

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Glenn Gough,	:	
	:	
Petitioner	:	
	:	
v.	:	No. 1047 C.D. 2025
	:	SUBMITTED: September 14, 2026
UGI Utilities, Inc. (Workers'	:	
Compensation Appeal Board),	:	
Respondent	:	

BEFORE: HONORABLE CHRISTINE FIZZANO CANNON, Judge
HONORABLE LORI A. DUMAS, Judge
HONORABLE BONNIE BRIGANCE LEADBETTER, Senior Judge

OPINION NOT REPORTED

**MEMORANDUM OPINION BY
SENIOR JUDGE LEADBETTER**

FILED: October 27, 2026

Claimant, Glenn Gough, petitions this Court for review of the July 2025 order of the Workers' Compensation Appeal Board, which affirmed the decision of a workers' compensation judge (WCJ) denying Claimant's claim petition. We affirm.

In December 2022, Claimant filed a claim petition alleging that he sustained a work injury on August 24, 2021, described as "left wrist carp[a]l tunnel [and] right hand and right elbow injuries involving compressive neuropathies of the median nerve and ulnar nerve[.]" Supplemental Reproduced Record (S.R.R.) at 2b. UGI Utilities, Inc. (Employer) filed a Notice of Compensation Denial, which denied that the injuries were work related. The WCJ conducted several hearings,¹ at which

¹ Claimant testified before the WCJ in February, June, and July 2023. Employer's witnesses testified before the WCJ in December 2023 and February and May 2024.

Claimant and Employer's lay witnesses testified. Claimant also presented the deposition testimony of his orthopedic surgeon, John Furia, M.D. Employer submitted the deposition testimony of its medical expert, Sandiv Naidu, M.D., PhD., who conducted an independent medical examination (IME) of Claimant in April 2023.

Claimant testified that he worked for Employer for 26 years. During the 8-10 years prior to sustaining the alleged work injury, Claimant worked as a "mechanic III." Reproduced Record (R.R.) at 30, 181.² This position required the use of vibratory tools, such as jackhammers and rock drills, to break up and remove pavement, concrete, bricks, and rock. Claimant described the rock drill as "constantly vibrating" when in use. *Id.* at 32. Claimant's other duties included inspecting the work of third-party contractors, making "drawings," and "doing all the billing." *Id.* at 33. While Claimant used a jackhammer or rock drill daily when he first began working for Employer, his use of these tools lessened when he began inspecting. By 2015-2017, Claimant's position involved more paperwork and less manual labor, although vibratory tools were used for emergency calls.

In January 2019, Claimant began experiencing pain and numbness in his hands, particularly whenever he used a jackhammer or rock drill at work. Claimant's family doctor referred him to a specialist, who diagnosed Claimant with "severe[] carpal tunnel and a cubital tunnel." *Id.* at 39. Claimant worked full-time for Employer until he had surgery on his right hand in November 2021. Claimant underwent surgery for his left hand in January 2022. He has not returned to work for Employer since the November 2021 surgery. Regarding any work restrictions,

² The pages of Claimant's Reproduced Record are not numbered as required by Pa.R.A.P. 2173, with the Arabic numbers followed by a lowercase a. We will refer to the page numbers as they appear in the Reproduced Record.

Claimant understood that he was to avoid simple grasping and heavy lifting. Claimant provided Employer with a May 2022 medical report from Dr. Furia detailing these work restrictions, but Employer has not contacted him about returning to work. Claimant no longer receives treatment for his hands or wrists, and he has not seen Dr. Furia since May 2022. Claimant does not believe he has completely recovered from his work injury.

Claimant denied performing any type of repetitive work, other than for Employer, or engaging in any activities in 2019 and 2020 that would have caused his hand and wrist symptoms. He acknowledged owning several family businesses, including a campground, several restaurants, and Caddyshack, a supplier of portable toilets. Although Claimant would at times fix roads at the campground or haul in dirt or stone, Claimant's son provided "most of" the physical labor for the campground. *Id.* at 68. Claimant helps bus tables for "five minutes" when the restaurants are busy. *Id.* at 72. He is not regularly scheduled to work at these locations. Claimant admitted using a backhoe in March 2021 to tear down a garage attached to his house and to fix the parking lot at a restaurant that opened in 2023. Several days a week, Claimant is responsible for dropping off, picking up, and cleaning Caddyshack's portable toilets. Caddyshack has been in operation since 2013. Claimant stated that his son performed most of the work for Caddyshack in 2021.

