

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Sharon Graaf,	:	
	:	
Petitioner	:	
	:	
v.	:	No. 680 C.D. 2025
	:	
Scranton Counseling Center	:	
(Workers' Compensation	:	
Appeal Board),	:	
	:	
Respondent	:	Submitted: April 13, 2026

BEFORE: HONORABLE RENÉE COHN JUBELIRER, President Judge
HONORABLE MATTHEW S. WOLF, Judge
HONORABLE BONNIE BRIGANCE LEADBETTER, Senior Judge

OPINION NOT REPORTED

MEMORANDUM OPINION BY
JUDGE WOLF

FILED: September 10, 2026

Sharon Graaf (Claimant), an unrepresented litigant, petitions this Court for review of a March 25, 2025 order of the Workers' Compensation Appeal Board (Board) affirming a decision by workers' compensation judge (WCJ) Jeffrey Majikas dismissing her Claim Petition. Claimant argues that WCJ Majikas (1) disregarded or failed to examine key evidence; (2) improperly relied on medical testimony presented by Scranton Counseling Center (Employer); and (3) allowed inappropriate questioning by Employer's counsel. Because WCJ Majikas's decision was supported by substantial evidence of record and was not legally erroneous, we affirm.

I. Background

On June 22, 2023, Claimant filed a Claim Petition asserting that she sustained a work injury on August 3, 2020. Certified Record (C.R.), Item No. 2. The Claim Petition characterized the injury as “[b]ilateral carpal tunnel syndrome & aggravation [of] cervical degenerative disc disease” and sought payment for temporary total disability (TTD) from May 26, 2021 to April 17, 2022; partial disability from April 18, 2022 to August 30, 2022; TTD again from August 31, 2022 to February 7, 2023; temporary partial disability from February 8, 2023 to March 8, 2023; and TTD once more from March 9, 2023 onward, in addition to medical bills and counsel fees. *Id.* Employer filed an answer on June 23, 2023, asserting that Claimant never sustained a compensable work injury. C.R., Item No. 4.

In support of the Claim Petition, Claimant offered her own testimony and that of Dr. Mitchell Gross, a board-certified neurologist. In its defense, Employer presented the testimony of Dr. Lucas Margolies, also a board-certified neurologist, and Claimant’s own testimony from a civil lawsuit against Employer.

A. Claimant’s Evidence

During a September 19, 2023 teleconference hearing before WCJ Majikas, Claimant stated that she worked for Employer as a psychiatric mental health nurse practitioner, a position she began on June 9, 2016. C.R., Item No. 14 (9/19/2023 Hr’g Tr.) at 7. In that position, Claimant was tasked with assessing new patients, meeting with their families, prescribing medication, and ordering further treatment when necessary. *Id.* at 8. Claimant noted that the position involved a considerable amount of data entry, for which she spent approximately eight hours a day using a computer keyboard. *Id.* at 8-9.

Claimant recalled that her working conditions changed substantially after the onset of the COVID-19 pandemic. 9/19/2023 Hr’g Tr. at 11. In contrast to the workstation at which she had become accustomed to working on site, Claimant was “given a tiny little laptop” to work from home. *Id.* She regularly operated the laptop on her couch, which Claimant described as “a bad place to sit,” a situation made worse by her positioning of the laptop literally on her lap. *Id.* at 11-12. Claimant explained that the arrangement was necessary because she did not own a proper table. *Id.* at 33. The closest thing she had was a countertop that was too high to sit at for long periods, Claimant explained. *Id.* at 33-34. Claimant did have a coffee table near her couch, but it was low enough that it would have required her to “lean way over.” *Id.* at 34-35.

After several months working on her couch, Claimant began experiencing headaches and neck pain that radiated into her hands and fingers, culminating on the morning of August 3, 2020, when she notified Employer that she could not move her hands. 9/19/2023 Hr’g Tr. at 9. Having decided that the work arrangement was “just not comfortable,” Claimant contacted Employer’s IT department to request a new computer, but did not receive a reply. *Id.* at 13. Claimant then complained of the situation to Denise Carey, her direct supervisor, but received an unsatisfactory response. *Id.*

To treat her symptoms, Claimant began seeing Dr. Samuel Valente, whose name she obtained from a list of physicians recommended by Employer. 9/19/2023 Hr’g Tr. at 13. It was Claimant’s recollection that Dr. Valente prescribed a set of work restrictions that were communicated to Employer. *Id.* at 13-14. Claimant began receiving physical therapy and taking a prescription muscle relaxer and discussed the possibility of back surgery with her doctor. *Id.* at 15. Prior to the

alleged work injury, Claimant had been seeing a chiropractor for 38 years due to pain issues in her neck and back. *Id.* Exacerbating those issues was a 2005 motor vehicle collision, as a result of which Claimant sustained two herniated discs in her cervical spine, and a 2016 incident in which she also injured her hands. *Id.* at 30.

