

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Donnette Lonjuin,	:	
Petitioner	:	
	:	
v.	:	
	:	
Trustees of the University of	:	
Pennsylvania (Workers' Compensation	:	
Appeal Board),	:	No. 334 C.D. 2025
Respondent	:	Submitted: June 16, 2026

BEFORE: HONORABLE ANNE E. COVEY, Judge
HONORABLE STACY WALLACE, Judge
HONORABLE STELLA M. TSAI, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE TSAI

FILED: August 25, 2026

Donnette Lonjuin (Claimant) petitions for review of an order of the Workers' Compensation Appeal Board (Board), which affirmed the decision of a Workers' Compensation Judge (WCJ) denying Claimant's motion for recusal in proceedings on a termination petition filed by the Trustees of the University of Pennsylvania (Employer). We now quash Claimant's appeal.

I. BACKGROUND

On January 19, 2023, Claimant injured her left shoulder while working for Employer. In an August 25, 2023 decision and order, WCJ Joseph Stokes granted Claimant's claim petition and awarded indemnity and medical benefits related to the injury. Employer appealed that order to the Board, which remanded the matter to the WCJ for the presentation of additional evidence. However, Employer

subsequently withdrew its opposition to the claim petition following remand and accepted the work injury.

In March 2024, the parties participated in a voluntary mediation but did not resolve the matter. On July 1, 2024, Employer filed a petition to terminate Claimant's workers' compensation benefits as of June 7, 2024, alleging that Claimant had fully recovered from her work injury. The petition was assigned to WCJ Kathleen DiLorenzo.

On August 2, 2024, Claimant filed a motion seeking WCJ DiLorenzo's recusal.¹ According to the motion, Claimant's counsel received an email in July 2024 from Employer's counsel, which stated as follows:

My client asked me to advise you that the 185k offer extended at mediation in March is off the table now that the case is before [WCJ] DiLorenzo. While your client thought the case had a value of 300k, almost double what the mediator . . . valued the case at, at this point it would be hard to justify a 30k . . . settlement. If your client is interested in a nominal settlement, please let me know.

Aug. 27, 2024 WCJ Decision, Finding of Fact ¶ 2.

Claimant asserted in the motion that it was "clear from the text of the email that [Employer's] attorney, based on experience, does not believe that [WCJ] DiLorenzo is a fair and impartial [WCJ] but rather, harbors an anti-claimant animus that prevents her from exercising her duties as an impartial finder of fact." *Id.* Claimant stated that this "observation" regarding WCJ DiLorenzo's alleged lack of impartiality "is unfortunately shared by [C]laimant's attorney . . . based on past personal experiences," citing two 2024 decisions in which WCJ DiLorenzo ruled against other clients of Claimant's counsel allegedly based on her anti-claimant bias.

¹ The motion for recusal does not appear in the certified record but is quoted extensively in the WCJ's decision.

Id. The motion averred that it was “incumbent for” WCJ DiLorenzo to grant recusal “where attorneys for both sides have called into question [her] fairness and justice” and “[a]nything less, results in the loss of respect by all parties involved in the integrity of Pennsylvania [l]aw.” *Id.*

WCJ DiLorenzo held a hearing on the motion for recusal, at which Claimant’s counsel stated that the motion spoke for itself and presented no further evidence or argument. Employer’s counsel opposed the motion, stating that it was “absurd” to suggest that WCJ DiLorenzo was incapable of rendering a fair and reasonable decision. Certified Record, Item No. 11, at 7. Employer’s counsel averred that Claimant’s counsel misrepresented her email, which reflected only that the “nature of the case” changed after settlement negotiations due to the independent medical examination, which showed Claimant’s full recovery and prompted Employer to file the termination petition. *Id.* at 8. Employer’s counsel asserted that inclusion of the email in the recusal motion was “inappropriate,” “irrelevant,” “and nothing more than a backhanded attempt to try to force recusal and have the case reassigned to [WCJ] Stokes.” *Id.* at 7-8.

On August 26, 2024, WCJ DiLorenzo issued a decision and order denying the recusal motion. WCJ DiLorenzo found that she was capable of impartially deciding the instant case as she was unaware of the facts prior to the motion and had no personal interest in the outcome of the case. Aug. 27, 2024 WCJ Decision, Conclusion of Law (C.L.) ¶ 4. WCJ DiLorenzo concluded that Claimant had not met her burden on a recusal motion of producing evidence that raised a substantial doubt as to the jurist’s ability to preside impartially. *Id.*, C.L. ¶ 3. Citing to Pennsylvania Rule of Evidence 408, which limits the admission of evidence

concerning settlement negotiations, *see* Pa.R.E. 408(a),² WCJ DiLorenzo stated that “[n]o evidence with regard to the mediation” or the discussion of a potential compromise and release of Claimant’s claim “has been and/or will be admitted.” *Id.*, C.L. ¶ 5. WCJ DiLorenzo certified the order for immediate appeal to the Board in accordance with Section 131.24(b) of the Board’s Special Rules of Administrative Practice and Procedure. *Id.*, Order; *see* 34 Pa. Code § 131.24(b) (providing that a WCJ’s decision on a recusal motion “will be interlocutory, unless the [WCJ] certifies the record for immediate appeal to the Board”).

