

Meeting Minutes

Thursday, May 3, 2007 - 8:30 a.m.
30 West Spring Street, 30th Floor
Conference Room A

Present: Patrick Gannon, Chairman
William Thompson, Commissioner
Kevin Abrams, Commissioner

Attendees: Tim Adams, Executive Director
Tom Connor, Director, Hearing Services
Janet Lucktenberg, Director, Non-Adjudicatory Operations
Rick Tilton, Hearing Officer Trainer
Paul Walker, Legal Counsel
Debbie Fodey, Administrative Assistant
Colin McCafferty, Administrative Assistant
Susan Murnane, Administrative Assistant

Chairman Gannon called the meeting to order. Mr. Adams called the roll.

Roll Call:	Chairman Gannon	Present
	Commissioner Thompson	Present
	Commissioner Abrams	Present

New Business:

- (A) Interpretation of Resolution No. R04-1-01 - Unauthorized Practice of Law: The Commission members and staff discussed issues raised regarding proper conduct of non-lawyers in hearings. The proposed memorandum would address whether evidence which violates the UPL policy may be excluded from consideration; whether a non-lawyer may waive proper notice of hearing or waive the right to appeal on behalf of a party; and whether a non-lawyer may contact a witness or other individual to obtain evidence which may be submitted at hearing. Commissioner Thompson moved to issue the Memorandum entitled Interpretation of Resolution 04-1-01 - Regarding the Unauthorized Practice of Law, dated May 3, 2007. Chairman Gannon seconded the motion. Mr. Adams called the roll:

Roll Call Vote:	Chairman Gannon	Yes
	Commissioner Thompson	Yes
	Commissioner Abrams	Yes

- (B) Hearing Officer Manual Policy Memo A5 - Substantial Aggravation: The Commission members and staff discussed proposed Policy Memo A5. The policy would provide that in claims with dates of injury/disability on or after October 11, 2006, the

Hearing Officer should state in the order that the claim is either allowed or disallowed for substantial aggravation of a pre-existing condition and if the issue is abatement of a substantially aggravated condition, that should be stated. The policy would further provide that when allowing a claim for substantial aggravation, the Hearing Officer must cite the evidence which documents the aggravation by objective diagnostic findings, objective clinical findings or objective test results. Commissioner Abrams moved to adopt Hearing Officer Manual Policy Memo A5, effective May 7, 2007. Commissioner Thompson seconded the motion. Mr. Adams called the roll:

Roll Call Vote:	Chairman Gannon	Yes
	Commissioner Thompson	Yes
	Commissioner Abrams	Yes

- (C) Hearing Officer Manual Policy Memo C5 - Temporary Total Disability Due to Psychological Conditions: The Commission members and staff discussed proposed Policy Memo C5. The policy would provide that evidence in support of treatment or disability due to psychological conditions must be submitted by a psychologist, a medical doctor or doctor of osteopathy. Commissioner Thompson moved to adopt Hearing Officer Manual Policy Memo C5, effective May 7, 2007. Chairman Gannon seconded the motion. Mr. Adams called the roll:

Roll Call Vote:	Chairman Gannon	Yes
	Commissioner Thompson	Yes
	Commissioner Abrams	Yes


- (D) Hearing Officer Manual Policy Memo S14 - Dual Causation: The Commission members and staff discussed proposed Policy Memo S14. The proposed policy would provide that when adjudicating issues of disability, the allowed conditions must be the disabling conditions. Other non-allowed conditions may be present but if those conditions contribute to the disability in a way that the allowed conditions are not independently disabling, compensation is not proper. The policy would further provide that dual causation does apply to allowance issues. The standard is whether the work related hazard is a proximate cause of the condition. If so, it does not matter what other hazards might also be proximate causes of the condition. Commissioner Thompson moved to adopt Hearing Officer Manual Policy Memo S14, effective May 7, 2007. Commissioner Abrams seconded the motion. Mr. Adams called the roll:

Roll Call Vote:	Chairman Gannon	Yes
	Commissioner Thompson	Yes
	Commissioner Abrams	Yes

Commissioner Thompson moved to adjourn. Commissioner Abrams seconded the motion. Mr. Adams called the roll:

Roll Call Vote:	Chairman Gannon	Yes
	Commissioner Thompson	Yes
	Commissioner Abrams	Yes

Respectfully submitted,


Timothy Adams
Executive Director