

## A. Judd Woytek

Shareholder

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With more than 25 years of legal experience, Judd has secured successful results for clients in Northampton, Lehigh, Berks, Schuylkill, Monroe and Carbon counties including school districts, intermediate units, nursing homes, assisted living facilities, large retailers, manufacturers, construction companies, and various other employers. He has also defended coal mine operations throughout the eastern part of Pennsylvania in Federal Black Lung claims. A native of Allentown, Judd has spent his legal career defending clients in the Lehigh Valley region against workers' compensation claims.

Judd has significant experience litigating cases before Workers' Compensation Judges throughout the Commonwealth of Pennsylvania and before the Workers' Compensation Appeal Board. He has successfully defeated numerous claim petitions by presenting medical and factual evidence showing that the claimants did not sustain work-related injuries and/or corresponding disabilities. Judd utilizes innovative legal strategies and develops unique solutions to help clients achieve their litigation goals. He places a high value on communication and works closely with each client from case inception to completion.

Judd is also skilled in counseling clients on effective management of workers' compensation plans and development and implementation of innovative return-to-work programs. He also provides risk management services, which can help reduce litigation costs.

In 2026, Judd was inducted into the College of Workers' Compensation Lawyers, joining a select group of attorneys from across the country who have distinguished themselves in the practice of workers' compensation law.

Judd is a graduate of Ursinus College in Collegeville, Pennsylvania. He received his *juris doctor* from Widener University School of Law in Wilmington, Delaware, graduating cum laude. He is admitted to practice in Pennsylvania and before the United States Court

### Practices

- Workers' Compensation Defense

of Appeals for the Third Circuit.

## Education

- Widener University Delaware Law School (J.D., *cum laude*, 1995)
- Ursinus College (B.A., 1992)

## Admissions

- Pennsylvania, 1995
- U.S. Court of Appeals 3rd Circuit

## Honors & Awards

- The Best Lawyers in America®, Workers' Compensation Law - Employers (2025-2026)
- Top Lawyers of the Lehigh Valley, Workers' Compensation (2025)

## Associations & Memberships

- Bar Association of Lehigh County, Workers' Compensation Committee
- Claims & Litigation Management Alliance
- College of Workers' Compensation Lawyers
- Pennsylvania Bar Association

## Classes/Seminars Taught

- *We See You: How Employee Engagement Enhances Work Comp Outcomes*, CLM Work Comp Conference, Nashville, TN, May 20, 2026
- *A State-By-State Guide to Avoiding Attorneys' Fees and Sanctions*, Marshall Dennehey Workers' Compensation Seminar, October 27, 2022
- *Civil Litigation Updates in COVID-19 Litigation – Where Do We Stand One Year Later?*, Marshall Dennehey Webinar, May 2021
- *IREs and WC Case Law Update*, client webinar, May 19, 2021
- *Are You Coming or Going – Do You Know Your Course and Scope?*, Marshall Dennehey webinar, October 26, 2020
- *Mitigating the Risk of Workplace Bullying*, Marshall Dennehey Workers' Compensation Seminar, October 24, 2019
- *Return to Work: Perfecting Job Offers and the Revival of the Labor Market Survey*, Marshall Dennehey Workers' Compensation Seminar, October 18 and 25, 2018
- *Ingredients for Successfully Defending Claims for Work Injuries at Home*, Marshall Dennehey Workers' Compensation Seminar, October 19, 2017
- *Course and Scope*, Marshall Dennehey Workers' Compensation Seminars, October 19 and 27, 2016
- *Cover Your Bases: A WCAIS Update*, Marshall Dennehey Workers' Compensation Seminar, October 22, 2015
- *The Basics of WCAIS*, client seminar, Parsippany, New Jersey, November 21, 2014
- *Social Media Update*, Marshall Dennehey Workers' Compensation Seminar, November 6, 2014
- *Workers' Compensation: What's the Best Case*, The Seltzer Group Workers' Compensation Seminar, Bethlehem, Pennsylvania, December 6, 2012

