

Anthony Natale III

Chair, Medicare Compliance Practice

Shareholder

APNatale@mdwcg.com

King of Prussia – 215.575.2745



Tony devotes his practice to Pennsylvania workers' compensation, unemployment compensation, municipal law (Heart and Lung Act), and federal Longshore and Harbor workers' compensation. He focuses on high-exposure, complex litigation including repetitive trauma claims, occupational disease and hearing loss claims, as well as chemical sensitivity claims. He also actively represents the National Hockey League and the National Basketball Association in regard to workers' compensation matters. In addition, Tony is the Chair of our Medicare Compliance Practice.

Tony has represented law firms, financial institutions, forging companies, steel mills, transportation companies, aeronautical/space manufacturers, universities and hospitals in various types of workers' compensation and unemployment compensation matters. He has handled multiple high-exposure workers' compensation chemical and toxic tort claims involving mass defendants, and he has had a high success rate in having clients dismissed from same.

Tony is the founder of Marshall Dennehey's in-house workers' compensation Continuing Legal Education program. He is also frequently called upon to speak to insurance companies and self-insured employers in the areas of workers' compensation and employment law.

Practices

- Workers' Compensation Defense
- Medicare Compliance

Representative Cases & Matters

- Successfully argued that viewing the September 11 terrorist events and suffering a psychological condition did not rise to the degree of a work injury under Pennsylvania law.
- Refined the interpretation of workers' compensation case law as it relates to the statute of limitations regarding death claims from medication abuse.
- Successfully defeated and/or resolved at base value more than 400 high-exposure hearing loss cases in western and eastern Pennsylvania.
- Successfully defended 50 late answer high-exposure claim petitions in eastern and

middle Pennsylvania in 2007.

- Successfully handled multiple heart attack and psychological claims.
- Successfully handled multiple toxic tort (asbestos, silica) cases.

Education

- University of Pittsburgh School of Law (J.D., 1991)
- University of Pennsylvania (B.A., 1988)

Admissions

- Pennsylvania, 1991

Honors & Awards

- The Best Lawyers in America®, Workers' Compensation Law – Employers (2025-2027)
- Pennsylvania Super Lawyers (2026)

Associations & Memberships

- Philadelphia Bar Association

Classes & Seminars Taught

- *Average Weekly Wage*, panelist, Pennsylvania Bar Association Workers' Compensation Fall Section Meeting, September 12, Hershey, Pennsylvania
- *How to Deal With Difficult Litigants*, Pennsylvania Bar Institute's Tough Problems in Workers' Compensation webinar, May 11, 2023
- *Workers' Compensation Case Law Update*, Marshall Dennehey Workers' Compensation Seminar, October 27, 2022
- *Hot Topics in Workers' Comp and Litigation Trends*, Philly I-Day, Philadelphia, PA, September 20, 2022
- "Insurance Defense Attorneys Combat Workers' Compensation Fraud," *AM Best Insurance Law Podcast*, August 31, 2022
- *What People Do For Money: Identifying Claimant Fraud In Workers' Compensation Cases*, Marshall Dennehey Insurance Fraud 360 Seminar, Lafayette Hill, PA, June, 2022
- *The Right Way to Avoid a Wrongful Termination Claim When the Employee Is Also a Workers' Compensation Claimant*, Marshall Dennehey webinar, March 3, 2022
- *Navigate the Medicare Maze: A Practical Guide to Understanding Medicare Set-Asides*, Marshall Dennehey webinar, November 19, 2020
- *Decisions, Decisions: A Legal Update*, Marshall Dennehey webinar, October 28, 2020
- *HR Webinar Series Part I: Workers' Compensation Basics*, Pennsylvania Chamber of Business and Industry, February 13, 2020
- *Workers' Compensation and Medicare Legal Update*, Marshall Dennehey Workers' Compensation Seminar, October 24, 2019
- *Identifying Fraudulent Workers' Compensation Claims*, Marshall Dennehey Workers' Compensation Seminar, October 24, 2019
- *The Interplay Between Traumatic Brain Injuries and Fraud in Workers' Compensation*, Pennsylvania Insurance Fraud Conference, Hershey, Pennsylvania, April 24, 2019
- *Influence of Pharmaceuticals and Changing Landscape in Workers' Comp Medical*

