

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

No. XXX C.D. 202X [→ Your docket number]

[Your Name]

Petitioner

vs.

[Employer Name]
(Workers' Compensation Review Board)

Respondent

BRIEF OF PETITIONER

[Your name]

[Your address]

[Your phone number]

[→ This sample brief is intended to provide you only with procedural and formatting guidance in preparing your brief. You must decide what questions (issues) and arguments you wish to address in your brief.]

TABLE OF CONTENTS

PAGE

TABLE OF CITATIONS.	ii
STATEMENT OF JURISDICTION.	1
ORDER IN QUESTION.	2
STATEMENT OF THE SCOPE AND STANDARD OF REVIEW.	3
STATEMENT OF THE QUESTION INVOLVED.	4
STATEMENT OF THE CASE.	5
SUMMARY OF THE ARGUMENT.	6
ARGUMENT.	7
CONCLUSION.	8
PROOF OF SERVICE	10

APPENDIX (EXHIBITS)

Order of the Workers' Compensation Appeal Board being appealed
Workers' Compensation Judge's Decision

TABLE OF CITATIONS

CASES CITED

[→ List any court cases that you refer to in the Argument portion of your Brief and the page number(s) where the cases appear in the Brief.]

Cases:

[Case 1].....[Page No.]
[Case 2].....[Page No.]

Statutes:

42 Pa. C.S. § 763. 1

[→ List any other statutes that you refer to in the Argument portion of your brief and the page number(s) where the statute(s) appear in the Brief.]

STATEMENT OF JURISDICTION

The Commonwealth Court has jurisdiction over this matter pursuant to Section 763 of the Judicial Code, 42 Pa.C.S. § 763.

ORDER IN QUESTION

Order of the Workers' Compensation Appeal Board:

[→In this section you must set forth the text (exact wording) of the order that you are appealing.]

STATEMENT OF THE SCOPE AND STANDARD OF REVIEW

This Court's review is limited to determining whether constitutional rights were violated, whether an error of law was committed, or whether the findings of fact are supported by substantial evidence in the record.

STATEMENT OF THE QUESTION(S) INVOLVED

[→ In this section, state the issue or issues that you are asking the Court to address in your appeal. The issue below is an **example** of how to describe the issue you want the Court to address in this appeal. See Appellate Rule 2116 for more direction on this section of the Brief.]

- I. The issue is whether the Petitioner is eligible for benefits.
- II. [Issue #2 if you are asking the Court to address more than one issue.]

STATEMENT OF THE CASE

[→ In this section, provide a short statement of the relevant facts and history of your case. The full requirements of this section of the Brief can be found in Appellate Rule 2117.]

SAMPLE

SUMMARY OF THE ARGUMENT

[→ This should be a one-page summary of your argument/position on appeal. See Appellate Rule 2118 for more direction on this section of the Brief.]

SAMPLE

ARGUMENT

[→ In this section you must explain to the Court why the decision of the Workers' Compensation Appeal Board is wrong. You should include a separate argument for each question (issue) you listed in the Statement of Question(s) Involved section of the Brief. You should include the names and citations of court decisions or statutory sections that support your argument. Any cases or statutes that you include in this section of your Brief should also be listed in the Table of Citations that appears at the beginning of the Brief. See Appellate Rule 2119 for more direction on this section of the Brief.]

CONCLUSION

[→ Tell the Court what you want it to do. Examples: Affirm, Reverse or Modify the order of the Workers' Compensation Appeal Board (Board) that you have appealed. The statement below is a **sample** of a conclusion you might include in this section of your Brief.]

For the reasons explained above, the Board's decision should be reversed.

Respectfully submitted,

[Your name]
[Your address]
[Your telephone number]

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Signature: _____

Name: _____

PROOF OF SERVICE

[→ You must send a copy of your Brief to Respondent employer's attorney (usually listed under "Interested Parties" section on the cover page of the Board's Opinion) and certify to the Court that you have done so by including a Proof of Service in your Brief. The Proof of Service must include the method of service you used to provide your Brief to Respondent. Proper methods of service include first class, express, or priority mail; personal delivery; or another means permitted under Appellate Rule 121.]

I certify that on [→ insert date here], I sent a true and correct copy of the attached Brief to [→ insert employer's attorney's name here] at the address listed below.

[Attorney's Name]

[Attorney's Address]

Counsel for [→ insert employer's name here]

Method of Service: _____

Respectfully submitted,

[Your name]

[Your address]

[Your Phone Number]

APPENDIX (EXHIBITS)

[→ You must attach to your Brief a copy of the order of the Workers' Compensation Appeal Board that you are appealing and the decision of the Workers' Compensation Judge.]

SAMPLE