- *How To Control Your Claim*, The Seltzer Group Workers' Compensation Seminar, Bethlehem, Pennsylvania, December 7, 2011
- *Workers' Compensation Hearings: Techniques & Strategies for Success*, National Business Institute, Allentown, Pennsylvania, October 22, 2008
- *Advanced Workers' Compensation in Pennsylvania*, National Business Institute, Allentown, Pennsylvania, 2003, 2004 (speaker and course planner)
- *Pennsylvania Workers' Compensation Law Seminar*, Top 20 Cases of 2001 & 2002, Professional Education Systems Institute, Pittsburgh, 2002
- *Workers' Compensation Update* Lecture, Institute of Management Accountants, Lehigh Valley Chapter, Holiday Inn Bethlehem, 1998

## Publications

- "Goodbye 'Yellow Freight' Road?," *The Legal Intelligencer*, November 15, 2024
- "Protz – One Year Later," *Defense Digest*, Vol. 24, No. 2, June 2018
- "It "Payes" to Be Abnormal - Is The Law Really Changing for Mental/Mental Claims in PA Workers' Comp?," *Defense Digest*, Vol. 20, No. 3, September 2014
- "That 70's Show: Obamacare Takes Federal Black Lung Claims Back in Time," *Carrier Management*, December 2013 and *Defense Digest*, Vol. 20, No. 1, March 2014

## Significant Representative Matters

- Successfully defended against a Petition for Joinder of Additional Defendant that sought to place liability on our client as a statutory employer under the Act. The judge found that the original defendants had failed to join the proper party, had failed to prove that our client was a statutory employer, and had failed to prove facts sufficient to pierce the corporate veil. Our client was dismissed from the claim.
- Defeated a claim where the claimant was alleging that his degenerative disc disease in his cervical and lumbar spine was caused by his years of employment as a lineman for a cable services company.
- Prevailed in several cases for a meat packing company by proving that the claimants' alleged repetitive stress injuries to the upper extremities (shoulder injuries, carpal tunnel, etc.) were not caused by their employment.
- Successfully defended numerous federal black lung claims filed by miners, even when the miner was able to prove an extensive coal mine employment history and significant exposure to coal dust, and widows' claims when the miners had been awarded lifetime benefits, but the widows were unable to prove that coal workers' pneumoconiosis caused or significantly contributed to the miners' death.
- Successfully defended a claim in which claimant was seriously injured in an automobile accident on her way to work by convincing the judge and Appeal Board that the facts of the case did not meet the criteria for exclusion from the coming and going rule.
- Successfully defended multiple claims where claimant was working under restrictions but was fired by the employer. Successfully argued to several Workers' Compensation Judges that the claimant was fired for cause and for reasons unrelated to the work injury and that benefits should not be awarded or reinstated.

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## Results

### **Successfully Represented an Insurance Company in a Workers' Compensation**

#### **Appellate Matter**

We successfully represented an insurance company before the Commonwealth Court of Pennsylvania. The court agreed with our argument that the claimant needed to provide notice of his work-related injury to the defendant insurance company within 120 days of the occurrence of the injury due to his combined status as sole proprietor/owner and also the employee in this matter. The judges distinguished the facts of the case due to the fact that the claimant was a sole proprietor, owner and the only employee of his own business. The court agreed that allowing the claimant to pursue a claim, by claiming that he provided notice to himself immediately when the accident occurred, but did not bother to report the injury to the insurance company for over a year thereafter, would result in an absurdity and put the insurance company at a disadvantage in the investigation of the claim. The court also noted that the definition of "employer" in certain portions of the Act includes not only the actual employer as a business itself, but also the employer's duly authorized agent or its insurer, if such insurer has assumed the employer's liability. Since the claimant failed to provide notice to the insurance company within 120 days of his injury, the court held that the Claim Petition was barred. The Claim Petition was dismissed, and the claimant was not entitled to any benefits at all.