Costs, Philly I-Day, Philadelphia, Pennsylvania, April 9, 2019

- *Workers' Compensation Case Law Update*; and *Workers' Compensation Fraud*, Marshall Dennehey Workers' Compensation Seminar, October 25, 2018
- *Workers' Compensation Fraud: Don't Forget the Data*, Marshall Dennehey Insurance Fraud 360, June 13, 2018
- *Workers' Compensation Fraud: Don't Ignore the Data!* 2018 Pennsylvania Insurance Fraud Conference, Pocono Manor, Pennsylvania, April 13, 2018
- *Workers' Compensation Fraud: Don't Forget the Data*, Philly I-Day, Philadelphia, Pennsylvania, April 12, 2018
- *Biggest Mistakes Companies Make in Complying with Workers' Compensation*, Pennsylvania Chamber of Business and Industry Annual Human Resources Conference, Hershey, Pennsylvania, November 28, 2017
- *Workers' Compensation Legal Update*, Marshall Dennehey Workers' Compensation Seminar, October 19, 2017
- *If You See Something, Say Something – Detecting Workers' Compensation Fraud*, Pennsylvania's 2017 Insurance Fraud Conference, Hershey, Pennsylvania, April 6, 2017
- *Case Law Update*, Marshall Dennehey Workers' Compensation Seminars, October 19 and 27, 2016
- *Pennsylvania's Workers' Compensation Law: Best Practices for Complying with Benefits, Understanding the Flow of a Workers' Compensation Claim, and Tips to Prevent WC Fraud*, PA Chamber of Business and Industry Workers' Compensation Summit, September 30, 2016
- *Check the Rulebook: Workers' Compensation Legal Update*, Marshall Dennehey Workers' Compensation Seminar, October 22, 2015
- *Unemployment Compensation Roundtable*, Pennsylvania Chamber of Commerce, June 2015
- *Tough Problems in Workers' Compensation 2015*, Pennsylvania Bar Institute, Philadelphia, Pennsylvania, April 13, 2015
- *UC/WC 101 Benefits Roundtable*, Pennsylvania Chamber of Business and Industry, King of Prussia, Pennsylvania, March 19, 2015
- *PEO's effect on Guaranty Fund: Insurance Company Perspective, Fund Perspective and Counsel Perspective*, NCIGF 2014 Fall Workshop, Philadelphia, Pennsylvania, October 22, 2014
- *Case Law and House Bill Update*, Marshall Dennehey Workers' Compensation Seminar, October 30, 2014
- *Social Media and Workers' Compensation, and Handling Unusual WC Situations*, Pennsylvania Chamber of Business and Industry Workers' Compensation Summit, Hershey, Pennsylvania, October 1, 2014
- *Workers' Compensation Medical Fraud and Abuse*, CEU Institute, June 25, 2014
- *Busted! Identifying, Proving And Prosecuting Workers' Compensation Fraud*, National Workers' Compensation Insurance ExecuSummit, Uncasville, Connecticut, February 4-5, 2014
- *Understanding the Most Common Mistakes Made in Workers' Compensation*, Pennsylvania Chamber of Business and Industry Annual Human Resources Conference, Hershey, Pennsylvania, December 3, 2013
- *Tri-State Workers' Compensation Legal Update*, Roadmap to Success - Understanding Workers' Compensation, Marshall Dennehey seminar, October 24, 2013
- *FrankenFraud – The New Employee Monster*, Marshall Dennehey Workers' Compensation Seminar, November 30, 2012

