IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Elhadj Conde, Petitioner	:	
v.	:	No. 919 C.D. 2025
	:	Submitted: April 13, 2026
Lycatel, LLC (Workers' Compensation Appeal Board), Respondent	:	

BEFORE: HONORABLE RENÉE COHN JUBELIRER, President Judge
HONORABLE MATTHEW S. WOLF, Judge
HONORABLE BONNIE BRIGANCE LEADBETTER, Senior Judge

OPINION NOT REPORTED

MEMORANDUM OPINION BY
PRESIDENT JUDGE COHN JUBELIRER FILED: November 16, 2026

Elhadj Conde (Claimant), representing himself, petitions for review of the Order of the Workers' Compensation Appeal Board (Board) that affirmed the decision of a Workers' Compensation Judge (WCJ) granting Claimant's Claim Petition for a closed period of time and terminating Claimant's workers' compensation (WC) benefits as of July 27, 2023, based on Claimant's full recovery from his work-related injuries. On appeal, Claimant argues the WCJ erred in terminating his benefits because he has not fully recovered from his work injuries, which are more extensive than found by the WCJ. Upon careful review, we affirm because the decision to terminate Claimant's benefits based on his full recovery from his work-related injuries is supported by substantial evidence.

I. BACKGROUND

Claimant worked for Lycatel, LLC (Employer) as a team leader, travelling to various retail stores to sell Employer's products, including SIM cards. (WCJ Decision, Finding of Fact (FOF) ¶¶ 2, 4(a).) Claimant sustained injuries when a vehicle struck the driver's side of his Employer-provided vehicle while Claimant was parked at a gas station during his workday on March 8, 2023. (*Id.* ¶ 4(b).) On April 4, 2023, Claimant filed the Petition, with assistance of counsel, asserting he sustained the following disabling injuries in the motor vehicle accident: a concussion, a head injury, and a strain and sprain of the left ankle. (*Id.* ¶ 1.) Employer filed an answer denying the Petition's allegations and, later, issued a Notice of Compensation Denial acknowledging that the accident occurred, but denying that Claimant sustained any work-related injuries. (*Id.* ¶¶ 2-3.) The matter was assigned to the WCJ, who held a hearing at which Claimant presented his own testimony and the deposition testimony of William Pavlou, M.D., his treating physician,[1] and Employer presented the testimony of its human resources director (HR Director) and the deposition of its medical expert, Vinit Pande, M.D.

A. Claimant's Evidence

Claimant testified, both live before the WCJ and by deposition.[2] Claimant described his position as requiring significant driving and the March 8, 2023

[1] Claimant has attempted on several occasions to provide additional documents for the Court's review, and his reproduced record contains numerous medical records that were **not** introduced during the proceedings before the WCJ. Because these items are not in the certified record, they cannot be considered by the Court. *See Kimberly Clark Corp. v. Workers' Comp. Appeal Bd. (Bullard)*, 790 A.2d 1072, 1075-76 (Pa. Cmwlth. 2001) (stating that items not part of the record created before the WCJ may not be considered on appeal).

[2] Claimant's testimony is summarized in findings of fact 4 and 5 and is found at Item numbers 11 and 13 of the Certified Record.

accident, and that he advised Employer of the accident on that day. Following the accident, Claimant had pain but went home. After awakening in more pain, Claimant went to the emergency room, where he underwent diagnostic testing and was told he had a concussion. Claimant obtained additional treatment at this hospital on two more occasions, and, on March 13, 2023, was released to unrestricted work. Employer obtained a rental car for Claimant to use, but at some point, Employer advised Claimant that he could no longer use a company car and had to return the rental car. Thereafter, Employer discharged Claimant for misusing his Employer-provided gas card. Claimant indicated that his gas card, the password for the gas card, and SIM cards were stolen from the rental car; he reported that break-in and theft to the police and to Employer.

