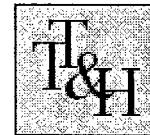


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October 3, 2008

Judge Elizabeth Crum  
Deputy Secretary for Compensation  
and Insurance  
Department of Labor & Industry  
651 Boas Street  
Harrisburg, PA 17121

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REVIEW COMMISSION

**RE: Proposed Rules**

Dear Judge Crum:

I am writing to express comment with regard to one of the proposed rules set forth in the Proposed Rule Making issued on Saturday, September 6, 2008.

I am probably unique in my firm in doing claimants as well as defense work. Most of my claimants work is in Lewistown and stems from the fact that I lived in Lewistown for a number of years. More particularly most of my claimants work comes from one particular employer, Standard Steel, which is the largest employer in Lewistown.

Unfortunately, it sometimes become necessary to file a Penalty Petition when a medical bills is not paid or some minor part of a Judge's order is ignored. Standard Steel has gone through a great many different carriers. This is more true of some carriers than others.

It is essential to be able to file these petitions to keep clients happy and to see that the purposes of the Act are effectuated in their case.

However, many of these petitions involve sums in dispute somewhere between \$500.00 and \$1,000.00.

When mandatory mediation is held in these cases it is held in Altoona before Judge Vonada or I believe it may be held in Clearfield before Judge Koll.

|                   |  |                        |                      |
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THOMAS, THOMAS & HAFFER LLP

Judge Elizabeth Crum

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October 3, 2008

I know that Judge Koll at least has a policy where if both parties don't agree mediation is futile, both parties have to come to mediation. That happened to me one time in a case involving the loss of a leg and I didn't object to it there since a significant amount of money was at issue.

However, in a case involving \$500.00 to \$1,000.00 one party should not, in my judgment, be able to compel the claimant to go to mediation when the legal cost involved exceed the amount at issue.

The ability of a Judge to require parties to attend mediation where the cost of the mediation exceeds the amount at issue will have a chilling effect on petitions. Rather than spend a day of my time driving to Altoona over a few unpaid medical bills, I would simply withdraw the Petition without prejudice and tell the claimant he has to find counsel in Lewistown.

It is my belief that if one party to a case is adamant that mediation will not resolve the case it imposes an economic justice on the other party to be required to travel significant distances to attend a preordained futile mediation. This is particularly true in situations like Lewistown where the sitting judges are not from Lewistown, where probably the majority of counsel are from Harrisburg, and where the trip from Harrisburg to the sitting judges chambers involves a drive in excess of two hours.

Very truly yours,

**THOMAS, THOMAS & HAFFER, LLP**

By:

  
Paul J. Dellasega

PJD/slg