- *Workers' Compensation 101 Roundtable*, Pennsylvania Chamber of Business and Industry, Harrisburg, Pennsylvania, June 8, 2012
- *Unemployment Claims Fraud: Protect Your Organization from Bogus Jobless Claims*, Center for Competitive Management, April 19, 2012
- *Unemployment Compensation Roundtable*, Pennsylvania Chamber of Business and Industry, Scranton, Pennsylvania, March 8, 2012; King of Prussia, Pennsylvania, March 16, 2012
- *The Interplay Between the Pennsylvania Heart and Lung Act and the Pennsylvania Workers' Compensation Act*, AmeriHealth Casualty webinar, August 25, 2011
- *Top Ten Defenses to a Fee Review Action*, Chubb Seminar, April 2011; discussion about the problems associated with provider fraud in fee review applications and a 10-point analysis on how to properly defend these cases
- *Workers' Compensation Primer*, Drexel Seminar, March 2011; an analysis on how to defend workers' compensation actions in a university setting
- *Pennsylvania Claims Handling* (monthly seminars in PA, NJ and DE), 2002-present
- *Defending Pennsylvania Claims*, Boston, 2008
- *Prosecuting Fraud Under New Guides*, Texas, 2006
- *Pennsylvania Workers' Compensation Law and Claims Handling*, Michigan, 2001
- *Case Law Updates* to various insurers on monthly basis, 1998-2000
- *Prosecuting Fraud*, 1997
- *Pennsylvania Forms Seminar*, 1997
- *Act 57 Amendments*, 1996
- *How to Defend Hearing Loss Cases*, 1994
- *ADA and Workers' Compensation Act*, five Pennsylvania cities, 1992

Published Works

- "Compensating the Boys of Fall - College Sports May Soon Face the Ultimate Call: Player or Employee?" *CLM Magazine*, October 22, 2025
- "Beware of the Language Used in Your Settlement Agreements: Medicare is Watching." *The Legal Intelligencer*, Workers' Compensation Supplement, October 10, 2023
- "Why do Claimants Lie? Because They Can and Swift Prosecution is the Only Way to Deter It." *CLM Magazine*, June 2023
- "The State of Pay-For-Play: College Athletes as Employees and the Implications for Workers' Compensation." *CLM Magazine*, September 2021
- "Pennsylvania Workers' Compensation Act and the Student-Athlete: The Ultimate Mismatch," *Pennsylvania Lawyer*, September/October 2019
- "Suicide Squeeze: An Overview of Pa. Workers' Comp and the Pro Athlete," *The Legal Intelligencer*, Workers' Compensation Supplement, October 30, 2018
- "If You See Something, Say Something - The Importance of Identifying and Reporting Workers' Compensation Fraud," *CLM Magazine* (page 10), August 2017
- *Pennsylvania Workers' Compensation Guide*, Eighth Edition, Pennsylvania Chamber of Business and Industry, contributing author, 2016
- "The Treating Physician: A Misnomer in Workers' Comp Litigation," *Pennsylvania Law Weekly*, August 25, 2015
- *Insurance Agency Risk Management: E & O Exposures By Line of Business*, chapter on workers' compensation, 2014 edition
- "Practical Ramifications of Supreme Court Determination Involving Latent Manifestation of Occupational Diseases Under the PA Workers' Compensation Act,"

CounterPoint, newsletter of the PA Defense Institute, April 2014.

- "PEOs: A New Potential for Workers' Comp Fraud? A Close Look at Professional Employer Organizations," *National Underwriter Property & Casualty*, October 2013
- "Fee Review Litigation: An Overview," Pennsylvania Self-Insurers' Association newsletter, May 2011
- "Retirement Does Not Mean Retirement When You are Collecting Workers' Compensation Benefits," *The Philadelphia Lawyer*, Summer 2011
- "Ding Dong *Kachinski's* Dead: Commonwealth Court Declines To Resuscitate," *Defense Digest*, Vol. 16, No. 3, September 2010
- Articles in *Defense Digest* and the Pennsylvania Self-Insurer's Association's publications

Media Commentary

- "Insurers Mobilize to Identify Comp Fraud in Effort to Stem Rise in Suspicious Claims," *Business Insurance*, May 3, 2022
 - "Spotting the Red Flags of Workers' Comp Fraud," *Business Insurance*, April 18, 2018
-

Results

Defense Verdict Obtained Involving an Employment-Related Shoulder Injury

We received a defense verdict on a claim petition in a case where the claimant sustained a shoulder injury during the course and scope of employment. The employer brought the claimant back to work, to a light-duty driving position that caused a limited loss of wages (for about 1.5 months). They then allowed the claimant to earn his pre-injury wages. The job was so light that the claimant was found sleeping in the employer's truck during work hours. He was discharged for cause. After the claimant secured new employment with another company at lower wages, he alleged he was entitled to ongoing partial disability. The subsequent claim petition turned on the facts surrounding the discharge as being the real cause for the disability. The business record exception to the hearsay rule was dissected by the court, and the claim petition was dismissed based on the employer's legally admissible fact and medical witness testimony.

