal shall be issued under section 441 of The Administrative Code of 1929 (71 P. S. § 151).
- (c) Decisions of the Board will be served on all parties and the judge from whose decision the appeal was taken.
- (d) Subsections (a) — (c) supersede 1 Pa. Code §§ 31.13, 31.14, 35.201 — 35.207 and 35.226.

**SUBCHAPTER C. SUPERSEDEAS ON APPEAL TO THE BOARD AND COURTS****§ 111.21. Content and form**

- (a) A request for supersedeas shall be filed as a separate petition from the appeal and be accompanied by the following:
  - (1) A copy of the decision of the judge or order and opinion of the Board from which the supersedeas is requested.
  - (2) A short statement setting forth reasons and bases for the request for supersedeas.
  - (3) A specific statement as to the issues of law, if any, involved in the underlying appeal.
  - (4) Information on the current employment status of the claimant, if known.
  - (5) The court, if any, to which an appeal from the Board decision has been taken.
  - (6) Other relevant information for the Board's consideration in determining whether the supersedeas request meets the following standards:
    - (i) The petitioner makes a strong showing that it is likely to prevail on the merits.
    - (ii) The petitioner shows that, without the requested relief, it will suffer irreparable injury.
    - (iii) The issuance of a stay will not substantially harm other interested parties in the proceeding.
    - (iv) The issuance of a stay will not adversely affect the public interest.
  - (7) A proof of service as specified in § 111.12(d) (relating to filing, service and proof of service), insofar as applicable.

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- (b) Requests for supersedeas shall be served on all parties.
- (c) Subsections (a) and (b) supersede 1 Pa. Code §§ 35.1, 35.2, 35.17, 35.190 and 35.225.

**§ 111.22. Filing**

- (a) A request for supersedeas from the judge's decision shall be filed with the Board within the time specified in section 423(a) of the act (77 P. S. § 853).
- (b) A request for supersedeas from a Board order shall be filed under the applicable Pennsylvania Rules of Appellate Procedure.
- (c) An original and two copies of the request for supersedeas shall be filed. Only the original request for supersedeas shall have attached a copy of the judge's decision or Board order from which the supersedeas is requested.
- (d) A request for supersedeas shall be served on all the parties and be accompanied by a proof of service as specified in § 111.12(d) (relating to filing, service and proof of service).
- (e) Subsections (a) — (d) supersede 1 Pa. Code § 33.15 (relating to number of copies).

**§ 111.23. Answers**

- (a) An answer to a request for supersedeas may be filed with the Board within 10 days of service of the request for supersedeas.
- (b) An original and two copies of an answer shall be filed.
- (c) An answer filed under this subsection shall be served on all parties.
- (d) An answer filed under this subsection shall be accompanied by a proof of service as specified in § 111.12(d) (relating to filing, service and proof of service), insofar as applicable.
- (e) Subsections (a) — (d) supersede 1 Pa. Code §§ 33.15 and 35.35 (relating to number of copies; and answers to complaints and petitions).

**§ 111.24. Disposition of request for supersedeas**

- (a) The Board may grant the request for supersedeas in whole or in part.
- (b) The Board will rule on requests for supersedeas within 20 days of the date when the answer is due, or the request shall be deemed denied.
- (c) Subsections (a) and (b) supersede 1 Pa. Code §§ 35.190 and 35.225 (relating to appeals to agency head from rulings of presiding officers; and interlocutory orders).

**§ 111.25. – 111.30 [Reserved]****SUBCHAPTER D. OTHER PETITIONS****§ 111.31. Applicability**

This subchapter applies to the following petitions or requests:

- (1) A petition under section 306 of the act (77 P. S. § 513).

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- (2) A petition for appointment of guardian under section 307 of the act (77 P. S. § 542).
- (3) A petition alleging a meretricious relationship under section 307 of the act (77 P. S. § 562).
- (4) A petition for commutation under section 316 of the act (77 P. S. § 604).
- (5) A petition under section 317 of the act (77 P. S. § 603).
- (6) A petition for rehearing under section 426 of the act (77 P. S. § 871).
- (7) A petition for attorney's fees under section 442 or 501 of the act (77 P. S. §§ 998 or 1021).