### **Establishing Failure to Well-Plead Secures a Win for the Defense**

In our successful appeal to the Commonwealth Court, the workers' compensation judge had awarded a closed period of benefits and then terminated all benefits, despite the employer's late answer. The judge found that the description of injury was not well-pled and, therefore, not deemed admitted. The Appeal Board reversed the judge on the full termination of benefits, saying that, since our IME physician did not acknowledge a work-related psychiatric injury, his testimony was in conflict with the admitted injury due to the late answer. They reversed the judge and ordered reinstatement of temporary total disability benefits. The Commonwealth Court found in our favor and reversed. The court held that the judge was correct that the injury was not well-pled and that we were not deemed to have admitted a psychiatric injury. Therefore, they reinstated the judge's decision which terminated benefits.

### **Successful defense of claim petition alleging neurologic injuries from a slip and fall on ice.**

The claimant alleged issues with his speech, vision and balance. His treating physician diagnosed a concussion with post-concussion syndrome and cervicgia resulting in gait, visual and speech dysfunction, headaches, nausea, vomiting, dizziness, sensitivity to light and sound, and difficulty walking. The judge limited the injury to a scalp contusion and traumatic Bell's Palsy, awarded less than 11 weeks' of benefits, and terminated benefits as of our IME.

### **Favorable decision in Federal Black Lung case.**

We won a favorable decision from an Administrative Law Judge on a Federal Black Lung claim. The judge credited the claimant with 11 years of qualifying coal mining employment, but found that the claimant had failed to prove a totally disabling respiratory impairment and, therefore, denied the claim. We presented evidence from our medical expert that the claimant did not contract coal workers' pneumoconiosis as the result of his work in the coal mines, and that he was not disabled by a respiratory impairment. The judge addressed the issue of total respiratory disability first and found the claimant failed to meet the burden of proof with a pulmonary function study, an arterial blood gas study, and medical opinion evidence. The judge credited the opinions of our medical expert over those of both of the claimant's expert and the independent expert retained by the Department of Labor. The judge found no respiratory disability and, therefore, denied the claim.

### **Claim petition alleging lower back injury denied.**

We obtained a favorable decision denying a claim petition that alleged a low back injury, including sprain/strains and intervertebral disc displacement status, after multiple surgeries. The claimant had a lumbar laminectomy in 2016 and a lumbar fusion in 2018. He alleged a work injury in April 2019 when emptying a small trash can into a dumpster. During the course of the litigation, however, the claimant and his doctor offered testimony that the claimant's back problems, including the 2016 and 2018 surgeries, were related to his general employment duties with the employer and that the April 2019 incident was the "straw that broke the camel's back." We presented expert medical testimony from an orthopedic surgeon that the claimant's back problems were degenerative in nature and were not caused or aggravated by his work activities or the alleged April 2019 incident. The judge denied the claim petition outright and found that the claimant had failed to sustain his burden of proving any work-related injury.

### **Successful defense of Yellow Freight motion.**

We established that the employer was never served with the notice of assignment of the claim petition to a judge. While the claimant's attorney had properly served the claim petition itself on the employer, we correctly argued that it is the notice of assignment that triggers the employer's obligation to file an answer within 20 days. We were able to prove that the employer's address on the notice of assignment had the wrong zip code and that the employer was never served. Therefore, the judge found that the employer had a reasonable excuse for its late answer to the claim petition.

### **Defense defeats claim petition and gains termination of benefits.**

The injury was accepted for a foot contusion for medical benefits only. The claimant claimed much more severe injuries and sought wage loss benefits after his termination from employment. We successfully argued that the injury was limited to a contusion from which the claimant had recovered, and that his termination was for cause. The Workers' Compensation Judge denied the claim petition and granted our termination petition.

### **Department of Labor sides with defense.**

We received a favorable decision from the Department of Labor (DOL) denying a coal

miner's claim for benefits when the only evidence submitted by his widow was the death certificate listing severe chronic obstructive pulmonary disease (COPD) as the primary cause of death. The DOL claims examiner agreed with our position that the death certificate alone, was insufficient evidence to sustain the claimant's burden of proving that her husband had totally disabling coal workers' pneumoconiosis during his lifetime. Benefits were denied.