During cross-examination, Claimant agreed that operating a backhoe requires simple grasping to use the hand controls and that he had no issues using them. Claimant did not know how much the portable toilets weighed, but he described them as "light, just plastic." *Id.* at 126. Claimant disputed Employer's records to the extent they indicated he did not use vibratory tools in 2020 and 2021.

He agreed, however, that in 2020 and 2021 he worked primarily on large inspection projects, valve inspections, and “locating,” which involves marking the location of Employer’s services and facilities so they are not affected when work is performed. *Id.* at 139, 184. Claimant conceded that, “for the most part,” he did not use vibratory tools for large inspection projects, but he maintained they might be necessary during emergency calls. *Id.* at 142. Claimant denied applying for short-term disability with Lincoln Financial Group (Lincoln Financial); however, records from Lincoln Financial indicated that it contacted Claimant about his application, medical status, and treatment received. In addition, Lincoln Financial advised Claimant by letter that it closed his case in December 2022 after Claimant failed to provide medical records supporting his claim.

Dr. Furia first examined Claimant in October 2021. Claimant stated that he used vibratory tools at work and experienced bilateral numbness and tingling in his hands for “well over a year.” S.R.R. at 26b. Upon physical examination, Dr. Furia observed decreased sensation on the median and ulnar nerves of the right extremity and the median nerve of the left, which suggested compression of the nerves. Nerve and electromyography studies indicated bilateral carpal tunnel syndrome and right cubital tunnel syndrome. Ultimately, Claimant underwent surgery for his right extremity in November 2021 and for the left extremity in January 2022. At a February 2022 follow-up appointment, Claimant reported some improvement in his symptoms, particularly on the right side; however, Claimant did not believe he could operate a jackhammer or rock drill at work. As a result, Dr. Furia released Claimant to light-duty work but restricted him from operating vibratory tools. On Dr. Furia’s recommendation, Claimant obtained a Functional Capacity Evaluation (FCE) in April 2022, which indicated that Claimant “could

safely work at the medium physical demand capacity.” *Id.* at 42b; Certified Record (C.R.), Item No. 25, Ex. C-4. Dr. Furia did not believe that operating a jackhammer or rock drill fell in the category of “medium physical demand[.]” *Id.* At his final appointment with Dr. Furia in May 2022, Claimant reported continued improvement of his symptoms but stated that he was still not comfortable using a jackhammer. Dr. Furia did not recommend any further treatment, other than the use of topical creams to reduce inflammation, but he continued Claimant’s prior light-duty restrictions.

Dr. Furia opined that Claimant’s bilateral carpal tunnel syndrome and right cubital tunnel syndrome were caused by the repetitive nature of his employment, particularly the use of vibratory tools. He relied on the history provided by Claimant that he frequently used a jackhammer and rock drill at work. Dr. Furia was not aware of any other type of repetitive work that might have caused Claimant’s symptoms. Claimant had not discussed his involvement in family businesses with Dr. Furia. Thus, Dr. Furia agreed that he could not attribute Claimant’s condition either to his work for Employer or to his personal business activities. Moreover, Dr. Furia stated that his opinion that Claimant suffered a work-related injury “might change” if Claimant did not use vibratory tools in 2020 and 2021. S.R.R. at 54b. Because he had not examined Claimant since May 2022, Dr. Furia could not offer an opinion as to whether Claimant had fully recovered from the alleged work injury, and he would defer to Dr. Naidu’s opinions as to the need for work restrictions or further treatment.

Employer’s senior human resources generalist, Cheryl Orndorf, testified that the mechanic III position generally involves inspecting the work of contractors or large crews, or marking the location of Employer’s services and

facilities so they are not affected when work is performed. Physical work is performed by other employees. Regarding emergency calls, Ms. Orndorf understood that a mechanic III would go to the site, “make [it] safe, and then call out a crew” if digging was required. R.R. at 184. Ms. Orndorf understood that a mechanic III would not perform that work, so as to remain available for other emergency calls. Ms. Orndorf has been on “ride-alongs” and personally observed the duties of the mechanic III position. *Id.* at 182. A review of Claimant’s timesheets revealed that he generally performed “inspection work, valve inspection[s], [and] locating.” *Id.* at 184. Based on those timesheets, Ms. Orndorf did not believe that Claimant used vibratory tools for any work performed in 2020 and 2021, including emergency calls. Regarding Claimant’s receipt of short-term disability, Ms. Orndorf advised that Employer funds the policy but Lincoln Financial administers it. Employer cannot open a short-term disability claim on behalf of an employee. Therefore, Ms. Orndorf assumed that Claimant submitted the application to Lincoln Financial. Email correspondence from Lincoln Financial to Claimant’s counsel indicate that Claimant initiated the application in November 2021 “via the internet.” C.R., Item No. 42, Ex. D-13.