After his discharge, Claimant began treating with Dr. Pavlou on March 30, 2023, who provided Claimant with physical therapy for the lower back and referred Claimant to other physicians in Dr. Pavlou's office for headaches. Claimant began treatment for his headaches on July 5, 2023. Claimant, who has been diagnosed with sickle cell trait, described his ongoing treatment with, among others, Dr. Pavlou, and his current symptoms, including "constant headache with pain in his left shoulder into his left hand with numbness in his fingers," aching in his left knee, and pain in his low back. (FOF ¶ 4(g).) Claimant also maintained he needed surgery on his left shoulder because of the March 2023 accident, he has difficulty sleeping due to pain, he has no strength on his left side, has not been released to work, and is incapable of working due to his left upper body issues. Claimant denied initially having prior work injuries but later acknowledged that: he had been in a work-related motor vehicle accident in January 2023 in which he injured his lower back; he was treating that injury at the time of the March 2023 accident; he continued to receive treatment

for that injury as of July 2023; and he had not fully recovered from that low back injury.

Dr. Pavlou,[3] who is board-certified in family medicine, began treating Claimant on March 30, 2023, at which time Claimant provided a history of the January 2023 and March 2023 accidents and described his immediate symptoms and treatment at the emergency room and with Concentra. Dr. Pavlou described Claimant's complaints, which included headaches, dizziness, left shoulder and knee pain, low back pain, and difficulty moving his left arm, and his physical examination of Claimant, which was normal except for tenderness, loss of motion, and evidence of impingement in his left shoulder. Based on Claimant's description of the March 2023 accident and the mechanism of the injury which was that Claimant's vehicle was rear ended, Dr. Pavlou diagnosed Claimant with strains/sprains of the left shoulder, left knee, and lumbar back, left shoulder tendinopathy, chest wall contusion, and concussion with post-concussion symptoms. Dr. Pavlou prescribed, among other treatments, medications and physical therapy, and referred Claimant to other physicians for his headaches and shoulder. The neurologist prescribed medication and cognitive and physical therapy for the concussive symptoms. Following additional diagnostic testing and subsequent examinations of Claimant, Dr. Pavlou opined that Claimant had recovered from his chest wall contusion and added AC joint arthritis in the left shoulder and neuropathy to his prior diagnoses of Claimant's work-related injury. Claimant was not fully recovered from these injuries and could not return to his preinjury position, but Dr. Pavlou was optimistic

[3] Dr. Pavlou's deposition testimony is summarized in finding of fact 7 and is found at Item number 14 of the Certified Record.

as to Claimant's concussion and left shoulder injuries because both showed signs of improvement.[4]

Dr. Pavlou acknowledged on cross-examination that he did not review Claimant's emergency room records following the March 2023 accident or one of Claimant's Concentra visits. (Certified Record (C.R.), Item 14 at 27-28, 30.) He also acknowledged that Claimant's left arm neuropathy and objective weakness, which would likely arise from a cervical injury, developed six months after the March 2023 accident, and Claimant had no neck complaints and Claimant did not injure his neck in the accident. Thus, he was unsure of the cause of those symptoms.

B. Employer's Evidence

HR Director testified[5] about Claimant's position as a marketing representative and that Claimant was involved in three vehicle-related incidents: the January 2023 incident where Claimant was involved in an altercation with another driver, although no collision occurred; the March 2023 accident; and a March 15, 2023 incident when his Employer-provided vehicle was broken into while parked outside of Claimant's brother's house. Claimant advised Employer of the March 15, 2023 break-in and filed an incident report, but did not indicate that anything had been stolen from the vehicle. Based on Claimant having "too many incidents," HR Director informed Claimant that he would no longer be able to use a company vehicle and Employer would pay for him to use public transportation. (C.R., Item 16 at 13.) HR Director was subsequently notified that charges occurred on Claimant's Employer-provided gas card on March 21 and 25, 2023, and she discussed the activity with Claimant,

[4] Although there are some medical reports attached to Dr. Pavlou's deposition, they do not relate to Claimant.

[5] HR Director's deposition testimony is summarized in finding of fact 6 and is found at Item number 16 of the Certified Record.

advising him that they were considered unauthorized and he would be terminated. It was only then that Claimant stated that the gas card had been stolen on March 15, 2023.