Defense Verdict Secured in a Case Centered on an Employment-Related Low Back Injury

We received a defense verdict on our termination petition in a case where the claimant sustained a low back injury when he slipped and fell in an elevator during his employment. The employer had an IME wherein the claimant was pronounced fully recovered from strain injuries. The claimant presented evidence that alleged disc injury and ongoing radiculopathy. The matter proceeded to litigation and a decision on the merits. The court found the employer's expert to be credible as to full recovery based on the finding that no architectural change could be identified between the claimant's diagnostic studies when compared to studies from before and after the work injury.

Defense Verdict Secured in a Workers' Compensation Penalty Petition

We won a defense verdict on a penalty petition filed by the claimant against a mushroom

company. In the penalty petition, the claimant alleged that Supreme Court precedent allows the finding of a penalty when a carrier does not immediately issue an award check after a decision on the merits. The check was issued 19 days after the decision (and within the 30-day time period commonly accepted in the business for payment of awards). The claimant argued that payment should have been made within one day of the award. The case turned on legal precedent concerning the efficacy of statements made in dicta versus common sense practice. The case held implications for procedure on payments of awards in Pennsylvania. After hearing oral argument, the court held that the employer's argument was more logical and supported by the preponderance of the case law.

Defense Verdict Won in a Workers' Compensation Claim Petition

We won a defense verdict on a claim petition filed by the claimant, a police officer for the township. The claimant was called to the scene of an active shooter barricaded in his home. The officer was placed in a strategic position outside the home with weapon drawn. The standoff lasted many hours, but was resolved peacefully when SWAT arrived. The claimant finished his shift and went home. The next morning he awoke with headaches, nausea, double vision and dizziness. Ultimately, he was diagnosed with mini-stroke, nerve palsy and resultant diplopia—he was disabled from working. He filed a claim petition and presented a neurologist to support a work injury. This doctor's deposition was riddled with objections since the neurologist tried to read into the record (and at times misread into the record) the diagnoses of a neuro-ophthalmologist. The neurologist then tried to argue that the claimant's condition was a psychological injury in origin. The employer presented the opinions of a board certified neuro-ophthalmologist, who opined that the claimant has no work-related injury. The court found the employer's evidence to be more believable, and the claim petition was dismissed.

Successfully Affirmed Workers' Compensation Decision Before the Appeal Board

We convinced the Commonwealth Court to affirm the decision of the Workers' Compensation Appeal Board in favor of our client, the employer, which upheld the workers' compensation judge's denial of a claim petition. By memorandum opinion, the court found that the judge's credibility findings were neither contradictory nor arbitrary and capricious, and the decision was reasoned. The court agreed with the employer that the defense experts' opinions constituted substantial evidence, also noting that the Social Security Administration's findings of disability were irrelevant to the issue of work-relatedness. The court concluded that the claimant failed to sustain her burden of proving a work-related injury, and since the causal connection between her "lingering symptoms and her work duties" was not obvious, she was required to present unequivocal medical evidence establishing that connection, which she failed to do.

Successfully Defended a Pennsylvania Township in a Fatal Claim Petition

We successfully defended a township in Bucks County in the litigation of a fatal claim petition. The widow made an allegation that the decedent (a police K-9 officer) died in his home as a result of exercising with his police dog before heading to work. The fatal claim petition alleged that the decedent died of hypertrophic cardiomyopathy brought on by "vigorous exercise." The widow presented an expert who held himself out to be a

cardiologist. We established during voir dire examination that the expert had no Board Certification in cardiology. We also forced the expert to admit that cardiomyopathy was a pre-existing condition that, in a vast majority of cases, causes death without exertional activity. The widow testified in the matter, but on cross examination she could not confirm the decedent's exercise because she was asleep at the time. The widow presented a detective and a police chief who asserted that the decedent was in the course and scope of employment at or near the time of death, but both witnesses on cross examination were not present on the morning of the decedent's death and could not verify that the decedent was undertaking exertional activities. We presented a Board Certified cardiologist who testified that cardiomyopathy is a hereditary condition and not caused or aggravated by activities. The decedent's death was, therefore, characterized as death by natural causes. The court delivered a full defense verdict in dismissing the fatal claim in its entirety.

