

SUPREME COURT OF PENNSYLVANIA

Heath v. Workers' Compensation Appeal Board (Pennsylvania Board of Probation and Parole), 580 Pa. 174

860 A.2d 25 (2004) · Decided October 20, 2004

SUMMARY

The Pennsylvania Supreme Court held that the Workers’ Compensation Act’s “personal animus” exception is an affirmative defense, not a matter of subject matter jurisdiction. Because the employer failed to raise the exception, it was waived, and the Commonwealth Court erred by raising and applying it sua sponte. The court vacated the Commonwealth Court’s order and remanded for reconsideration of the claimant’s appeal on the merits.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Chief Justice Cappy; Cappy; Castille; Eakin; Lamb; Newman; Nigro; Saylor
JURISDICTION	Pennsylvania
DECIDED	October 20, 2004
DISPOSITION	vacated
PROCEDURAL POSTURE	Claimant sought review of the Commonwealth Court's affirmance of the Workers' Compensation Appeal Board's reversal of a workers' compensation judge's award of benefits. The Supreme Court granted review to determine whether the statutory personal-animus exception was jurisdictional and could be raised sua sponte.
STANDARD OF REVIEW	Questions concerning the nature of the personal-animus exception and subject matter jurisdiction are reviewed de novo; the Supreme Court's scope of review is plenary. In workers' compensation appeals generally, adjudications may be reversed for legal error, constitutional violations, procedural irregularity, or lack of substantial evidence under 2 Pa.C.S. § 704.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Pennsylvania
PARTIES	Kim Heath v. Workers' Compensation Appeal Board, Pennsylvania Board of Probation and Parole

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the personal-animus exception in Section 301(c) of the Workers' Compensation Act implicates subject matter jurisdiction.
2. Whether the Commonwealth Court could raise the personal-animus exception sua sponte when the employer had not asserted it.
3. Whether the employer's failure to raise the personal-animus exception waived the defense.
4. Whether the Commonwealth Court should reconsider the merits of Heath's claims concerning Newton's conduct and the employer's subsequent actions.

HOLDINGS

1. The personal-animus exception is not a limitation on subject matter jurisdiction; it is an affirmative defense bearing on whether an otherwise cognizable injury is compensable under the Workers' Compensation Act.
2. Because the personal-animus exception is not jurisdictional, a court may not raise it sua sponte as a basis for deciding the appeal.
3. The employer waived the personal-animus exception by failing to raise it.
4. The Commonwealth Court's order was vacated and the matter remanded for reconsideration of the merits without applying the waived personal-animus exception.

KEY QUOTATIONS

“The burden of proving the exception rests upon the party interposing it as a defense, for as to that issue he holds the affirmative.” (860 A.2d at 30)

“Whether the “personal animus” exception applies and removes an employee’s alleged injury from Section 301(c)’s definition of a com-pensable injury under the Act goes only to whether the compensation a claimant seeks will ultimately be granted; it has nothing whatsoever to do with whether a WCJ, the Board, or the Commonwealth Court on appeal is empowered to decide his claim for workers’ compensation.” (860 A.2d at 30)

FACTUAL BACKGROUND

Kim Heath worked as a parole agent for the Pennsylvania Board of Probation and Parole. Her supervisor, James Newton, repeatedly made unwelcome social advances and allegedly imposed additional work after she rejected

them; after Heath complained, she alleged that the employer retaliated through unfavorable working conditions and other actions. Heath developed anxiety and acute stress disorder, stopped working, filed a workers' compensation claim for a disabling psychic injury, and was later terminated after declining to return to work or accept disability retirement or resignation.

PROCEDURAL HISTORY

A workers' compensation judge granted Heath's claim petition after finding that she suffered a work-related psychic injury caused by sexual harassment and retaliatory workplace actions. The Workers' Compensation Appeal Board reversed, and the Commonwealth Court affirmed, relying in part on the personal-animus exception in Section 301(c) of the Workers' Compensation Act. The Supreme Court vacated the Commonwealth Court's order and remanded for reconsideration of the merits because the exception was an affirmative defense, not a jurisdictional issue, and had been waived by the employer's failure to raise it.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The Commonwealth Court was directed to reconsider the merits of Heath's appeal from the Board's decision, including whether Heath proved her claim concerning Newton's actions and, to the extent affected by the personal-animus exception, whether she was entitled to compensation for actions taken by the employer after she reported Newton's conduct.

CASES CITED

- Davis v. Workers' Compensation Appeal Board (Swarthmore Borough), 561 Pa. 462, 751 A.2d 168, 174 (2000)
- Schweitzer v. Rockwell International, 402 Pa. Super. 34, 586 A.2d 383, 385 (1990)
- In re Adoption of N.M.B., 564 Pa. 117, 764 A.2d 1042, 1045 n.1 (2000)
- Strank v. Mercy Hospital of Johnstown, 376 Pa. 305, 102 A.2d 170, 172 (1954)
- Keyes v. New York, O. & W. Ry. Co., 265 Pa. 105, 108 A. 406 (1919)
- Kohler v. McCrory Stores, 582 Pa. 130, 615 A.2d 27, 30 (1992)
- Rox Coal Co. v. Workers' Compensation Appeal Board (Snizaski), 570 Pa. 60, 807 A.2d 906, 911-914 (2002)
- Volterano v. Workmen's Compensation Appeal Board (Traveler's Insurance Co.), 536 Pa. 335, 639 A.2d 453, 455-456 (1994)
- Buffalo Township v. Jones, 571 Pa. 644, 813 A.2d 659 n.4 (2002)