On March 3, 2025, the Board issued an opinion and order affirming the denial of the recusal motion. The Board determined that the email on which Claimant premised her motion was inadmissible under Rule 408 as it contained a statement made during settlement negotiations. Mar. 3, 2025 Board Opinion at 3. The Board concluded that, even if the email were admissible, Claimant still failed to raise substantial doubt as to WCJ DiLorenzo’s impartiality, as there was “no context as to why [Employer] would remove the offer after the case was reassigned, and Claimant is only speculating that it implies the WCJ ‘does not have a reputation of being fair and unbiased’ against claimants.” *Id.* Claimant thereafter petitioned this Court for review.

² Pursuant to Section 505 of the Administrative Agency Law, “Commonwealth agencies shall not be bound by technical rules of evidence at agency hearings, and all relevant evidence of reasonably probative value may be received.” 2 Pa. C.S. § 505. Our Supreme Court has explained that this provision “mandate[s] a relaxation of the strict rules of evidence” in agency proceedings but does not enact “a total abandonment of all rules of evidence.” *Gibson v. Workers’ Comp. Appeal Bd. (Armco Stainless & Alloy Prods.)*, 861 A.2d 938, 947 (Pa. 2004). Generally, questions concerning admission of evidence are within the sound discretion of the tribunal. *Id.*

II. ISSUES

On appeal,³ Claimant argues that WCJ DiLorenzo abused her discretion by denying the recusal motion where Claimant brought forth “concrete evidence” of WCJ DiLorenzo’s lack of impartiality in the form of the email from Employer’s counsel to Claimant’s counsel regarding the withdrawal of the settlement offer. Claimant’s Brief at 7. Claimant contends that the “implication” of the email that Employer’s counsel believed WCJ DiLorenzo was predisposed to rule in Employer’s favor “is undeniable,” a fact which Claimant’s counsel shares as evidenced by the cases cited in the recusal motion. *Id.* at 10. Claimant asserts that the email raised the appearance of impropriety, which was sufficient to justify WCJ DiLorenzo’s recusal from this matter.

III. DISCUSSION

Before we reach the merits of this appeal, we must first determine whether the Board’s March 3, 2025 order affirming the denial of the recusal motion is immediately appealable to this Court. *3D Trucking*, 921 A.2d at 1286 n.6 (stating that questions of appealability are jurisdictional and may be raised by an appellate court *sua sponte*). Our jurisdiction to entertain an appeal raises a question of law, as to which our standard of review is *de novo*, and our scope of review is plenary. *Pa. Mfrs. Ass’n Ins. Co. v. Johnson Matthey, Inc.*, 188 A.3d 396, 398 (Pa. 2018).

Although WCJ DiLorenzo certified the order denying the recusal motion for immediate appeal to the Board pursuant to Section 131.24(b) of the Board’s Special Rules of Administrative Practice and Procedure, that provision only governs an

³ Our review is limited to determining whether the findings of fact are supported by substantial evidence, whether constitutional rights were violated, and whether an error of law was committed. *3D Trucking Co., Inc. v. Workers’ Comp. Appeal Bd. (Fine & Anthony Holdings Int’l)*, 921 A.2d 1281, 1285 n.4 (Pa. Cmwlth. 2007).

appeal from a WCJ to the Board. 34 Pa. Code § 131.24(b). To determine the appealability of an order of the Board to this Court, we must look to the Pennsylvania Rules of Appellate Procedure.

An appeal from an administrative agency may only be taken from a final order, an interlocutory order appealable as of right or by permission, or a collateral order. Pa.R.A.P. 311, 312, 313, 341. The Board's order was not final as it did not dispose of all claims and all parties or contain an express determination of finality. Pa.R.A.P. 341(b)(1), (3), (c). The order also does not fall within the categories of interlocutory orders designated as appealable by right, and Claimant did not seek permission of this Court to appeal from the Board's order. Pa.R.A.P. 311, 312, 1311(a), (b).

Therefore, the Board's order is only immediately appealable if it is a collateral order under Pennsylvania Rule of Appellate Procedure 313. Pursuant to Rule 313(b), an order is collateral if it is (1) separable from and collateral to the main cause of action, (2) involves a right too important to be denied review, and (3) presents a question that will be irreparably lost if review is postponed until final judgment. Pa.R.A.P. 313(b); *see also Brooks v. Ewing Cole, Inc.*, 259 A.3d 359, 364 (Pa. 2021) ("Rule 313 contains three criteria that an order must satisfy to meet the definition of a collateral order: separability, importance, and irreparable loss."). These criteria must be construed narrowly, and all three prongs must be satisfied before this Court may conduct appellate review of a collateral order. *Toland v. Pa. Bd. of Prob. & Parole*, 344 A.3d 744, 757 (Pa. 2025).

