

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

James D. Whitman,	:	
	:	
Petitioner	:	
	:	
v.	:	No. 1781 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. Since 2003, the parties have extensively litigated a wide variety of issues related to Whitman's benefits, culminating in a 2008 WCJ decision resolving 23 petitions filed by Whitman, which was affirmed by the Board and appealed to this court.¹ What Mr. Whitman's petitions lack in coherence they more than make up for in volume, but the WCJ accurately summarized them by stating that they "fall into categories of motions to recuse, contumacious rants against the workers' compensation system and duplicative

¹ While this case has made its way through the appeals process, Whitman has continued litigating below, resulting in another case currently pending before us at 1780 C.D. 2010.

filings regarding the matters litigated and closed or remanded.” WJC opinion at 5 (circulated Nov. 19, 2008).

While the issues raised in this appeal are quite varied and not at all well defined, we will briefly summarize them here. In prior proceedings, a WCJ determined that Whitman was entitled to the reimbursement of \$321.84 that had been deducted from his benefits by Employer as a social security offset, plus a 20% penalty of \$64.37. Whitman disputes both of those figures. In addition, his benefits were suspended in September 2006, but were reinstated in June 2007 by the Board. Despite the fact that Whitman received benefits for this period, he seems to view this suspension as evidence of corruption, fraud and bias against him. In addition, he has alleged that his medical condition has worsened, and that there have been numerous, though unexplained, violations of his constitutional rights.

The WCJ and the Board, in quite complete opinions, reviewed the extensive history of this case, and found no merit to Whitman’s claims. The Board found that the social security offset was correctly determined, that the prior suspension had previously been the subject of appellate review, and that no error had been found in those proceedings. In addition, the Board found no support for the contention that Whitman’s medical condition had changed, nor any reason to give credence to his assertions of bias and corruption in the workers’ compensation system.

On appeal, Whitman continues to assert that the workers’ compensation system is corrupt and biased against him, and that throughout the proceedings below his constitutional rights have been continuously violated. However, in workers’ compensation cases, the WCJ is the ultimate finder of fact,

and we will not disturb factual findings supported by substantial evidence of record. *Prot. Tech., Inc. v. Workers' Comp. Appeal Bd. (Dengler)*, 665 A.2d 557 (Pa. Cmwlth. 1995). Whitman cites to nothing in the record establishing that the WCJ erred in finding his factual contentions unsupported, and therefore we can not overturn the findings below. Further, after a thorough review of the extensive record and proceedings below, we find no error in the handling of this case by either the Board or the WCJ. Therefore, we affirm.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

James D. Whitman,	:	
	:	
Petitioner	:	
	:	
v.	:	No. 1781 C.D. 2010
	:	
Workers' Compensation Appeal	:	
Board (Pinnacle Contracting, Inc.),	:	
Respondent	:	

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.