

Kacey C. Wiedt

**Assistant Director, Workers' Compensation
Department**

Shareholder

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Kacey is the Assistant Director of the Workers' Compensation Department, where he assists in the oversight of 35 attorneys in nine offices. He also serves as the managing attorney of the Workers' Compensation Department in the Harrisburg office.

In addition to his various management responsibilities, Kacey focuses his practice on high-exposure and complex workers' compensation litigation, representing clients in the construction, oil and gas, grocery, hospitality, landscaping, transportation and poultry industries. Kacey also consults with workers' compensation carriers to provide advice and guidance on pre-litigated workers' compensation cases. He is also a frequent presenter on topics relating to workers' compensation for carriers and employers.

A graduate of Washington & Jefferson College, Kacey received a B.A. in Political Science and Business Administration. He subsequently received his *juris doctor* from Widener University School of Law.

Education

- Widener University Delaware Law School (J.D., 1996)
- Washington & Jefferson College (B.A., 1992)

Admissions

- Pennsylvania, 1996

Honors & Awards

- The Best Lawyers in America®, "Lawyer of the Year," Harrisburg, Workers' Compensation Law – Employers (2027)
- AV® Preeminent™ by Martindale-Hubbell®
- The Best Lawyers in America®, Workers' Compensation Law – Employers (2024-2025, 2027)

Practices

- Workers' Compensation Defense

- Central Penn Business Journal's Power List For Law (2024)

Associations & Memberships

- Dauphin County Bar Association
- Harrisburg Claims Association
- Pennsylvania Bar Association

Classes & Seminars Taught

- *Where are We Now: How the Lorino and Neves Decisions Have Impacted the Defense of Workers' Compensation Cases*, County Commissioners Association of Pennsylvania (CCAP) Seminar, October 5, 2023
- *The Impact of COVID-19 on Workers' Compensation in Pennsylvania*, Controlling Workers' Compensation Costs webinar, March 18, 2021
- *Understanding the Debate with the ADA, FMLA and Workers' Compensation*, Marshall Dennehey webinar, October 27, 2020
- *Tackling the Opioid Crisis: How Much Is Too Much?*, Marshall Dennehey Workers' Compensation Seminar, October 24, 2019
- *Uninsured Employers Guaranty Fund*, Pennsylvania Bar Institute's Tough Problems in Workers' Compensation Seminar, April 18, 2019
- *Coverage Issues*, Marshall Dennehey Workers' Compensation Seminar, October 18, 2018
- *In a Pickle: The Implications of Protz*, Marshall Dennehey Workers' Compensation Seminar, October 19, 2017
- *How Employers, Insurers and Self-Insurers Can Save Money*, SEAK National Workers' Compensation and Occupational Medicine Conference, July 20, 2017
- *Best Practices to Avoid Common Workers' Compensation Mistakes*, Lorman Education Services webinar, June 29, 2017
- *Overview of Pennsylvania Workers' Compensation*, client seminar, June 16, 2017
- *Return to Work Strategies*, client seminar, May 4, 2017
- *Workers' Compensation Jurisdictional Issues with Pennsylvania and New Jersey*, client seminar, November 14, 2016
- *Understanding Medical Records*, Marshall Dennehey Workers' Compensation Seminar, October 19, 2016
- *Back on the Job! Returning Injured Workers To Gainful Employment*, Human Resource Professionals of Central Pennsylvania Fall Conference, October 27, 2015
- *An Overview of Pennsylvania Workers' Compensation*, Nationwide Insurance Company, July 2015
- *Top Mistakes in Workers' Compensation*, Susquehanna Human Resource Management Association, January 20, 2015
- *From Kachinski to Phoenixville Hospital: Proving Earning Capacity in the Modern Era*, Marshall Dennehey Workers' Compensation Seminar, November 6, 2014
- *IMEs: How They Really Work*, Roadmap to Success - Understanding Workers' Compensation, Marshall Dennehey seminar, October 24, 2013

Published Works

- "Did the Commonwealth Court Decide the Retroactive Effect of 'Protz'? *Pennsylvania Law Weekly*, October 12, 2017

Results

Successfully Denied Claim and Penalty Petitions Related to the Timing of the Alleged Injury

