

Attorney at Law: What is the Workers' Compensation Appeal Board?

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At Saffren and Weinberg, Marc Alan Weinberg, Attorney and [Kenneth Scott Saffren](#), Attorney are partners. The firm's tagline is "The People's Voice In Court." They make themselves available via phone at (215) 309-9577 or by email on the Saffren and Weinberg website. Saffren and Weinberg provide a no-charge, complimentary case review and answers questions for prospective clients.



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I think it's important to know who and what the Workers' Comp Appeal Board is.”

Kenneth Saffren, Esq.

What is the [workers' compensation appeal board](#) and what do they do?

On September 17, 2012, The Workers' Compensation Appeal Board (WCAB) was introduced by the Department of Labor & Industry. It was developed to handle the adjudication of appeals from lower court decisions.

Specifically, decisions from workers' compensation claims before Workers' Compensation Judges (WCJ). The Board is also responsible for making determinations in petitions for counsel fees, re-hearings, commutations, and supersedeas (decisions before both the Board and Commonwealth Court). Many of the Board's decisions are made without a hearing based on the evidence of the previous decisions, but the Board will host a hearing if they need to make a finding of fact.

Where is the Appeal Board located?

Every appeal that is filed will be listed on a yearly schedule. Currently, the Board sits in Harrisburg, Scranton, Erie, Pittsburgh, and Philadelphia.

Harrisburg's office acts as the prothonotary of the Appeal Board. It receives appeals and petitions and then docket them. They will prepare hearing notices, calendars, records, depositions, and testimony from the WCJ. The information will be handled by the Commissioners of the Board. They will prepare an opinion and order based on this information.

When reviewing, the Board's scope is limited to: was there an error of law and discretion abuse by the WCJ; and is there substantial evidence to support the Judge's findings of fact.

Overview of the history of the Workers' Compensation Board

Workers' compensation law is not a new idea because as early as 1915, a working group was in place to handle appeals from decisions in under Workmens' Compensation Referees. At that time, the Referees were limited in the jurisdiction of the Workmens' Compensation Board, and they acted as its agents when conducting evidentiary hearings, findings of fact, and legal conclusions. At this time, the Workmens' Compensation Board was the final finder of fact in all workers' compensation cases.

In 1972, the Referee was removed from the jurisdiction of the Board and instead placed under the Secretary of Labor and Industry. With the trickle-down effect, the Board was removed from its original jurisdiction over petitions assigned to Referees like claim, termination, suspension, and reinstatement. Also, the Board could no longer reverse a Referee's finding if competent evidence was substantiated in defense of their decision. Thus, the Workmens' Compensation Referee had the power of being the final finder of fact in all workmens' compensation cases. This led the Board to take on the role of an appellate body and ultimately a name change to the "Workmens' Compensation Appeal Board".

Steps to take if your workers' compensation is denied

Typically, a work injury is covered under an employer's workers' compensation insurance. Sometimes these claims will be denied, but you are not out of options. A workers' compensation lawyer will be able to review your original claim to decide if you have merit for an appeal through your state's Board of Workers' Compensation. Not all denied claims will qualify for an appeal.

If your workers' compensation claim was denied, you should not lose hope. A workers' compensation attorney will help you appeal the denial in an attempt to ensure you are adequately compensated for your workplace injury.

The attorneys at Saffren & Weinberg are experienced in Pennsylvania and New Jersey law. Both states, by law, must have workers' compensation insurance. Our attorneys will fight for every benefit that you deserve. No one expects to be hurt on the job but unfortunately, accidents do happen and we want to be there to help you when they do. Feel free to contact us today at 215-576-0100 so that we can answer any questions about how workers' compensation can benefit you and to get started on your case today.

Kenneth Scott Saffren / About the author

Ken Saffren, Esq, is a partner of Saffren & Weinberg located in Jenkintown, PA, practicing in workers' compensation, social security, and personal injury litigation. He is a member of both the United States District Court of New Jersey and Eastern District of Pennsylvania Supreme Court, as well as PHN Epsilon Roe.

This release was drafted by [Results Driven Marketing, LLC](#): a full-service digital marketing, public relations, advertising and content marketing firm located in Philadelphia, PA

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