Dr. Pande,[6] who is board-certified in physical medicine and rehabilitation, performed an Independent Medical Examination (IME) of Claimant on July 27, 2023. Dr. Pande's physical examination of Claimant revealed normal results with no objective findings to support Claimant's ongoing complaints, as well as submaximal effort. He noted that records from Claimant's other providers reflected he showed greater strength for them than Claimant showed during Dr. Pande's examination, where Claimant presented as though his "entire left upper extremity was paralyzed." (FOF ¶ 8(j).) Dr. Pande observed that: Claimant's March 9, 2023 hospital note indicated Claimant complained of left shoulder, left knee pain, left sided back pain, as well as a headache; the March 12, 2023 note showed complaints of leg, left shoulder, and body pain; and the March 13, 2023 note reflected that Claimant had no complaints of pain, his neurologic and musculoskeletal examinations were normal, and Claimant asked to be released to work. Based on his examination of Claimant and review of Claimant's hospital records immediately following the March 2023 accident, Concentra records, and Dr. Pavlou's records up until the IME, Dr. Pande concluded that Claimant's work-related injuries consisted of a head contusion and left shoulder and knee strains and sprains, and cervical spine and lumbar spine strains and sprains. Dr. Pande opined that Claimant had fully recovered from these injuries as of July 27, 2023, needed no further medical treatment, and could return to full-duty work. Dr. Pande specifically denied that Claimant suffered a work-related concussion, opining that a head contusion results

[6] Dr. Pande's deposition testimony is summarized in finding of fact 8 and found at Item number 17 of the Certified Record.

in headaches and there were no neurocognitive abnormalities documented in Claimant's records. (C.R., Item 17 at 52.)

C. WCJ's Decision

Upon review of the evidence, the WCJ credited Claimant's testimony as to there being an incident on March 8, 2023, but "not as to any ongoing physical complaints or disabilities" based on Claimant's comportment and demeanor. (FOF ¶ 9 (emphasis omitted).) The WCJ additionally pointed to discrepancies in the description of the mechanism of the injury, with Claimant testifying and telling the emergency room and Concentra that he was struck on the driver's side of the vehicle and Dr. Pavlou indicating that Claimant's vehicle was rear ended. (*Id.*) The WCJ further observed that Claimant refused to acknowledge prior work injuries until cross examination, and that "Claimant was evasive and noncompliant" in answering questions about the March 2023 accident, the vehicle break-in, and his ongoing complaints and disabilities. (*Id.*)

The WCJ credited HR Director's testimony, which acknowledged knowing about the March 2023 work injury. (*Id.* ¶ 10.) The WCJ observed that while Claimant may have been discharged for cause, this did not negate Claimant's entitlement to benefits because Claimant provided a plausible basis for the charges on the gas card. (*Id.*) As to the medical experts, the WCJ accepted Dr. Pande's opinions over those of Dr. Pavlou where they differed, citing numerous objective reasons. (*Id.* ¶ 11.) Those reasons included Dr. Pande's "training and qualification in the field in which he is asked to offer his opinion," Dr. Pande's years of experience in evaluating and treating pain patients, and Dr. Pande's opinions being consistent with the mechanism of injury that Claimant gave the emergency room and Concentra physicians and with Claimant's medical records and history. (*Id.*) The WCJ also

observed that Dr. Pavlou's opinions of Claimant's ongoing disability were based on Claimant's subjective complaints, which the WCJ had not credited, and could not relate Claimant's ongoing complaints regarding his left upper extremity to the March 2023 accident. (*Id.*)

Based on these credibility determinations, the WCJ found that Claimant suffered left shoulder and knee, cervical, and lumbar strains and sprains due to the March 2023 accident, from which Claimant had fully recovered as of July 27, 2023. (*Id.* ¶¶ 12-13.) Accordingly, the WCJ concluded that Claimant met his burden of proof on the Petition for a limited period and granted the Petition for the closed period of March 8, 2023, to July 27, 2023. (*Id.* ¶ 14; Conclusion of Law (COL) ¶ 2.)

D. Board's Opinion

Claimant, now representing himself, appealed to the Board. In his appeal, Claimant asserted facts he believed supported the award of ongoing benefits and demonstrated that the WCJ erred in terminating his benefits. Claimant asserted that the WCJ's Decision was based on "misinformation" and was inaccurate. (C.R., Item No. 7.) While the Board "empathized with Claimant's belief that his injuries continue[d]," it found no error or abuse of discretion in the WCJ's Decision based on the WCJ's credibility determinations, which the Board could not review.[7] (Board Opinion (Op.) at 7.) Because the credited evidence supported the grant of benefits for a closed period with a termination of Claimant's benefits as of the date of the IME, the Board upheld the WCJ's Decision.

