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208 West Third Street, Suite 202  
The Grit Building  
Williamsport, PA  
March 22, 2014

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Elizabeth A. Crum  
Director of Adjudication  
Workers' Compensation Office of Adjudication  
WCAB/WCI Regulations-Comments  
1010 North Seventh Street  
Harrisburg, PA 17102

Re: Proposed WCI Rule Making

Dear Director Crum:

I disagree with Proposed Rule 131.204 removing the discretion of a Judge to modify Rules 131.202 or 131.203. The opportunity of a Judge to use the Judge's discretion to manage litigation in an efficient manner that considers the multitude of circumstances that arise in the litigation over which we preside so as to protect the rights of all the parties is an integral component of our litigation system. I am not aware of any cases in the Commonwealth in which the UEGF's ability to litigate its case has been prejudiced by a WCI's exercise of sound discretion. I believe it is a mistake to use a government regulation to limit a Judge's ability to use sound discretion to manage litigation.

I also believe it is inappropriate for the Department of Labor and Industry to interfere with the exercise of a Judge's discretion in cases involving a particular litigant. I believe it is inappropriate for the Department of Labor and Industry to limit a Judge's discretion when that litigant is another entity within the Department of Labor and Industry. The review of a Judge's exercise of discretion and its potential adverse effect on a litigant in a particular case should be a matter for appellate review by the Workers' Compensation Appeal Board or the appellate courts.

Although I am using my office address on this correspondence, it is being prepared at my home because I do not want my private residence address to be matter of public record.

Sincerely,



Kenneth P. Walsh  
Workers' Compensation Judge