

**IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

CHARLES A. TRIMMER	:	No. 58 MAL 2006
	:	
	:	
	:	
v.	:	Petition for Allowance of Appeal from the
	:	Order of the Commonwealth Court
WORKERS' COMPENSATION APPEAL	:	entered on December 21, 2005, at No.
BOARD (MONAGHAN TOWNSHIP)	:	277 CD 2005, reversing the decision of
	:	the Workers' Compensation Appeal Board
PETITION OF: MONAGHAN TOWNSHIP	:	entered on January 19, 2005, at No. A04-
	:	0982.
	:	
	:	

ORDER

PER CURIAM

DECIDED: August 3, 2006

AND NOW, this 3rd day of August, 2006, the Petition for Allowance of Appeal is granted. Additionally, as this Court finds that the Commonwealth Court substituted its determination of the facts of this matter and the credibility of the witnesses for the Workers' Compensation Judge's proper assessments, the judgment of the Commonwealth Court is reversed, and the determination of the Workers' Compensation Judge as affirmed by the Workers' Compensation Appeal Board is reinstated. See Bethenergy Mines, Inc. v. W.C.A.B. (Skirpan), 612 A.2d 434 Pa. 1992) (holding that determination of facts and credibility are solely within the province of the Workers' Compensation Judge).