Claimant continued working remotely for Employer until her employment was terminated on May 26, 2021.¹ 9/19/2023 Hr'g Tr. at 16. She received unemployment benefits before working for another employer from April 18, 2022, until August 30, 2022. *Id.* Claimant acknowledged that the new position involved many of the same keyboard-oriented tasks that she had done while working for Employer, but explained that it became unmanageable when she received an increased workload. *Id.* at 18-19. Other than a brief period in 2023 when Claimant worked in a new job, which ended because Claimant lacked a required credential, Claimant had not worked since August 30, 2022. *Id.* at 20.

At an October 11, 2023 deposition, Dr. Gross recalled that he first saw claimant on April 26, 2022, following a referral. C.R., Item No. 17 (Gross. Dep.) at 7. At the time, Claimant was 62 years old. *Id.* at 8. The two discussed Claimant's medical history at the beginning of the appointment, including Claimant's motor vehicle injury, an unrelated ankle injury, hypertension, and varicose veins. *Id.* at 9. Dr. Gross also studied a prior magnetic resonance imaging (MRI) showing spinal canal stenosis at C5-C7 and significant spinal stenosis elsewhere. *Id.* at 10-11. During the physical examination, Dr. Gross observed a tremor in Claimant's head movements as well as some limitation in her cervical range of motion. *Id.* at 9. Dr.

¹ Claimant was not asked on either direct or cross examination to explain the circumstances behind her dismissal. On cross examination, however, Employer's counsel asked if she recalled having "issues with clients" because she had been working out of her bed while dressed in her pajamas. 9/19/23 Hr'g Tr. at 36. Claimant responded, "[a]bsolutely not." *Id.*

Gross also detected an “essential tremor” in Claimant’s hands while she wrote, a phenomenon he attributed to her cervical spine issues. *Id.* at 10-12. At the conclusion of the appointment, Dr. Gross prescribed a medication to manage Claimant’s tremor symptoms and ordered an electromyography (EMG) of her neck. *Id.* at 12.

At their next meeting, Dr. Gross gathered more information regarding the 2005 motor vehicle collision. Gross. Dep. at 14. Claimant informed Dr. Gross that she had no significant neck pain or tremor before working long hours on her couch during the pandemic. *Id.* The EMG ordered by Dr. Gross revealed only mild carpal tunnel syndrome, which he determined was not severe enough to account for her essential tremor. *Id.* at 16.

Regarding the etiology of Claimant’s August 3, 2020 injury, Dr. Gross opined that she has “underlying cervical spine disease and that the position she put herself in or was put in with prolonged neck flexion decompensated her underlying cervical spine disease and caused it to be more symptomatic.” Gross. Dep. at 18. Dr. Gross did not believe that Claimant had recovered from the symptoms. *Id.* at 19. On cross-examination, Dr. Gross acknowledged that his opinion was reliant to some degree on Claimant’s assertion that she was asymptomatic before August 2020. *Id.* at 24. Dr. Gross also acknowledged that Claimant’s cervical spine issues would inevitably get worse over time, given her age, and that her disc herniations from the motor vehicle collision “can get worse and cause spinal stenosis and cause an increase of her symptoms with or without a work injury.” *Id.* at 44-45.

B. Employer’s Evidence

At a February 15, 2024 deposition, Dr. Margolies recalled performing an independent medical examination (IME) of Claimant on November 9, 2023. C.R.,

Item No. 24 (Margolies Dep.) at 13. Dr. Margolies first took down Claimant's firsthand account of her medical history, during which he noted that she did not mention "any true work-related injury." *Id.* Claimant then described her work-at-home arrangement, including her habit of working on her couch; when asked why she did not simply find a more suitable desk or chair, Claimant "really didn't have an answer," Dr. Margolies recalled. *Id.* at 16.

During the physical examination, Dr. Margolies, like Dr. Gross, found evidence of an essential tremor. Margolies Dep. at 20-21. Dr. Margolies also observed unusual posturing, unusual movements, and "bizarre" positions of Claimant's body during the examination. *Id.* at 21. Referring to the MRI previously discussed by Dr. Gross, Dr. Margolies observed that Claimant had a history of chronic neck pain and degenerative changes of the bones and discs in the affected areas. *Id.* at 22-24. Dr. Margolies also reviewed Claimant's EMG history and opined that neither indicated any radicular symptoms caused by spinal stenosis. *Id.* at 25.

Concerning etiology, Dr. Margolies disagreed with Dr. Gross's opinion that Claimant's underlying cervical spine ailment was aggravated by any work injury, including any uncomfortable positioning on her couch. Margolies Dep. at 38-39. Dr. Margolies rather attributed Claimant's symptoms to degenerative changes, which, he further opined, prolonged sitting on a couch would neither "accelerate [n]or worsen." *Id.* at 39. Ultimately, Dr. Margolies did not believe that Claimant suffered any work-related injury, including one caused by prolonged sitting on her couch, and also did not believe that any work restrictions had ever been imposed on her. *Id.* at 40.