Claimant now petitions this Court for review.

[7] As before this Court, Claimant attempted to submit extra-record evidence to the Board but it, like this Court, can only consider the record certified to it. *Kimberly Clark Corp.*, 790 A.2d at 1075-76.

II. DISCUSSION

A. Parties' Arguments

Claimant argues the WCJ erred in terminating his benefits because he continues to receive care from Dr. Pavlou and other physicians for his work-related injuries, including left shoulder surgery in February 2024. (Claimant's Brief (Br.) at 4.) According to Claimant, "[d]espite [his] unbroken continuum of care, the WCJ relied solely on a single [IME] by Dr. Pande, whose assessment predated all diagnostic imaging, surgical findings, and later treatment." (*Id.* at 4.) Claimant cites numerous records that he asserts preclude termination based on his full recovery. (*Id.* at 5.) Claimant argues Dr. Pande's opinions based on his one-time evaluation should not have been credited over Dr. Pavlou's testimony because Dr. Pande's IME and opinions occurred prior to Claimant's subsequent diagnostic testing and surgery. (*Id.*) Finally, he asserts the WCJ's Decision was not reasoned because "[t]he WCJ relied on demeanor observations and an incomplete record rather than objective medical documentation" to make credibility determinations. (*Id.*)

Employer responds that the Board did not err in affirming the WCJ's Decision where the WCJ, acting as factfinder, weighed the record evidence and made credibility determinations, and the credited evidence supports the WCJ's termination of Claimant's benefits as of the date of Dr. Pande's IME. (Employer's Br. at 7.) According to Employer, Dr. Pande's opinions are consistent with Claimant's medical records immediately following the March 2023 accident, particularly as they relate to the claimed concussion, and those available to him at the time. (*Id.* at 9.) Employer asserts Claimant did not submit competent evidence relating any shoulder surgery to a work injury as no physician testified relating the two, and Dr. Pavlou's opinions were based on Claimant's uncredited subjective complaints, could

not relate the ongoing shoulder neuropathy to the March 2023 accident, and were inconsistent with the emergency room and Concentra records, all of which released Claimant to full-duty work. (*Id.* at 9-11.)

Claimant filed a reply brief[8] to "clarif[y] the record" and dispute Employer's arguments that the WCJ's termination of his benefits were supported by the record, rather than "a capricious disregard of objective medical findings." (Claimant's Reply Br. at 2.) Citing various records that he asserts support his claims, Claimant maintains Employer, the WCJ, and the Board ignore Dr. Pavlou's clinical, objective findings, as well as those of his neurologist, surgeon, and physical therapists. (*Id.* at 3-4.) Dr. Pande's IME, Claimant argues, cannot nullify these records and findings, nor can this medical evidence be rejected due to demeanor-based credibility determinations. (*Id.* at 4-5.) Claimant argues that because Employer's evidence did not address these other injuries, it was insufficient to support the termination of his benefits. (*Id.* at 6.) Additionally, Claimant asserts that: the WCJ mischaracterized the accident; the WCJ's credibility determinations were based on irrelevant Employer accusations relating to the use of the gas card; and his due process rights were violated by the WCJ not considering all of the medical evidence.[9] The WCJ's failure to issue proper credibility determinations, Claimant asserts, rendered the

[8] In a single filing, Claimant presented two briefs in response to Employer's brief, one labeled "reply brief" and one labeled "Brief for the Appellant." In both, Claimant sets forth reasons why Employer's arguments should be rejected and why the Board and WCJ erred in terminating his benefits.

[9] Claimant asserts numerous other reasons for why the Board's Order should be reversed, but they, essentially, reiterate his contentions relating to his receipt of ongoing medical treatment, the WCJ's credibility determinations, and alleged mischaracterizations of the accident. Claimant also argues the Board erred in stating that he returned to Dr. Pavlou's care in July 2024; however, a review of the Board's opinion contains no such statement.

