IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Johnson Service Group, Inc., Petitioner	:	
v.	:	
Fitzrupert Dowridge (Workers' Compensation Appeal Board), Respondent	:	No. 845 C.D. 2025
	:	Argued: October 13, 2026

BEFORE: HONORABLE ANNE E. COVEY, Judge
HONORABLE STACY WALLACE, Judge
HONORABLE MARY HANNAH LEAVITT, Senior Judge

OPINION BY
JUDGE COVEY FILED: November 6, 2026

Johnson Service Group, Inc. (Employer) petitions this Court for review of the Workers' Compensation (WC) Appeal Board's (Board) June 12, 2025 order affirming the WC Judge's (WCJ) remand decision (Remand Decision) that granted Fitzrupert Dowridge's (Claimant) Claim Petition for WC (Claim Petition), and the Board's January 10, 2024 order affirming the WCJ's decision that awarded specific loss and healing period benefits, affirmed the denial of total disability benefits for injuries separate and apart, and remanded for reconsideration of an award of benefits for disfigurement. Employer presents three issues for this Court's review: (1) whether the WCJ's Remand Decision is well reasoned or supported by substantial evidence; (2) whether the WCJ erred by awarding specific loss benefits for vision loss for Claimant's right eye (275 weeks plus a 10-week healing period); and (3) whether the WCJ and the Board erred by failing to address and adopt Employer's argument that, in the alternative, any vision loss award should be apportioned to 10%

of 275 weeks - to at most, 27.5 weeks - because Claimant had less than 10% vision in his right eye prior to his work injury.[1] After review, this Court affirms.

On November 1, 2021, Claimant filed the Claim Petition, therein alleging that he suffered an injury on September 3, 2021, while in the course and scope of his employment with Employer. Employer responded, *inter alia*, that Claimant did not sustain his injury in the course and scope of his employment. The WCJ conducted hearings on November 24, 2021, February 23 and September 14, 2022. On November 15, 2022, the WCJ granted the Claim Petition. The WCJ determined that Claimant lost the use of his right eye for all practical intents and purposes, and his right eye does not contribute materially to his vision in conjunction with the use of his left eye. The WCJ further ruled that Claimant sustained a disfigurement of his right eye; however, the WCJ did not find a permanent and unsightly facial scar. Accordingly, the WCJ awarded specific loss benefits for 275 weeks, a healing period of 10 weeks, and 50 weeks of benefits for disfigurement of the right eye.

Employer appealed to the Board, which affirmed the WCJ's decision to the extent that the WCJ awarded specific loss and healing period benefits, denied total disability benefits for injuries separate and apart, and remanded the matter to the WCJ for reconsideration regarding the disfigurement benefits award. The WCJ conducted a remand hearing on February 29, 2024. The WCJ issued the Remand Decision on April 5, 2024, wherein she again determined that Claimant had sustained a right eye disfigurement and again awarded 50 weeks of disfigurement benefits. Employer appealed to the Board. On June 12, 2025, the Board affirmed the WCJ's Remand Decision. Employer appealed to this Court.[2]

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[1] This Court has reordered Employer's issues for ease of discussion.

[2] "[This Court's] review determines whether there has been a violation of constitutional rights, whether errors of law have been committed, whether [B]oard procedures were violated, or

Employer argues that the WCJ's Remand Decision is without rationale, is not well reasoned or supported by substantial evidence because the WCJ inaccurately summarized Claimant's testimony on his vision loss allegations after finding as fact that Claimant lied four times under oath about his preexisting right eye vision loss, and her finding that Claimant's testimony was credible despite that he fraudulently misled the tribunal about his preexisting vision problems. Claimant rejoins that the WCJ's Remand Decision is supported by substantial evidence because Claimant's medical expert, Omesh Gupta, M.D. (Dr. Gupta), and Employer's medical expert, Madhura A. Tamhankar, M.D. (Dr. Tamhankar), testified that Claimant had a complete, permanent vision loss and loss of use of the right eye for all intents and purposes caused by his work injury on September 3, 2021.