**§ 111.32. Form/content**

- (a) Petitions and requests shall contain and be accompanied by the following:
  - (1) A short statement setting forth the reasons and basis for the petition or request.
  - (2) The facts upon which the petition or request is based.
  - (3) A specific statement as to the issues of law, if any, involved in the petition or request.
  - (4) An explanation as to the status of the case, including the status of a pending appeal or petition before a judge, the Board or a court.
  - (5) The employment status of the claimant
  - (6) A proof of service as specified in § 111.12(d) (relating to filing, service and proof of service), insofar as applicable.
- (b) Petitions and requests shall be served on all parties and on the judge if the case is pending before a judge.
- (c) An original and two copies of petitions and requests shall be filed.
- (d) Subsections (a) — (c) supersede 1 Pa. Code §§ 31.5, 33.1 — 33.4, 33.11, 33.12, 33.15, 33.21 — 33.23, 35.1, 35.2 and 35.17.

**§ 111.33 Specific petitions/requirements**

- (a) A petition for commutation under section 316 of the act (77 P. S. § 604), in addition to the information required by § 111.32(a) (relating to form/content), shall have attached to it:
  - (1) The decision or document evidencing the employer/insurer's or self-insurer's responsibility to make current workers' compensation payments.
  - (2) The affidavit of the claimant, stipulation or other agreement signed by the parties which, if approved, will form the basis of the proposed commutation.
  - (3) An original and one copy of an order to be made by the Board if the commutation is approved.
- (b) A petition under section 317 of the act (77 P. S. § 603), in addition to the information required by § 111.32(a), shall have attached to it:
  - (1) The document or agreement evidencing the annuity or trust.
  - (2) The stipulation or agreement, if any, entered into by the party which, if approved, would form the basis of the approval of the annuity or trust.

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- (3) An original and one copy of an order to be made by the Board if the annuity or trust is approved.
- (c) Subsections (a) and (b) supersede 1 Pa. Code §§ 33.15, 35.17 and 35.155 (relating to number of copies; petitions generally; and presentation and effect of stipulations).

**§ 111.34. Answers to petitions**

- (a) An answer to a petition or request may be filed with the Board within 20 days of service of the petition or request.
- (b) An original and two copies of an answer shall be filed.
- (c) An answer filed shall be served on all parties.
- (d) An answer filed shall be accompanied by a proof of service as specified in § 111.12(d) (relating to filing, service and proof of service), insofar as applicable.
- (e) Subsections (a) — (d) supersede 1 Pa. Code §§ 33.15 and 35.35 (relating to number of copies; and answers to complaints and petitions).

**§ 111.35. Dispositions of petitions**

- (a) The Board will allow and consider briefs which are submitted simultaneously with the petition or request or answer thereto. A brief which is not submitted simultaneously with the petition, request or answer thereto, will not be considered by the Board and the petition or request may be determined on the petition or request and answer thereto without further argument or brief.
- (b) A brief submitted with a petition, request or answer thereto shall conform to the requirements of § 111.16(e) — (g) (relating to briefs: content and form and time for filing).
- (c) Oral argument on a petition may be scheduled at the discretion of the Board. Parties will be notified of the scheduling of oral argument as far in advance of the argument date as possible. The scheduling and conduct of oral argument will conform to the requirements of § 111.17 (relating to oral argument).
- (d) The Board may, if appropriate, or will, if required by law, refer a petition or request to a judge for conducting hearings, preparing findings or proposed orders. Thereafter, the petition or request shall, if appropriate or required, be returned to the Board.
- (e) Subsections (a) — (d) supersede 1 Pa. Code Chapter 35, Subchapters B, C, E and I.

**§ 111.41. [Reserved]****§ 111.42. [Reserved]****§ 111.43. [Reserved]****§ 111.44. [Reserved]**