WCJ's Decision not reasoned under Section 422(a) of the Workers' Compensation Act (Act), 77 P.S. § 834.[10]

B. Analysis

Before we begin, we must stress the limitations of this Court's review. Under the law, this Court's review "is limited to determining whether necessary findings of fact are supported by substantial evidence, whether an error of law was committed, or whether constitutional rights were violated." *Elberson v. Workers' Comp. Appeal Bd. (Elwyn, Inc.)*, 936 A.2d 1195, 1198 n.2 (Pa. Cmwlth. 2007). The Court cannot make its own credibility findings, but must accept those of the WCJ if supported by substantial evidence. *Dennis v. Inglis House*, 303 A.3d 559, 566 (Pa. Cmwlth. 2023). This Court's review is also limited to reviewing only the record that was made before the WCJ. *Kimberly Clark Corp. v. Workers' Comp. Appeal Bd. (Bullard)*, 790 A.2d 1072, 1075-76 (Pa. Cmwlth. 2001).

At issue before the WCJ was Claimant's Petition, in which he sought ongoing benefits based on his sustaining numerous injuries in the March 2023 accident. In a claim petition proceeding, a claimant bears the burden of proving the existence and continuance of a work-related injury that causes a loss of earning power. *Inglis House v. Workmen's Comp. Appeal Bd. (Reedy)*, 634 A.2d 592, 595 (Pa. 1993). If the causal relationship between the work incident and disability is not obvious, the claimant must present unequivocal medical evidence to establish that relationship. *Dennis*, 303 A.3d at 564. An employer may obtain the termination of benefits if it proves that all disability related to a compensable injury has ceased. *Udvari v. Workmen's Comp. Appeal Bd. (USAir, Inc.)*, 705 A.2d 1290, 1291 (Pa. 1997).

[10] Act of June 2, 1915, P.L. 736, *as amended*, 77 P.S. § 834.

"Where the evidence supports a finding of disability for a closed period, the WCJ may so limit benefits." *Dennis*, 303 A.3d at 564 (citation omitted).

Here, the WCJ found that Claimant met his burden of proving that he sustained some injuries in the March 2023 accident and was disabled thereby but also concluded that Employer met its burden of proving that Claimant was fully recovered from the suffered work injuries as of the date of Claimant's IME, crediting Dr. Pande's opinions over those of Dr. Pavlou. Accordingly, the WCJ awarded Claimant benefits for a closed period of time, consistent with *Dennis*.

Claimant's arguments that it was error for the WCJ to terminate his benefits arise, essentially, from his challenge of the WCJ's credibility determinations. Claimant contends the WCJ should not have credited Dr. Pande's opinions where he only saw Claimant once, and where numerous medical records and Claimant's ongoing treatment with various medical professionals, support Claimant's ongoing injury and disability, which were unaddressed by Dr. Pande, the WCJ, the Board, and Employer. Claimant also challenges the WCJ's rejection of his testimony, maintaining it was improper to rely on Claimant's demeanor and a misconception of the severity of the March 2023 accident and mechanism of his injury.

However, under the law, a WCJ, as factfinder, "is free to accept or reject, in whole or in part, the testimony of any witness, including medical witnesses." *Dennis*, 303 A.3d at 564 (citation omitted). Determinations of credibility and evidentiary weight "are the prerogative of the WCJ." *Id.* (citation omitted). Our Supreme Court has explained, in the context of a Section 422(a) reasoned decision challenge, that

> when the issue involves the credibility of contradictory witnesses who have actually testified before the WCJ, it is appropriate for the judge to base his or her determination upon the demeanor of the witnesses. In

> such an instance, there often is not much to say, nor is there a need to say much, in order for a reviewing body to determine that the decision was reasoned. Such a credibility determination may involve nothing more than the fact[]finder's on-the-spot, and oftentimes instinctive, determination that one witness is more credible than another. The basis for the conclusion that certain testimony has the "ring of truth," while other testimony does not, may be difficult or impossible to articulate-but that does not make such judgments invalid or unworthy of deference. . . . Accordingly, in a case **where the fact**[]**finder has had the advantage of seeing the witnesses testify and assessing their demeanor, a mere conclusion as to which witness was deemed credible**, in the absence of some special circumstance, **could be sufficient** to render the decision adequately "reasoned."
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> . . . .
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> [**A**]**bsent the circumstance where a credibility assessment may be said to have tied to the inherently subjective circumstance of witness demeanor, some articulation of the actual objective basis for the credibility determination must be offered** for the decision to be a "reasoned" one which facilitates effective appellate review.

