

Andrea Cicero Rock

Shareholder

ACRock@mdwcg.com

Philadelphia – 215.575.2756



Andrea is a member of the Workers' Compensation Department and concentrates her practice in the defense of employers and self-insureds in all manner of workers' compensation matters. She represents employers in many industries, including retail services, banking, construction and manufacturing, in addition to assisted living facilities and religious organizations.

In 1999, Andrea earned her Bachelor of Arts degree from American University. Following her time in Washington, Andrea returned to the Philadelphia area and received her *juris doctor* from Widener University School of Law in 2002. Andrea is licensed to practice in Pennsylvania, New Jersey and the U.S. District of New Jersey.

Education

- Widener University Delaware Law School (J.D., 2002)
- American University (B.A., 1999)

Admissions

- New Jersey, 2002
- Pennsylvania, 2002
- U.S. District Court District of New Jersey, 2002

Associations & Memberships

- American Bar Association
- Philadelphia Bar Association, Workers' Compensation Section Co-Chair (2017-2018) and Co-Chair Elect (2016); Marketing and Communications Committee member

Classes/Seminars Taught

- *Got Pain? How to Recognize and Assess Pain Including the Identification of Pain*

Practices

- Workers' Compensation Defense

Generators in Work Injuries and Novel Treatment Options, Philadelphia Bar Association, Workers' Compensation Section webinar, May 17, 2024

- *Navigating the Medicare Maze in Workers' Compensation*, Philadelphia Bar Association Workers' Comp Compliance Crusher 2023, webinar, August 18, 2023
- *Alternative Treatments in Chronic Pain Management: Ethically Treating Outside of Opioids* – panelist, Philadelphia Bar Association, Philadelphia, PA, August 9, 2019
- *Opioids: Balancing Real Pain Needs vs. Addiction*, Marshall Dennehey Workers' Compensation Seminar, October 25, 2018
- *Alternative Treatments in Chronic Pain Management: Treating Outside of Opioids*, Philadelphia Bar Association's Bench Bar 2018 Conference, Philadelphia, PA, October 13, 2018
- *Legal Remedies for Workers with Disabilities*, Philadelphia Bar Association, Philadelphia, PA, June 9, 2017
- *Understanding Medical Records*, Marshall Dennehey Workers' Compensation Seminar, October 27, 2016
- *Sidelined: Traumatic Brain Injuries*, Marshall Dennehey Workers' Compensation Seminar, October 22, 2015
- *Social Media Update*, Marshall Dennehey Workers' Compensation Seminar, October 30, 2014
- *Valley of the Dolls: Drugs, Drugs, Drugs*, Marshall Dennehey Workers' Compensation Seminar, October 27, 2011
- *Catch Me If You Can: A Social Media Update*, Marshall Dennehey Workers' Compensation Seminar, Philadelphia, PA, November 30, 2012
- WLF Work/Life Panel Discussion presented by the Temple Women's Law Caucus and OUTLAW, Philadelphia, PA, April 12, 2012

Published Works

- "No Fixed Place of Work: An Exception for Your Workers' Compensation Claim," *Defense Digest*, Vol. 30, No. 4, December 2024
- "When Filing a Petition Can Result in an Award of Attorney Fees," *The Legal Intelligencer*, October 6, 2022
- Contributing author, *Philadelphia Bar Reporter*, April 2017, June 2017
- "Litigation: Deposing Adjusters Without a Basis," *Pennsylvania Law Weekly*, April 19, 2016
- "The Disregarded Diagnosis--How to Litigate the Termination Petition Without an Unreasonable Contest," *Defense Digest*, Vol. 19, No. 4, December 2013, co-author
- "Compelling Social Media Issues in Litigation," *Defense Digest*, Vol. 19, No. 1, March 2013, co-author