Successfully Defended Claim Petition for a Major Manufacturing Supplier

We successfully defended a claim petition on behalf of one of the world's leading suppliers of equipment and services to packaging and label manufacturers. The claimant was helping to lift a 400-pound slab when she felt her shoulder "pop." She continued to work for several months, allegedly in pain, until she could no longer work. After vigorous cross examination, the claimant was forced to admit that she provided notice 122 days after the date of injury—which is untimely by the letter of the law. The claimant then asserted that her injury was "repetitive trauma," arguing that each day she worked after the original incident caused a new injury. Both parties presented medical experts. Cross examination of the claimant's medical expert dispelled the claimant's theory of compensability. The court required that the parties engage in mandatory mediation. The claimant declined, noting that "she wanted her day in court," and then changed attorneys. The court dismissed the claim petition on the bases of violation of notice provisions of the Act and on the lack of credibility of the medical expert presented.

Successfully Defended Claim Petition for Philadelphia-based University

We successfully defended a claim petition on behalf of a Philadelphia-based university. While working for the university as a janitor, the claimant slipped and fell down a flight of concrete stairs. He alleged multiple body part injuries, from head to toe. The employer's panel doctor did find work injuries limited to the claimant's extremities. The claimant was referred by his attorney to a pain specialist, who opined significant injuries to multiple body parts. However, during the expert's trial deposition, he was forced to admit that he has been practicing medicine for less than two years and only offered opinions about neck and back injuries—nothing else. The claimant alleged serious disc herniation injuries in the neck and back, and pursued other body part injuries in the litigation, with no additional expert evidence. The employer presented an orthopedic surgeon who found no injuries on the date of his evaluation and opined that the claimant fully healed from any injuries he may have sustained. The court found only minor strains to the neck and back with a full and complete recovery (and no further benefits due).

Defense Verdict in Medicare Lien Dispute for Insurance Carrier

We successfully defended a Massachusetts-based insurance company in a bitter dispute

with the federal government regarding a Medicare conditional lien request. The insurance carrier's satellite office is based out of New Jersey, and the underlying claim involved an injury sustained in a motor vehicle accident with payments being made to the claimant under a New Jersey PIP policy. The carrier exhausted the PIP policy following the injury. Medicare also paid significant medical bills for the claimant and demanded through the Center for Medicare and Medicaid Services (CMS) that the carrier reimburse all payments made as a conditional lien request. CMS, through their many contractors, threatened legal action with double damages if the lien was not satisfied. The carrier appealed the lien request through two levels of CMS contractors with no success. We formulated a third-level appeal to an administrative law judge, arguing that CMS's request for additional liens violated state PIP policy law and the carrier's constitutional rights. Evidence presented showed the PIP policy had been exhausted and, thus, the carrier reverted back to a secondary payer, forcing Medicare/CMS as the primary payer under federal law. The court agreed and a full defense verdict was issued.

Defense Verdict Secured for a Montgomery County Police Department

We successfully defended a Montgomery County police department in the litigation of a claim petition. The claimant, a police officer, attended an out-of-state extended-stay educational conference. One evening after the conference activities ended, the claimant attended a "booze cruise" where she was imbibing with conference attendees. She continued to socialize and party back at the hotel. Later that night, she entered her hotel suite (which was shared with another female officer), shining her flashlight in order to change clothes. While changing, her roommate became perturbed over the ruckus. An argument between the two officers ignited and soon turned into full-fledged fisticuffs. The pugilists both were injured in the brawl. The claimant filed a claim petition, alleging physical injuries, post-concussive syndrome, mental injuries and total disability. We cross examined the claimant and developed an evidence record that supported she was not in the course and scope of employment at the time of injury. We presented medical witnesses to support that the claimant did not suffer from post-concussive syndrome or any disabling physical or mental injuries. The court found the claimant was not in the course and scope of employment, and the claim was barred by the personal animus defense.

Won Defense Verdict in Landmark Workers' Comp Case

We secured a complete defense verdict in a first-of-its-kind workers' compensation case, where the court concluded for the first time in Pennsylvania that carpal tunnel syndrome and cubital tunnel syndrome is not borne out through alleged repetitive trauma.