Regarding the first prong, an order is separable from the main cause of action if it can be resolved without analysis of the merits of the underlying dispute and is entirely distinct from the underlying issues in the case. *Brooks*, 259 A.3d at 371. In

examining the importance of the right involved, courts weigh “the interests that immediate appellate review would protect against the final judgment rule’s interests in efficiency through avoiding piecemeal litigation.” *Id.* at 372. The right at issue must not merely be important to the parties but instead must involve “rights deeply rooted in public policy going beyond the particular litigation at hand.” *Id.* (quoting *Com. v. Williams*, 86 A.3d 771, 782 (Pa. 2014)). “To satisfy the irreparability prong, ‘the matter must effectively be unreviewable on appeal from final judgment.’” *Chilutti v. Uber Techs., Inc.*, 349 A.3d 826, 832 (Pa. 2026) (quoting *J.C.D. v. A.L.R.*, 303 A.3d 425, 431 (Pa. 2023)).

In *Martinez v. Department of Human Services* (Pa. Cmwlth., No. 979 C.D. 2024, filed June 20, 2025) (*per curiam*), 2025 WL 1720236, *appeal denied*, 354 A.3d 1286 (Pa. 2026), *reconsideration denied* (Apr. 14, 2026),⁴ this Court quashed an appeal from three trial court orders, one of which denied the appellant’s motion for recusal of the trial court judge. *Martinez*, slip. op. at 5-6. We found that the collateral order doctrine did not apply because, while the recusal issue was separable from the main case, the right at issue was not deeply rooted in public policy and the matter could be raised in a later appeal and therefore was not irreparably lost. *Id.*, slip. op. at 6. In *Selig v. Zoning Hearing Board of North Whitehall Township* (Pa. Cmwlth., No. 2171 C.D. 2015, filed Dec. 2, 2016), 2016 WL 7030803, *appeal denied*, 169 A.3d 1079 (Pa. 2017), this Court found that the court of common pleas did not abuse its discretion in dismissing an appeal from a zoning hearing board order denying a request for recusal of two of its members because “the recusal issue was properly preserved” and the appellant could raise the issue on appeal from a

⁴ Unreported panel decisions of this Court issued after January 15, 2008, may be cited as persuasive authority. See Commonwealth Court Internal Operating Procedures § 414(a), 210 Pa. Code § 69.414(a).

final order. *Selig*, slip op. at 4-5. The Superior Court has also held that orders deciding motions for recusal do not satisfy the collateral order definition of Pennsylvania Rule of Appellate Procedure 313. *See, e.g., In re Bridgeport Fire Litig.*, 51 A.3d 224, 230 n.8 (Pa. Super. 2012) (holding that order denying recusal motion was not collateral because it did “not involve a right too important to be denied immediate review and delaying appellate review [would] not cause the claim to be irreparably lost”) (emphasis omitted); *Krieg v. Krieg*, 743 A.2d 509, 511 (Pa. Super. 1999) (quashing appeal from recusal request because order was not a final order and was not appealable under Pa.R.A.P. 311 and 313).⁵

After careful review, we conclude that the Board’s March 3, 2025 order affirming WCJ DiLorenzo’s denial of Claimant’s motion for recusal did not satisfy each prong of the collateral order standard. Claimant’s recusal request meets the separability criterion as it does not require an analysis of the merits of the underlying termination petition. However, the right Claimant pursues in this matter is not so deeply rooted in public policy that it requires immediate review. Furthermore, the issue will not be irreparably lost if we quash the instant appeal, as WCJ DiLorenzo’s decision not to recuse will be fully reviewable on appeal from the final order of the termination petition. Accordingly, the Board’s order is a non-reviewable, interlocutory order, and we must quash this appeal.

⁵ While Superior Court decisions are not binding on this Court, they offer persuasive precedent where they address analogous issues. *Stahl v. Workers’ Comp. Appeal Bd.*, 242 A.3d 3, 13 n.6 (Pa. Cmwlth. 2020), *appeal denied*, 244 A.3d 1226 (Pa. 2021).

IV. CONCLUSION

For the foregoing reasons, we quash Claimant's petition for review of the order of the Board affirming WCJ DiLorenzo's order denying Claimant's motion for recusal.

STELLA M. TSAI, Judge

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Appeal Board),	:	
	:	
Respondent	:	No. 334 C.D. 2025

ORDER

AND NOW, this 25th day of August, 2026, Petitioner Donnette Lonjuin's petition for review of the order of the Workers' Compensation Appeal Board is hereby QUASHED.

STELLA M. TSAI, Judge