Employer’s supervisor for operations, Joseph Miller, II, reviewed Claimant’s timesheets with Ms. Orndorf and confirmed that Claimant worked primarily as an inspector for the mechanic III position in 2020-21. In this capacity, Claimant oversaw the operations of third-party contractors. He would not have used vibratory tools or performed physical labor. Claimant’s timesheets indicated that, although Claimant was on call for emergencies in 2020 and 2021, he was not called out for emergencies during that period. Mr. Miller conceded that Claimant’s timesheets only indicated the type of job he performed on a given day, and not the

specific tasks required for each job. Mr. Miller would try to visit Claimant's job site once a week for 15-30 minutes. Otherwise, he did not personally observe Claimant performing his job duties.

Dr. Naidu, an orthopedic surgeon, obtained a history from Claimant as part of the April 2023 IME. Claimant advised Dr. Naidu that his job with Employer involved the use of jackhammers, rock drills, and other vibratory equipment, and he developed numbness, tingling, and pain in both upper extremities. Claimant's symptoms improved after surgery. Dr. Naidu stated that, beyond some sensory deficit along the surgical sites, Claimant's physical examination was normal. Dr. Naidu did not dispute the work restrictions placed on Claimant by Dr. Furia in May 2022. By April 2023, however, Claimant's bilateral carpal tunnel syndrome and right cubital tunnel syndrome had "fully resolved" and he did not require further treatment or work restrictions. R.R. at 270. Dr. Naidu disagreed with Dr. Furia that Claimant's condition related to his employment. Dr. Naidu described carpal tunnel syndrome as "an anatomic issue" where compression of the nerves is caused by "the anatomy itself[,] rather than "external forces." *Id.* at 271. Claimant's diagnostic studies indicated that "the nerves were pretty much dead" due to "anatomical constraints" and compression of the nerves that likely occurred "over two decades." *Id.* at 270-72. While Dr. Naidu did not attribute Claimant's carpal tunnel syndrome or cubital tunnel syndrome to his work for Employer, he agreed that the use of vibratory tools could "bring up the symptoms of pain, numbness[,] and tingling." *Id.* at 274. If Claimant used a rock drill, for example, on August 24, 2021, the date Claimant allegedly sustained a work injury, and he experienced symptoms from his carpal tunnel or cubital tunnel syndrome, Dr. Naidu would consider that an "aggravation" of those conditions. *Id.* at 276. Dr. Naidu noted that, in addition to

his job with Employer, Claimant worked for his family-owned restaurants and other businesses “using his hands pretty much at all times everywhere else[,]” which could “cause symptoms as far as carpal tunnel goes.” *Id.* at 270, 276. Dr. Naidu expressly denied that the use of vibratory tools caused Claimant’s nerve compression, and Claimant would have developed carpal tunnel syndrome and cubital tunnel syndrome, regardless of his employment.

The WCJ issued a decision denying the claim petition. The WCJ generally rejected Claimant’s testimony as not credible, in part based on his demeanor during in-person hearings. The WCJ found that Claimant worked as a mechanic III for Employer since “at least 2017.” WCJ Decision, Finding of Fact (F.F.) No. 7; R.R. at 6. The credible testimony of Mr. Miller and Ms. Orndorf that Claimant’s position did not require the use of vibratory tools refuted Claimant’s testimony regarding his job duties. The WCJ noted that Claimant agreed he worked primarily as an inspector in 2020 and 2021. Claimant’s testimony that he did not apply for disability benefits from Lincoln Financial was contradicted by documentary evidence. Further, Claimant testified inconsistently about the work he did for businesses he owned, initially stating that he did little physical work and later admitting that he operated a backhoe, and that, since 2013, he has delivered, cleaned, and pressure-washed portable toilets three or four days a week for Caddyshack. The WCJ deemed Mr. Miller and Ms. Orndorf credible based on their demeanor and corroborative testimony. In addition, Ms. Orndorf’s testimony regarding Claimant’s job duties was supported by Employer’s documentation and her personal observations.

