#### IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Beth A. Tomlinson, :

Petitioner

.

v. : No. 1453 C.D. 2010

Submitted: November 5, 2010

FILED: December 30, 2010

Workers' Compensation Appeal Board

(Department of Transportation),

Respondent

BEFORE: HONORABLE BONNIE BRIGANCE LEADBETTER, President Judge

HONORABLE DAN PELLEGRINI, Judge

HONORABLE ROCHELLE S. FRIEDMAN, Senior Judge

### **OPINION NOT REPORTED**

MEMORANDUM OPINION BY SENIOR JUDGE FRIEDMAN

Beth A. Tomlinson (Claimant) petitions for review, *pro se*, of the May 24, 2010, order of the Workers' Compensation Appeal Board, which affirmed in part and reversed in part the decision of a workers' compensation judge to deny Claimant's reinstatement and review petitions. Because Claimant's brief fails to substantially conform to the requirements of the Pennsylvania Rules of Appellate Procedure, we quash her petition.

Rule 2116(a) requires that an appellant include in her brief a statement of questions involved setting forth "concisely the issues to be resolved, expressed in the terms and circumstances of the case but without unnecessary detail." Pa. R.A.P. 2116(a). Rule 2116(a) also provides that "[n]o question will be considered unless it is stated in the statement of questions involved or is fairly suggested thereby." *Id.* 

Here, although Claimant's brief includes a section labeled "Statement of Questions Involved," the Statement itself posits no legal questions or issues for our review.<sup>1</sup>

Moreover, neither the Summary of Argument section nor the Argument section includes properly developed legal arguments. In fact, Claimant's thirteenpage "Argument" section is little more than a rambling narrative. The Argument also contains no citations to case law, statutes, or relevant legal authority in violation of Rule 2119(a) and (b). These deficiencies are fatal to Claimant's petition.

#### Rule 2101 states:

Briefs and reproduced records shall conform in all material respects with the requirements of these rules as nearly as the circumstances of the particular case will admit, otherwise they may be suppressed, and, if the defects are in the brief or reproduced record of the appellant and are substantial, the appeal or other matter may be quashed or dismissed.

Pa. R.A.P. 2101 (emphasis added); *see Means v. Housing Authority*, 747 A.2d 1286, 1289 (Pa. Cmwlth. 2000) (quashing *pro se* appeal due to appellant's substantial non-compliance with appellate rules); *Dalesandro v. Unemployment Compensation Board* 

How can my right lateral epicondlitis [sic] be resolved when I saw Dr. Maurer after seeing their doctor and he did surgery cutting out and tendonitis that was not healing properly? . . .

How can they say it is not from work and I even saw Dr. Maurer before I gave work two weeks notice about arm still not right having pain worse at times then other times and worse at work doing data entry?

(Claimant's Brief at 6.)

<sup>&</sup>lt;sup>1</sup> For example, Claimant's Statement of Questions Involved includes questions such as:

of Review, 625 A.2d 1291, 1291-92 (Pa. Cmwlth. 1993) (declining to consider merits

of appeal where issues were not properly raised or developed in appellate brief);

Lucarelli v. Workers' Compensation Appeal Board (Emerson Electric), 546 A.2d

151, 152 (Pa. Cmwlth. 1988) (quashing claimant's appeal due to substantial defects

in brief, which impaired this court's ability to conduct meaningful appellate review).

We reiterate the oft-stated principle that a "lay person who chooses to

represent himself in a legal proceeding must assume the risk that his lack of expertise

and legal training may prove to be his undoing." Daly v. Unemployment

Compensation Board of Review, 631 A.2d 720, 722 (Pa. Cmwlth. 1993). While we

are generally inclined to construe pro se filings liberally, see Means, 747 A.2d at

1289, Claimant's substantial non-compliance with the Pennsylvania Rules of

Appellate Procedure precludes our meaningful review of the case.

Accordingly, we quash Claimant's petition.

DOCUELLE C EDIEDMAN Sonior Judgo

ROCHELLE S. FRIEDMAN, Senior Judge

3

## IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Beth A. Tomlinson, :

Petitioner

•

v. : No. 1453 C.D. 2010

•

Workers' Compensation Appeal Board

(Department of Transportation),

Respondent

# <u>ORDER</u>

AND NOW, this 30th day of December, 2010, Beth A. Tomlinson's petition for review of the May 24, 2010, order of the Workers' Compensation Appeal Board is hereby quashed.

ROCHELLE S. FRIEDMAN, Senior Judge