As noted, Employer also submitted the March 3, 2023 deposition testimony given by Claimant in her civil action against Employer. C.R., Item No. 25. Therein, Claimant explained that she had requested a new computer because the “little” laptop she had been assigned by IT “hurt [her] hands,” but mentioned no other pain or mobility issues. *Id.* at 48 (unpaginated). Claimant also disclosed in the deposition that she was fired after she was caught forging a doctor’s signature on a doctor-nurse collaborative agreement, an allegation that she denied. *Id.* at 40 (unpaginated).

C. WCJ’s Decision

In a June 17, 2024 decision and order, WCJ Majikas found that Claimant “failed to meet her burden” of proving that she sustained “bilateral carpal tunnel syndrome and aggravation of cervical degenerative disc disease” or any other compensable injury. C.R., Item No. 5 (WCJ Decision), Conclusion of Law No. 2. Having reviewed the evidence in the record and Claimant’s video testimony, WCJ Majikas found her testimony not credible “with respect to any material issues.” *Id.*, Finding of Fact (F.F.) No. 10. WCJ Majikas observed that Claimant’s allegation of having been forced by Employer to work in an uncomfortable position on her couch “simply defie[d] credulity.” *Id.* In addition, WCJ Majikas found that Claimant never suffered from a disabling work-related injury, noting that she continued to work from home for over a year before she was fired, for cause, and took another job involving similar duties months later. *Id.* WCJ Majikas also called attention to Claimant’s civil lawsuit testimony, in which she briefly recalled her hands being hurt by the small laptop furnished by Employer but mentioned no neck or back injuries, disabling or otherwise. *Id.*

Regarding the medical witnesses, WCJ Majikas credited Dr. Margolies’s opinions over those of Dr. Gross where the two were in conflict. WCJ Decision,

F.F. No. 11. WCJ Majikas explained that Dr. Gross's opinions relied on Claimant's incredible assertions that she was asymptomatic before 2020 and that she was forced by Employer to work at her couch while at home. *Id.* While the two doctors agreed that Claimant exhibited signs of an essential tremor, WCJ Majikas was more impressed by Dr. Margolies's explanation that such a condition is not exacerbated by such activities as working on a couch. *Id.* WCJ Majikas noted that Claimant's symptoms showed no improvement at the time of the IME by Dr. Margolies, despite the fact that she had not been working for Employer for more than two years. *Id.*

Claimant filed an appeal to the Board, in which she made a raft of new factual allegations against Employer and maintained that her testimony was indeed credible. C.R., Item No. 6. Also attached to the appeal were copies of medical documents that had not previously been made part of the record. *Id.* The Board affirmed, explaining, *inter alia*, that determinations of credibility and evidentiary weight are the prerogative of the WCJ and that the Board may not consider factual issues that had not been raised before him. C.R., Item No. 11, Board Op. at 8-9. This appeal followed.^{2,3}

II. Discussion

In a claim petition proceeding, the claimant bears the burden of establishing a right to compensation and of proving all necessary elements to support an award,

² This Court's review is limited to determining whether the necessary findings of fact were supported by substantial evidence, constitutional rights were violated, or errors of law were committed. *Borough of Heidelberg v. Workers' Comp. Appeal Bd. (Selva)*, 928 A.2d 1006, 1009 (Pa. 2007). Where the issue presented involves a question of law, our standard of review is *de novo* and our scope of review is plenary. *Id.*

³ On June 22, 2026, Claimant filed an Application to Expedite in this Court. No answer was filed. Given our current disposition of Claimant's appeal, the Application to Expedite is dismissed as moot.

including establishing a causal connection between her work activities and the alleged injury. *Rite Aid Corp. v. Workers' Comp. Appeal Bd. (Bennett)*, 709 A.2d 447, 449 (Pa. Cmwlth. 1998) (quoting *Inglis House v. Workmen's Comp. Appeal Bd. (Reedy)*, 634 A.2d 592, 595 (Pa. 1993)). Where the causal connection between an alleged injury and a work incident is not obvious, the burden is on the claimant to establish the connection through unequivocal medical testimony. *Roundtree v. Workers' Comp. Appeal Bd. (City of Phila.)*, 116 A.3d 140, 144 (Pa. Cmwlth. 2015) (quoting *Kurtz v. Workers' Comp. Appeal Bd. (Waynesburg Coll.)*, 794 A.2d 443, 447-48 (Pa. Cmwlth. 2002)). The WCJ has the authority to accept or reject the opinions of any witnesses, including medical experts, in whole or in part. *Williams v. Workers' Comp. Appeal Bd. (USX Corp.-Fairless Works)*, 862 A.2d 137, 144 (Pa. Cmwlth. 2004). Accordingly, we will not disturb the WCJ's findings on appeal so long as they are supported by substantial evidence. *Harding v. Workers' Comp. Appeal Bd. (Arrowhead Indus.)*, 706 A.2d 896, 900 (Pa. Cmwlth. 1998).