We successfully had the claimant's claim and penalty petitions denied by proving the alleged injury occurred much later than claimed. The claimant, a technical operator responsible for shaping and packing cheese, alleged that he suffered a left shoulder tear with internal derangement, requiring surgery, as a result of using a long stick-like tool to dislodge cheese that had gotten stuck in a machine during the production process. The claimant asserted that he provided timely notice of his work-related injury to his supervisor; within a few days after the injury occurred. Through cross examination, the claimant admitted that he provided notice of his injury four or five months after the alleged injury occurred. Through employer witness testimony, we were also able to show that, while the claimant did leave early on the day of the alleged injury, the reason was because he was sick, and there was no written documentation to support notice being provided in a timely manner. Through medical expert testimony, we were also able to establish that the claimant's injury likely occurred on a later date than the one alleged, based upon the medical evidence showing that the bicep did not show any signs of retraction 10 months after the alleged injury date. The workers' compensation judge found the defendant's expert testimony more credible than the claimant's medical expert. The claimant's claim petition seeking temporary total disability benefits and his penalty petition were denied, resulting in a successful outcome for the defendant.

Secured a Decision Denying a Claimant Wage Loss Benefits for an Accepted Work Injury

We secured a decision denying a claimant wage loss benefits for an accepted work injury. The claimant sustained a left wrist contusion and extensor carpi ulnaris (ECU) peri-tendonitis injury when a 50-pound lid crushed his left arm in the course and scope of his employment. The claimant alleged that as a result of the injury, he was unable to perform light-duty work as a system operator. Through medical evidence, we were able to establish that the claimant had medical issues unrelated to the accepted work injury that were the cause of his inability to work. The workers' compensation judge found our expert testimony more credible than that of the claimant's medical expert. Wage loss benefits were denied, resulting in a successful outcome for the defendant/employer.

Decision Secured Denying Wage Loss Benefits for an Accepted Work Injury

We secured a decision denying the claimant wage loss benefits for an accepted work injury. The claimant sustained a left wrist contusion and extensor carpi ulnaris peri-tendonitis injury when a 50-pound lid crushed his left arm in the course and scope of his employment. The claimant alleged that, as a result of the injury, he was unable to perform light-duty work as a system operator. Through medical evidence, we were able to establish that the claimant had non-work-related medical issues unrelated to the accepted work injury that caused him to be out of work. Wage loss benefits were denied,

resulting in a successful outcome for the defendant.

More Than \$30,000 Recovered for Employer in Workers' Compensation Case

We prevailed on termination, suspension and review petitions, where the workers' compensation judge found that the claimant was fully recovered as of the date of our medical expert's examination. The judge found our witnesses more credible than the claimant's and denied the claimant's review petition to expand the accepted injury. We successfully recovered \$33,508 from the Supersedeas Fund for our client.

Successfully Prosecuted Termination Petition on Behalf of a Multinational Manufacturing Corporation.

We presented medical evidence, including a record review of all diagnostic study films and medical records from a Board-certified physiatrist, to establish that the claimant's physiological complaints were unrelated to a work injury. The judge accepted our evidence as fully competent, persuasive and credible, and, as a result, terminated the claimant's benefits.

Successful defense of claim petition in case involving forklift accident.

The claimant was hit by a forklift while operating a forklift, and alleged the accident caused a back injury. Through employer witness testimony and medical testimony, we showed that the claimant did not sustain a back injury, and that her medical issues were pre-existing and unrelated to the accident. The judge found that the evidentiary evidence presented by the employer established that, even though the claimant was involved in a forklift incident, the claimant did not sustain a work injury, and her ongoing medical issues are unrelated to the forklift accident.

Defense prevails in high-exposure workers' comp case.

We prevailed on a lengthy case on behalf of a trash collection company. The case involved testimony from seven employer witnesses, in addition to medical expert testimony. We successfully defended all petitions pertaining to the claim, including review and penalty petitions. This high-exposure case—the claimant had an average weekly wage of \$2,846 with a maximum compensation rate—was the result of the claimant being terminated for failure to timely report a work-related injury as per company policy.

Favorable decision from Workers' Compensation Appeal Board.

We obtained a favorable decision from the Workers' Compensation Appeal Board, reversing the underlying judge's decision pertaining to a school district's entitlement to a credit for wages paid to a school teacher pursuant to a collective bargaining agreement. The Board granted credits for wages received by the injured worker through the school district's collective bargaining agreement, allowing offsets against the claimant's future entitlement to wage loss benefits.