



3047

RECEIVED  
IRRC

2014 MAR 19 PM 2:29

March 14, 2014

Director Elizabeth Crum  
Workers' Compensation Office of Adjudication  
1010 North Seventh Street  
Harrisburg, PA 17102

RE: *Proposed Rulemaking*

Dear Director Crum:

The following are my comments in response to the proposed rulemaking at 34 Pa. Code Chpt. 131 as published in the Pennsylvania Bulletin on February 22, 2014.

I am opposed to the change in 131.52 eliminating the requirement that the parties provide the Judge with all relevant Bureau documents. The Bureau no longer supplies these documents to the Judges. If the parties need not do so either, then my only access to those documents is via an unreliable electronic data system we call WCAIS. Sometimes I can get the documents there, but often I cannot. Imposing the obligation on me as a Judge to place those documents into evidence (i.e. "the Judge will place those documents into evidence") imposes an impossible, impractical and unfair burden upon me. The documents should be readily available to the parties and it should remain their responsibility to produce those, not the Judge's responsibility.

I am opposed to the change in 131.81 relating to subpoenas. The time for objection needs to begin with service of the subpoena. There is realistically not any opportunity to object to a request for subpoena as we issue subpoenas on the same day they are requested. There is in reality no window of opportunity to object to a request before the subpoena is issued, so it is already too late to object to the issuance of the subpoena. Furthermore until the subpoena is actually utilized by the requesting party, there is no harm or prejudice being occasioned and therefore there is nothing to "object to" in reality and no reason to occupy ourselves dealing with speculative objections. This change may cause great mischief among certain bars.

I hope that these comments may help improve our Workers' Compensation litigation system.

Very truly yours,

Geoffrey L. Seacrist  
Workers' Compensation Judge

P

cc: Honorable David A. Cicola, Judge Manager