The WCJ discredited Dr. Furia’s opinion that Claimant suffered a work injury, as it relied solely on Claimant’s account of his job duties and was “based on

facts not of record.” WCJ Decision, Conclusion of Law No. 3; R.R. at 8. Moreover, Dr. Furia was unaware of Claimant’s personal business activities, which Dr. Furia agreed could have aggravated Claimant’s condition. As Dr. Furia had not seen Claimant since May 2022, he could not give an opinion as to whether Claimant had fully recovered. Thus, the WCJ rejected Dr. Furia’s opinions to the extent they conflicted with those of Dr. Naidu, which the WCJ found to be “credible, logical, internally consistent, and persuasive.” *Id.*, F.F. No. 17; R.R. at 8. The WCJ found that Dr. Naidu’s opinions were supported by his findings from the IME and Claimant’s medical records. Because Claimant failed to prove he suffered a work-related injury, the WCJ denied the claim petition. Claimant appealed to the Board, which affirmed.

On appeal to this Court, Claimant argues that the WCJ erred in rejecting Claimant’s testimony and that the WCJ failed to make a reasoned decision, as required by Section 422(a) of the Workers’ Compensation Act.³

Claimant argues that Employer failed to present any evidence to refute his testimony regarding the use of vibratory tools at work. He asserts that the testimony from Ms. Orndorf and Mr. Miller relied on timesheets that did not identify the specific tasks Claimant performed, and which only covered 2 of the 26 years Claimant worked for Employer. Claimant points out that the mechanic III job description includes “[r]epetitive motions of any part of the body” as a job requirement. R.R. at 13. According to Claimant, the record contains no facts to support the WCJ’s credibility determinations and the WCJ erred in discrediting his

³ Act of June 2, 1915, P.L. 736, *as amended*, 77 P.S. § 834. Section 422(a) of the Act requires the WCJ to issue a “reasoned decision containing findings of fact and conclusions of law based upon the evidence as a whole which clearly and concisely states and explains the rationale for the decisions[.]” *Id.*

testimony and, by extension, the testimony of Dr. Furia. Claimant also argues that Dr. Naidu's testimony was inconsistent and contradictory, where Dr. Naidu acknowledged that vibratory tools can aggravate the symptoms of carpal tunnel or cubital tunnel syndrome but nonetheless opined that Claimant's condition was unrelated to his job with Employer. As a result, the WCJ erred in crediting Dr. Naidu's testimony and opinions.

The WCJ is the ultimate finder of fact and the exclusive arbiter of credibility and evidentiary weight. *Lindemuth v. Workers' Comp. Appeal Bd. (Strishock Coal Co.)*, 134 A.3d 111, 125 (Pa. Cmwlth. 2016). In executing her role as factfinder, the WCJ is free to accept or reject, in whole or in part, the testimony of any witness. *Id.* It is irrelevant whether the record contains evidence to support findings other than those made by the WCJ; the inquiry before this Court is whether substantial evidence exists to support the findings actually made. *Minicozzi v. Workers' Comp. Appeal Bd. (Indus. Metal Plating, Inc.)*, 873 A.2d 25, 29 (Pa. Cmwlth. 2005). Furthermore, a WCJ's credibility determinations are due substantial deference, and such determinations may only be overturned if they are "arbitrary and capricious or so fundamentally dependent on a misapprehension of material facts, or so otherwise flawed, as to render [them] irrational." *Casne v. Workers' Comp. Appeal Bd. (Stat Couriers, Inc.)*, 962 A.2d 14, 19 (Pa. Cmwlth. 2008). A WCJ who hears a witness testify live is "in a position to render a demeanor-based assessment of his credibility[.]" *Daniels v. Workers' Comp. Appeal Bd. (Tristate Transp.)*, 828 A.2d 1043, 1054 (Pa. 2003).

We reject Claimant's challenge to the WCJ's credibility determinations. Claimant, Mr. Miller, and Ms. Orndorf all testified in person before the WCJ. Although the WCJ was not required to explain her credibility

determinations for these witnesses, she provided multiple bases for rejecting Claimant's testimony and crediting that of Mr. Miller and Ms. Orndorf. The WCJ noted Claimant's inconsistent testimony regarding his personal businesses and the activities performed for those businesses. Documents from Lincoln Financial contradicted Claimant's testimony that he did not apply for short-term disability. Moreover, Claimant could not provide specifics as to how often he used vibratory tools after 2015-2017, when he began performing less manual labor, only stating that "[i]t wasn't as much." R.R. at 49. While vibratory tools were used for emergency calls, Claimant's timesheets indicated that he was not called out in 2020 or 2021. The WCJ rendered demeanor-based credibility determinations for Mr. Miller and Ms. Orndorf, whose testimony was also corroborated by Employer's documentation. As Claimant has provided no legitimate basis for this Court to overturn the WCJ's credibility determinations, we decline to do so.