#### **Federal Black Lung benefits denied.**

We were successful in obtaining a decision denying a widow's claim for Federal Black Lung benefits. The deceased miner worked in underground coal mining for 11 years. His lifetime claim for benefits was denied after numerous claim filings and appeals. The widow then sought survivor's benefits based upon the opinion of her medical expert, who opined that the miner's death was hastened by coal workers' pneumoconiosis. The judge rejected the widow's expert in favor of our expert, who testified the miner's death was not caused or hastened by pneumoconiosis. The widow requested reconsideration and attempted to submit additional evidence (an additional medical report and 12 medical journal articles) that she had not submitted during the litigation of the claim. The judge again rejected the claim on reconsideration.

#### **Successful defense of reinstatement petition and two penalty petitions.**

In this Pennsylvania workers' compensation action, the judge found that the claimant failed to prove a loss in earnings related to his work injury since returning to work. Instead, he found that the claimant's loss in earnings was due to lack of work caused by weather conditions or other factors. Additionally, the judge denied both penalty petitions, finding that the claimant had failed to prove a violation of the Act by the carrier for refusal to pay wage loss benefits and medical bills. The judge found that the medical bills were properly denied by the carrier for lack of documentation as required by the Act.

#### **Successful defense of Federal Black Lung Benefits claim.**

We successfully defended a survivor's claim for Federal Black Lung Benefits. The miner had worked 11 years in underground mining, had acknowledged simple coal workers' pneumoconiosis (CWP), and died due to heart failure and COPD (per the death certificate). The judge credited the opinions of our medical expert that the miner's simple CWP did not cause or hasten his death, and rejected the opinions of the claimant's medical expert, who opined that the miner's CWP resulted in inflammation and arteriosclerosis that resulted in his heart failure and death.

#### **Denial of Federal Black Lung benefits affirmed.**

The claimant worked as a coal miner for approximately nine years in underground mining. The administrative law judge denied benefits, finding the claimant had failed to establish that he suffered from a totally disabling respiratory condition. The claimant appealed. The denial of benefits was affirmed on appeal. The Benefits Review Board dismissed the claimant's arguments that he had additional coal mine employment that would have entitled him to a presumption that his total disability was related to his coal mine employment. The BRB noted that the claimant had failed to prove a total respiratory disability and, therefore, the presumption would not apply irrespective of the number of

years of coal mine employment that he proved.

### **Successful defense of Federal Black Lung benefits claims**

The claimant had established that he had worked in the coal mining industry and was exposed to coal dust for a period over 17 years. Medical evidence also established that the miner did indeed have coal workers' pneumoconiosis (Black Lung). However, the judge found that the miner was not totally disabled due to his pneumoconiosis. Therefore, he was not entitled to benefits, and the claim was denied. In another Federal Black Lung benefits claim, we presented testimony to prove, through pulmonary function testing, arterial blood gas testing and medical opinion evidence, that a coal miner who had begun work in the coal mines at the age of twelve did not suffer from a totally disabling respiratory impairment that precluded him from engaging in his usual coal mine employment.

### **Federal Black Lung Fatal Claim Petition Denied.**

We successfully defended a fatal claim petition filed by the widow of a coal miner who had been awarded benefits for totally disabling coal workers' pneumoconiosis in 1984. Despite the fact the miner had been collecting temporary total disability benefits from 1984 until the time of his death in 2016, we were able to present credible and persuasive medical evidence to the Workers' Compensation Judge that coal workers' pneumoconiosis was not a substantial contributing factor to the miner's death. The fatal claim petition was denied.

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## Thought Leadership

January 14, 2025

**[Pennsylvania Bureau of Workers' Compensation Payment Authorization Form](#)**

November 15, 2024

**[Goodbye 'Yellow Freight' Road?](#)**

June 10, 2024

**[What's Hot in Workers' Comp – Special PA Alert](#)**

January 18, 2022

**[What's Hot in Workers' Comp – Special PA Alert](#)**

October 4, 2021

**[What's Hot in Workers' Comp - Special PA Alert\\*](#)**

October 1, 2021

**What's Hot in Workers' Comp - Special PA Alert\***

May 14, 2021

**Special Workers' Compensation Alert - Pennsylvania**

January 19, 2021

**Special Workers' Compensation Alert - Pennsylvania**