Significant Representative Matters

- Successfully defeated a claim petition for an alleged work-related heart attack.
- Defeated a claim petition for psychological injuries involving an employee who also had a discrimination matter pending in federal court.
- Defeated a review petition which alleged that the description of injury should be amended to include depression and post-traumatic stress disorder when the claimant had been out of work for a physical injury since 1989.
- Obtained successful decision in a funded employment case for a long-time 1992 cognitive dysfunction injury. Proved that a position created for claimant through a different employer, but for which the salary was going to be funded by the employer,

was within claimant's restrictions as set by an independent medical evaluator. Able to discredit on cross examination claimant's long-time treating psychiatrist. The Workers' Compensation Judge granted our modification petition based on salary that claimant would have received had he accepted the position.

- Defeated a claim petition for benefits filed in Pennsylvania, despite the employer being headquartered there, persuading the judge that there weren't enough significant contacts to bring it into Pennsylvania jurisdiction.

Results

The Commonwealth Court Stands Firm on Employer Credit/Retroactivity

The Pennsylvania Commonwealth Court ruled in favor of our employer client, holding that it was error to “erase” the 500-week employer credit provided by Act 111 for partial disability benefits paid beginning in 2008, and that the claimant’s 2019 reinstatement to total disability status did not retroactively convert those prior partial disability benefits into total disability benefits.

The claimant’s work injury, a contusion to the low back, occurred in 2006. Based on the results of a 2008 IRE that assigned a zero percent impairment rating, the claimant’s benefits were modified from total to partial. The employer filed a Notice of Change of Workers’ Compensation Disability Status, which was not challenged by the claimant. Following the Supreme Court’s decision in Protz, however, the claimant filed a modification petition in 2018, seeking reinstatement of his total disability benefits. The petition was granted, and it was noted at the time that the claimant had not exhausted his 500 weeks of partial disability.

The employer filed a petition for modification, based on the results of a December 2019 IRE performed on the claimant, that was granted by the Workers’ Compensation Judge. The IRE was performed pursuant to Act 111. The parties cross-appealed, and the claimant took the position that Act 111 cannot be applied retroactively to injuries sustained prior to Act 111’s October 24, 2018, effective date and that Act 111 constituted an unlawful delegation of legislative authority. The employer cross-appealed the judge’s failure to award a 500-week credit and to suspend the claimant’s benefits.

Citing prior cases that consistently held that Act 111 applies retroactively with respect to a calculation of a claimant’s weeks of partial disability paid prior to the effective date of the Act, the claimant’s appeal was dismissed.

The employer prevailed on its cross-appeal and the Appeal Board’s order was reversed to the extent that it denied a credit for the previously paid weeks of partial disability.

Defense limits liability to 14 months of benefits.

The claimant filed a claim petition alleging that she sustained a contusion to the back of her head, a concussion, bilateral shoulder pain and neck pain. The judge found the

claimant credible and that an incident did occur in the course and scope of her employment. However, the judge also found the employer's medical expert credible. The employer's medical expert found that the claimant was fully recovered as of the date of the Independent Medical Examination. This limited the receipt of indemnity and medical to fourteen months, rather than an ongoing claim.

Successful Prosecution of a Modification/Suspension Petition

Successfully prosecuted a modification/suspension petition on behalf of a large financial institution nearly 12 years after the claimant's injury. The claimant sustained injuries to her left shoulder and cervical spine in October of 2005. Since that time, she had two cervical spine surgeries and two shoulder surgeries. The defense established that the claimant was able to return to work in a sedentary-duty capacity, working from home in a telemarketing position, thus modifying her total disability benefits to partial disability. The Workers' Compensation Judge was particularly persuaded by the factual testimony demonstrating that the actual job duties were no more than what she had to do in her normal activities of daily living.

Thought Leadership

December 1, 2024

No Fixed Place of Work: An Exception for Your Workers' Compensation Claim

October 6, 2022

When Filing a Petition Can Result in an Award of Attorney Fees

April 1, 2022

Taking a Break May Not Break Your Workers' Compensation Claim