

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

James David Whitman,	:	
Petitioner	:	
	:	
v.	:	No. 1780 C.D. 2010
	:	SUBMITTED: January 14, 2011
Workers' Compensation Appeal	:	
Board (Pinnacle Contracting, Inc.),	:	
Respondent	:	

OPINION NOT REPORTED

MEMORANDUM OPINION PER CURIAM FILED: March 18, 2011

James Whitman appeals, *pro se*, from the decision of the Workers' Compensation Appeal Board (Board), which affirmed the order of the Workers' Compensation Judge (WCJ) dismissing multiple petitions filed against Pinnacle Contracting, Inc. (Employer). We affirm.

Whitman sustained a work-related right knee injury on August 26, 1999, and began receiving benefits. Extensive litigation followed, which is ably summarized by the Board's decision, and will not be repeated here. Much of that litigation culminated in a November 2008 WCJ decision, which was affirmed by the Board and was further affirmed by this court in the appeal docketed at 1781 C.D. 2010. Even after that 2008 decision, however, Whitman filed over twenty additional petitions, alleging, among other things, violations of his constitutional rights, errors in the prior handling of his case and bias and corruption on the part of WCJs and the Board. This case deals with these additional petitions.

In March 2009, the WJC dismissed all of the petitions at issue. He found that Whitman was receiving benefits in the correct amount, that the petitions were frivolous and dealt with issues which had already been resolved or which were pending on appeal. On appeal, the Board affirmed. An appeal to this court followed.

Before this court, Whitman appears to argue that his rights were violated when the WCJ dismissed his petitions without a hearing, and that the factual findings made below are in error, and reasserts that he believes that the workers' compensation system is corrupt.

Whitman's arguments are without merit. To the extent the petitions at issue in this litigation made cognizable claims, they have already been addressed at length in other proceedings. *See Whitman v. Workers' Comp. Appeal Bd.*, 1781 C.D. 2010. At the time that Whitman filed his petitions, the prior proceedings had already reached final decisions or were pending on appeal. The WJC did not err in dismissing the petitions without a hearing, because final decisions cannot be challenged by the filing of a new petition, and matters pending on appeal cannot be revisited by the filing of new, similar petitions. *Bechtel Power Corp. v. Workers' Comp. Appeal Bd. (Miller)*, 452 A.2d 286 (Pa. Cmwlth. 1982). When the claims raised are or have previously been the subject of other proceedings, it is permissible for a WCJ to dismiss without a hearing. *Kartoka v. Workers' Comp. Appeal Bd. (Millcreek Cmty. Hosp.)*, 840 A.2d 1040 (Pa. Cmwlth. 2003).

In addition, the Board correctly concluded that the principal of *res judicata* prevented it from reaching the merits of Whitman's claims. Because this action is simply a reassertion of the claims resolved by this court in 1781 C.D. 2010, which was prior litigation involving identical parties, there is no question

that Whitman is precluded from pursuing it. *See Nat'l Fiberstock Corp. v. Workers' Comp. Appeal Bd. (Greater New York Mut. Ins. Co.)*, 955 A.2d 1057 (Pa. Cmwlth. 2008).

For all the foregoing reasons, we affirm.

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ORDER

PER CURIAM

AND NOW, this 18th day of March, 2011, the order of the Worker's Compensation Appeal Board in the above-captioned matter is hereby AFFIRMED.