Daniels v. Workers' Comp. Appeal Bd. (Tristate Transp.), 828 A.2d 1043, 1052-53 (Pa. 2003) (emphasis added). This does not mean that "the WCJ's prerogative to determine the credibility of witnesses and the weight to be accorded evidence has [] been diminished by" these principles; those "determinations are [still] binding on appeal unless made arbitrarily and capriciously." *Casne v. Workers' Comp. Appeal Bd. (Stat Couriers, Inc.)*, 962 A.2d 14, 19 (Pa. Cmwlth. 2008) (citation omitted). Thus, "[w]e must view the [WCJ's] reasoning **as a whole** and [can] overturn the credibility determination **only if it is arbitrary and capricious** or so **fundamentally dependent** on a **misapprehension of material facts**, or so otherwise flawed, as to render it **irrational**." *Id.* (emphasis added).

Initially, we observe that the majority of Claimant's well-presented arguments are based on medical records and opinions that were **not offered into evidence** before the WCJ. These records and opinions relate to treatments and diagnostic

testing that took place **after** the record closed on his case, which occurred on January 17, 2024. (C.R., Item 11 at 41.) "It is well settled that items which are not part of the record may not be considered by the fact-finding tribunal, or the appellate body on review." *Kimberly Clark Corp*, 790 A.2d at 1075-76 (citation omitted). Thus, that neither the WCJ nor Dr. Pande referenced treatments or testing that **had not yet occurred** or opinions **not yet given**, and, therefore, could not be evidence in this case, is not a basis to find the WCJ erred or abused her discretion or to reject Dr. Pande's testimony, as Claimant argues.[11] Claimant did not seek to introduce any other expert testimony, for example, that of his neurologist or orthopedist, or to hold the record open for the completion of additional testing and treatment. As of January 17, 2024, the record in this matter closed, and, with it, Claimant's ability to present evidence in support of his claim for ongoing benefits.

Claimant relies heavily on his having had surgery in February 2024 as proof that his injuries continued after Dr. Pande's IME. However, while Claimant testified about surgery on his left shoulder being scheduled for February 2024, (C.R., Item 11 at 19-20), he is not a medical expert and is not competent to testify as to the causal relationship between that surgery and the March 2023 accident. *See Dennis*, 303 A.3d at 564 (holding that unequivocal **medical** evidence must be presented to establish the causal relationship between the work incident and disability if causation is not obvious). Moreover, while Claimant testified that this surgery would be on the nerves of his left shoulder, (C.R., Item 11 at 19-20), Dr. Pavlou, Claimant's own expert, explained that Claimant's numbness, weakness, and pain going down the left arm did not begin until three months after the March 2023 accident, (C.R., Item 14

[11] For this same reason, Claimant's argument that the WCJ violated his due process rights fails because only those records presented to the WCJ prior to the closing of the record could be considered.

at 17, 20, 24, 33). Dr. Pavlou could not explain, at the time, this development or its cause because those symptoms typically derive from cervical radiculopathy and Claimant "never injured his neck and never complained about his neck." (*Id.* at 22, 33-34.) Thus, the record as it exists would not have supported Claimant's assertion that these symptoms and their treatment were work-related.

This leaves Claimant's other challenges to the WCJ's credibility determinations and his argument that the WCJ did not render a reasoned decision. Upon careful review, we conclude these are not bases for reversing the Board's Order.

Because Claimant testified live before the WCJ, the WCJ had "the advantage of seeing the witnesses testify and assessing their demeanor" and was within her authority to make a credibility determination based only on Claimant's demeanor. *Daniels*, 828 A.2d at 1053. While Claimant argues there are reasons why his demeanor should not have been considered, demeanor-based determinations are sufficient under *Daniels*. And although Claimant argues the WCJ should not have relied on Employer's allegations relating to the improper use of the gas card in her credibility determination, the WCJ ultimately concluded that Claimant's explanation for the gas card's usage was plausible and did not find his discharge to be a reason for denying benefits. (FOF ¶¶ 9-10.) In other words, it was Claimant's demeanor when testifying on the topic, not Employer's allegations and Claimant's testimony itself, that impacted the WCJ's credibility determination. Finally, the WCJ provided additional reasons for not crediting all of Claimant's testimony, including differing descriptions of the mechanism of the injury and his refusal to acknowledge prior work injuries until cross-examination. (*Id.* ¶ 9.) These reasons are supported by record evidence, not a misapprehension of material facts, and the WCJ's credibility

determinations are not otherwise arbitrary or capricious; therefore, those determinations are binding. *Casne*, 962 A.2d at 19.