In a case of first impression in Pennsylvania, we successfully defended a Berks County mushroom canning facility from a claim petition alleging repetitive trauma injuries to the upper extremities. The claimant alleged that over time his duties as a machine operator

caused nerve injuries to both upper extremities. We presented medical expert testimony supporting the existence of these nerve damage but challenged causation. In a modified Frye challenge to claimant's medical expert opinions, we argued through expert testimony that the state of science and medicine overwhelmingly supports the fact that "repetitive trauma" is not a substantial contributing factor to the development of carpal tunnel and cubital tunnel syndromes. While the court allowed the claimant to present expert testimony to the contrary, it ultimately found our expert testimony opinions to outweigh the claimant's expert testimony. The court concluded for the first time in Pennsylvania that carpal tunnel syndrome and cubital tunnel syndrome is not borne out through alleged repetitive trauma. This was a complete defense verdict.

Successfully Defended Our Client in Litigation Surrounding a Penalty Petition

We successfully defended a Philadelphia-based university in litigation surrounding a penalty petition filed by the claimant. The penalty alleged that the university unilaterally suspended indemnity benefits on an open and accepted work injury claim. We presented complex evidence from the insurer that Pennsylvania's Workers' Compensation Automation and Integration System (WCAIS) electronic system has internal problems which result in unwanted and unrequested claim documents being issued when simple data changes are made to an open claim. We were able to prove that the carrier properly suspended the claim in the system and any and all updated "acceptance" documents filed by the WCAIS system were on the basis of a faulty data system. The penalty petition was dismissed in its entirety.

Successfully Defended an Appeal Before the Pennsylvania Workers' Compensation Appeal Board

We successfully defended a Pennsylvania-based industrial linear actuator supplier on appeal before the Workers' Compensation Appeal Board. The claimant appealed a termination order which found her to be fully recovered from work injuries to her low back and multiple other body parts. The claimant alleged on appeal that factors considered by the underlying workers' compensation judge supporting the full recovery opinion (including a post-injury new slip and fall) were not supported by the evidence record. To the contrary, we successfully argued on appeal that the workers' compensation judge's decision was based on cross examination of the claimant's own medical expert wherein he gleaned a history from the claimant of subsequent injuries that were never disputed by the claimant in follow-up testimony. The Appeal Board held that the judge can only decide cases based on evidence before the court, and the Board would not overturn the judge based on new allegations of the claimant.

Successfully Defended a Nationwide Tight-Tolerance Manufacturer

We successfully defended a manufacturer serving OEMs in the aerospace, defense, semiconductor and high-tech industries. The case involved a claim petition with complex injury allegations and a potentially catastrophic initial judgement on the pleadings since the employer failed to timely answer the claim petition. When we became involved, we were able to limit the judgement on the pleadings to the date that a timely answer could

have been filed. Ongoing disability in the case turned on the credibility of the claimant's medical evidence. The claimant presented an expert witness who opined that the claimant's virtual lifetime of serious low back and neck abnormalities were "aggravated" by his having sat down at work after feeling dizzy. Tony presented rebuttal expert evidence from a well-respected orthopedic surgeon demonstrating no architectural change in the claimant's lumbar spine or cervical spine due to the alleged injury event and no ongoing or acute problems. The court accepted the defense evidence as credible, and the claimant was found to be without ongoing disability and fully recovered from any condition subject to the former judgement on the pleadings.

Claimant's Appeal Successfully Defeated in Motor Vehicle Accident Case

We successfully defeated the claimant's appeal on a hotly-debated issue surrounding course and scope of employment in a case involving a motor vehicle accident during a paid lunch hour, which resulted in extreme medical treatment costs. We were able to convince the underlying court that the claimant was not in the course and scope of employment at the time of injury due to her deviation to run personal errands. The claimant appealed alleging the fact that, as her lunch hour is paid, she was certainly in the course and scope of employment and the underlying court erred. The Appeal Board affirmed the underlying court's judgment, and claimant's appeal was dismissed.

Thought Leadership

October 22, 2025

Compensating the Boys of Fall. College Sports May Soon Face the Ultimate Call: Player or Employee?

October 2, 2023

Beware of the Language Used in Your Settlement Agreements: Medicare Is Watching

June 13, 2023

Why Do Claimants Lie? Because They Can, and Swift Prosecution Is the Only Way to Deter It

June 10, 2022

What's Hot in Workers' Comp – Special PA Alert

September 1, 2021

The State of Pay-for-Play: College Athletes as Employees and the Implications for Workers' Compensation