We also disagree that Dr. Naidu's testimony is inconsistent or contradictory. Dr. Naidu unequivocally testified that the use of vibratory tools did not cause Claimant's carpal tunnel or cubital tunnel syndrome. Notably, Claimant's claim petition describes the alleged work injury as "left wrist carp[a]l tunnel; right hand and right elbow injuries involving compressive neuropathies of the median nerve and ulnar nerve[.]" C.R., Item No. 2. Claimant does not allege any work-related aggravation of this injury. Dr. Naidu's acknowledgement that the use of vibratory tools, or the personal business activities in which Claimant engaged, could aggravate Claimant's condition is simply irrelevant to the disposition of the claim petition.

Finally, Claimant argues that the WCJ failed to issue a reasoned decision under Section 422(a) of the Act. In this regard, Claimant largely reiterates

his challenges to the WCJ's credibility determinations, citing "credible and uncontradicted evidence" that Claimant used vibratory tools as part of his job duties. Claimant's Br. at 29. He contends that the WCJ capriciously disregarded his "trustworthy evidence" of repetitive trauma and that the WCJ failed to explain her reasons for crediting Dr. Naidu. *Id.* We disagree.

A decision is "reasoned" for purposes of Section 422(a) if it allows for adequate review by the appellate courts under the applicable review standards. *Acme Mkts., Inc. v. Workers' Comp. Appeal Bd. (Brown)*, 890 A.2d 21, 26 (Pa. Cmwlth. 2006). The purpose of a reasoned decision is to spare the reviewing court from having to imagine why the WCJ believed one witness over another. *Dorsey v. Workers' Comp. Appeal Bd. (Crossing Constr. Co.)*, 893 A.2d 191, 196 (Pa. Cmwlth. 2006). The WCJ's decision satisfies the reasoned decision requirement where the WCJ summarizes testimony and objectively explains her credibility determinations. *Amandeo v. Workers' Comp. Appeal Bd. (Conagra Foods)*, 37 A.3d 72, 76 (Pa. Cmwlth. 2012). In a case where the WCJ "has had the advantage of seeing the witnesses testify and assessing their demeanor, a mere conclusion as to which witness was deemed credible . . . could be sufficient to render the decision adequately 'reasoned.'" *Daniels*, 828 A.2d at 1053. A WCJ may reject a medical expert's opinion where it is based on information provided by a claimant that the WCJ rejected. *Green v. Workers' Comp. Appeal Bd. (US Airways)*, 155 A.3d 140, 148 (Pa. Cmwlth. 2017).

As discussed herein, there is no basis for overturning the WCJ's credibility determinations as to Claimant, Mr. Miller, and Ms. Orndorf, and the WCJ "properly relied on [her] own observations of Claimant's demeanor." *Amandeo*, 37 A.3d at 77. Claimant's argument that the WCJ capriciously disregarded

uncontroverted evidence has no merit. Claimant's evidence was not uncontroverted, where Employer presented the testimony of two lay witnesses, documentary evidence, and the expert testimony of Dr. Naidu to refute Claimant's evidence that he suffered a work injury. Furthermore, the WCJ did not capriciously disregard Claimant's evidence. Capricious disregard only occurs where a WCJ "deliberately ignores relevant, competent evidence." *Williams v. Workers' Comp. Appeal Bd. (USX Corp. – Fairless Works)*, 862 A.2d 137, 145 (Pa. Cmwlth. 2004). The WCJ's express consideration and rejection of Claimant's evidence, "by definition, is not capricious disregard." *Id.* The WCJ did not err in rejecting Dr. Furia's opinion of the work-related nature of Claimant's carpal tunnel and cubital tunnel syndrome, given Dr. Furia's reliance on Claimant's self-reported use of vibratory tools, which the WCJ deemed not credible. *Green.*

Finally, the Court does not have to imagine why the WCJ found Dr. Naidu credible, as she found that Dr. Naidu's opinions were supported by his physical findings from the IME and Claimant's medical records. The WCJ provided several reasons for rejecting Dr. Furia's testimony and opinions. She noted that Dr. Furia had not examined Claimant since May 2022 and, as a result, Dr. Furia could not say whether Claimant had fully recovered or whether he required work restrictions or further medical treatment. This satisfies the reasoned decision requirement in Section 422(a).

For the reasons set forth above, we affirm the Board.

BONNIE BRIGANCE LEADBETTER,
President Judge Emerita

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	:	
UGI Utilities, Inc. (Workers'	:	
Compensation Appeal Board),	:	
Respondent	:	

ORDER

AND NOW, this 27th day of October, 2026, the order of the Workers' Compensation Appeal Board is hereby AFFIRMED.

BONNIE BRIGANCE LEADBETTER,
President Judge Emerita