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September 26, 2008

Elizabeth Crum
Deputy Secretary for Compensation and Insurance
Department of Labor and Industry
WCAB— WCJ Regulations – Comments
651 Boas Street
Harrisburg, PA 17121

RECEIVED
2008 OCT 15 PM 2:45
INDEPENDENT REGULATORY
REVIEW COMMISSION

RE: Proposed Regulations - Special Rules of Administrative Practice and Procedure Before the Workers' Compensation Appeals Board; Special Rules of Administrative Practice and Procedure Before Workers' Compensation Judges, published September 6, 2008

Dear Ms. Crum:

I am an attorney and practice in the workers compensation system here in Pennsylvania. I have reviewed the proposed regulations, and am submitting the following comment concerning Proposed Regulation 131.53(d). That proposed regulations states:

§ 131.53. Procedures subsequent to the first hearing.

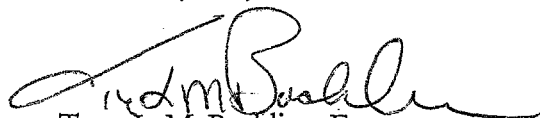
(d) The parties or the judge may request a conference at any time which may be held in person, by telephone, video, or any other electronic manner as directed by the judge.

My concern is with the use of the word "conference". Some Judges do utilize telephone status conferences regularly, and this is to be encouraged. However, some Judges also permit, under some circumstances, an actual hearing to be attended by either attorney or the claimant (if he/she lives out of state, or is physically unable to attend the hearing) by telephone or other electronic means. I am concerned that the use of the word "conference" can be read to specifically exclude the Judge from permitting attendance at a hearing by telephone. I would suggest that the words "or hearing" be inserted after the word "conference". I do believe the word "may" is appropriate, since electronic attendance should be a matter for the discretion of the Judge, and based on the availability of facilities to conduct or permit such attendance at the conference or hearing by telephone or other electronic means. Perhaps some consideration should be given to adding a sentence that the party

requesting attendance at a hearing by telephone or other electronic means shall bear the costs of such electronic attendance if so ordered by the Judge.

Thank you for your time and consideration in this matter.

Yours very truly,



Terry D. M. Bashline, Esq.