Claimant's attacks on the WCJ's credibility determinations of the medical experts fare no better. Because Dr. Pande and Dr. Pavlou testified by deposition, and the WCJ could not assess their demeanor, the WCJ was required, under *Daniels*, to "articulat[e] [an] actual objective basis for the credibility determination." 828 A.2d at 1053. "There are countless objective factors which may support a WCJ's credibility determinations." *Dorsey v. Workers' Comp. Appeal Bd. (Crossing Constr. Co.)*, 893 A.2d 191, 195 (Pa. Cmwlth. 2006) (citation omitted). Such reasons include that an expert "may be unqualified or less qualified than the opposing party's expert; or may be impeached with inconsistencies or contradictions in his or her testimony or reports; or may be impeached in some other convincing fashion." *Daniels*, 828 A.2d at 1053. An expert's superior experience or qualifications are objective bases for accepting one expert's testimony over the other. *Verizon Pa. Inc. v. Workers' Comp. Appeal Bd. (Mills)*, 116 A.3d 1157, 1164 (Pa. Cmwlth. 2015).

Here, the WCJ offered several objective bases for her credibility determinations, including that Dr. Pande had "train[ed] and qualifi[ed] in the field in which he is asked to offer his opinion," that Dr. Pande had years of experience in evaluating and treating pain patients, and that Dr. Pande's opinions were consistent with the mechanism of injury that Claimant gave the emergency room and Concentra physicians and with Claimant's medical records and history. (FOF ¶ 11.) The WCJ also cited Dr. Pavlou's reliance on Claimant's subjective complaints of ongoing disability for his opinions, and those subjective complaints were found to be not credible by the WCJ. (*Id.*) These objective reasons are sufficient under *Daniels*.

And, to the extent Claimant argues Dr. Pavlou's testimony should have been given greater weight because he was his treating physician, the courts have rejected that a WCJ is required to give deference to claimant's treating physician's testimony. *Ashe v. Workmen's Comp. Appeal Bd. (Dep't of Lab. & Indus.)*, 648 A.2d 1306, 1307-08 (Pa. Cmwlth. 1994). Ultimately, the WCJ's reasons are supported by record evidence, not a misapprehension of material facts, and the WCJ's credibility determinations are not otherwise arbitrary or capricious; therefore, those determinations are binding. *Casne*, 962 A.2d at 19.

Finally, we address Claimant's contention that the WCJ did not issue a reasoned decision. "To constitute a reasoned decision within the meaning of Section 422(a), a WCJ's decision must permit adequate appellate review." *Dorsey*, 893 A.2d at 194 (citation omitted). "[W]hile summaries of testimony alone would be insufficient to satisfy the reasoned decision requirement, where a WCJ summarizes testimony and also objectively explains [the WCJ's] credibility determinations, the decision will satisfy the requirement." *Amandeo v. Workers' Comp. Appeal Bd. (Conagra Foods)*, 37 A.3d 72, 76 (Pa. Cmwlth. 2012). Reviewing the WCJ's Decision, we conclude it is reasoned because it clearly and concisely states and explains the WCJ's rationale, objectively explains the credibility determinations, which are supported by the record and are not arbitrary and capricious, and allows for meaningful appellate review. Therefore, this is not a reason to reverse the Board's Order.

III. CONCLUSION

We, like the Board, empathize with Claimant, but reviewing only the record made before the WCJ (as we must), the WCJ's binding credibility determinations, and the law, we are constrained to find no error in the Board's affirming the WCJ's

Decision granting Claimant benefits for a closed period of time and terminating those benefits based on Dr. Pande's credited testimony of Claimant's full recovery. Accordingly, we affirm the Board's Order.

RENÉE COHN JUBELIRER, President Judge

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Elhadj Conde, Petitioner	:	
v.	:	No. 919 C.D. 2025
Lycatel, LLC (Workers' Compensation Appeal Board), Respondent	:	

O R D E R

NOW, November 16, 2026, the Order of the Workers' Compensation Appeal Board, entered in the above-captioned matter, is hereby **AFFIRMED**.

RENÉE COHN JUBELIRER, President Judge