On appeal to this Court, Claimant maintains that she sustained a compensable “sprain of right hand and left hand,” which occurred while she was performing work duties for Employer. Claimant’s Br. at 21.⁴ In support, Claimant advances four main appeal arguments. First, Claimant alleges that WCJ Majikas reached a contrary conclusion because he did not receive documentary evidence that she sustained a work injury and that there were doctor-imposed work restrictions. *Id.* at 21-22. Second, Claimant argues that WCJ Majikas arbitrarily and capriciously “failed to acknowledge or even further examine” the evidence of her poor working conditions: specifically, her home, her furniture, the “condition of [her] couch,” or her lap when

⁴ Claimant’s Brief to this Court is only intermittently, and incorrectly, paginated; page numbers above thus refer to the document’s electronic pagination in portable document format (PDF).

used “as a table.” Claimant’s Br. at 22. Third, Claimant takes issue with a question by Employer’s counsel about having been accused of working in her pajamas, which she suggests was inappropriate. *Id.* at 23-24. Fourth, Claimant maintains that Dr. Margolies failed to account for the potential for harm from her “having to sit on a broken couch that [she] had to struggle to sit on and strain to get up from,” and disregarded “diagnostic testing results.” *Id.* at 24.

We reject each of Claimant’s appeal arguments. Preliminarily, we observe that the Claim Petition alleged injuries in the form of “[b]ilateral carpal tunnel syndrome & aggravation [of] cervical degenerative disc disease.” The question of whether she sustained a “sprain of right hand and left hand” was, therefore, not placed before WCJ Majikas. If Claimant wished to prove that she suffered a right- or left-hand sprain, then she should have made that allegation in her Claim Petition.

Regarding Claimant’s argument that documents allegedly did not reach WCJ Majikas, we reject the notion that such an allegation, if true, suggests error on WCJ Majikas’s part. We must remind Claimant that she bore the burden of providing WCJ Majikas with evidence of her disabling work injury and its causal connection to a work incident. *See Rite Aid*, 709 A.2d at 449. Because Claimant does not contend that the absence of such documents from the record before WCJ Majikas was the result of any kind of administrative breakdown or malfeasance by Employer, her argument is without merit.

Next, we reject Claimant’s argument that WCJ Majikas failed to consider the spatial conditions of Claimant’s work-from-home environment, because it is not true. To the contrary, WCJ Majikas expressly ruled that such conditions (which, in any case, he did not find resulted in a disabling injury) were the result of Claimant’s decisions, not any kind of coercion or negligence on Employer’s part. *See WCJ*

Decision, F.F. No. 10 (finding that Claimant's allegation of having been forced by Employer to work in an uncomfortable position on her couch "simply defies credulity").

We also see no merit in Claimant's allegation that Employer's counsel acted inappropriately when he asked on cross examination if she had any recollection of being accused by clients of working in her pajamas. While Claimant may have been embarrassed or disconcerted by the insinuation, she fails to explain why that reaction is in any way relevant to her appeal to this Court. At any rate, the question and her answer were not mentioned by WCJ Majikas in his factual findings and do not appear to have been a material factor in his decision.

Lastly, we reject Claimant's assertion that Dr. Margolies's IME was incomplete because of an alleged failure to consider her work-from-home environment or to examine evidence that she suffers from medical symptoms.⁵ To the contrary, Dr. Margolies explained in his testimony that he discussed that environment with Claimant and opined that it did not cause or worsen Claimant's symptoms. Dr. Margolies also never disputed that Claimant suffers from certain medical conditions; rather, he opined that her symptoms were degenerative and age-related and were not the result of prolonged working on her couch. Claimant, in other words, fails to provide any legitimate reason to disturb WCJ Majikas's finding that Dr. Margolies's testimony was more credible than Dr. Gross's.

III. Conclusion

For the foregoing reasons, we affirm the Board.

MATTHEW S. WOLF, Judge

⁵ For reasons not made clear by the record, Claimant actually contends in her Brief that she underwent two IMEs by two different doctors. Claimant's Br. at 24.

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Appeal Board),	:	
Respondent	:	

ORDER

AND NOW, this 10th day of September 2026, the order of the Workers' Compensation Appeal Board in the above-captioned matter, dated March 25, 2025, is hereby AFFIRMED. Petitioner Sharon Graaf's Application to Expedite in the above matter is DISMISSED AS MOOT.

MATTHEW S. WOLF, Judge