Section 422(a) of the WC Act (Act)[3] mandates:

> Neither the [B]oard nor any of its members nor any [WCJ] shall be bound by the common law or statutory rules of evidence in conducting any hearing or investigation, but all findings of fact shall be based upon sufficient competent evidence to justify same. All parties to an adjudicatory proceeding are entitled to a reasoned decision containing findings of fact and conclusions of law based upon the evidence as a whole which clearly and concisely states and explains the rationale for the decisions so that all can determine why and how a particular result was reached. The [WCJ] shall specify the evidence upon which the [WCJ] relies and state the reasons for accepting it in conformity with [Section 422(a) of the Act]. When faced with conflicting evidence, the [WCJ] must adequately explain the reasons for rejecting or discrediting

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whether necessary findings of fact are supported by substantial evidence." *Dura-Bond Coating, Inc. v. Marshall (Workers' Comp. Appeal Bd.)*, 328 A.3d 559, 563 n.9 (Pa. Cmwlth. 2024) (quoting *Bryn Mawr Landscaping Co. v. Workers' Comp. Appeal Bd. (Cruz-Tenorio)*, 219 A.3d 1244, 1252 n.5 (Pa. Cmwlth. 2019)).

[3] Act of June 2, 1915, P.L. 736, *as amended*, 77 P.S. §§ 1-1041.4, 2501-2710.

> competent evidence. Uncontroverted evidence may not be rejected for no reason or for an irrational reason; the [WCJ] must identify that evidence and explain adequately the reasons for its rejection. The adjudication shall provide the basis for meaningful appellate review.

77 P.S. § 834.

This Court has explained:

> On appeal, **neither the Board nor this Court may reweigh the evidence or the WCJ's credibility determinations**, *see Sell v. Workers' Comp. Appeal Bd. (LNP Eng'g)*, . . . 771 A.2d 1246 ([Pa.] 2001), and "[t]he WCJ's findings will not be disturbed if they are supported by substantial, competent evidence." *Rogele, Inc. v. Workers' Comp. Appeal Bd. (Hall)*, 198 A.3d 1195, 1204 (Pa. Cmwlth. 2018) (quoting *Stepp v. Workers' Comp. Appeal Bd. (FairPoint Commc'ns, Inc.)*, 99 A.3d 598, 601 n.6 (Pa. Cmwlth. 2014)). "Substantial evidence . . . [i]s such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Aqua Am., Inc. v. Workers' Comp. Appeal Bd. (Jeffers)*, 199 A.3d 482, 486 (Pa. Cmwlth. 2018) (quoting *Gibson v. Workers' Comp. Appeal Bd. (Armco Stainless & Alloy Prods.)*, . . . 861 A.2d 938, 943 ([Pa.] 2004)).

City of Phila. v. Healey (Workers' Comp. Appeal Bd.), 297 A.3d 872, 882-83 (Pa. Cmwlth. 2023) (footnote omitted; emphasis added).

Further,

> [i]n reviewing the WCJ's credibility and evidentiary determinations, "[**i**]**t is irrelevant whether the record contains evidence to support findings other than those made by the WCJ**; **the critical inquiry is whether there is evidence to support the findings actually made**." *Furnari v. Workers' Comp. Appeal Bd. (Temple Inland)*, 90 A.3d 53, 60 (Pa. Cmwlth. 2014) (citation omitted). Thus, this Court's authority in these matters is limited to reviewing the entire record to see if it contains evidence that a reasonable person might find sufficient to support the WCJ's findings. *Id*. If the record contains such evidence, the findings must be upheld, even though the record may contain conflicting evidence. *Id*.

Healey, 297 A.3d at 883 (emphasis added) (quoting *Dep't of Corr. - SCI Chester v. Faison (Workers' Comp. Appeal Bd.)*, 266 A.3d 714, 736 (Pa. Cmwlth. 2021)).

Here, the WCJ determined:

> Claimant is credible to an extent. He's credible with respect to the occurrence of the work injury because no evidence persuasively refuted his experience of a fall and because he maintained a composed demeanor during his testimonies at hearings with the [WCJ]. He's credible with respect to his furtherance of [Employer's] business or affairs at the time of the work injury on the basis of his composed demeanor during testimonies at hearings with the judge. He's credible with respect to his timely and adequate notice of the injuries to his eye and forehead because [Amanda] Baden[, Employer's safety risk manager,] substantiated the report of [] Claimant's injury on September 3, 2021. He's credible with respect to his "blurry" vision from the left eye and problems with it at the time of his initial testimony because [Dr. Gupta] and [Dr. Tamhankar] substantiated that, before [] Claimant's cataract surgery on the left eye. He's credible about his lack of capability for the performance of his pre-injury job because Dr. Gupta substantiated that.
>
> [] Claimant wasn't credible with respect to his fine vision in the right eye before the alleged work injury.

WCJ Remand Dec. at 14.

"The WCJ is free to accept or reject the testimony of any witness, including medical witnesses, in whole or in part." *Lebanon Transit v. Schaeffer (Workers' Comp. Appeal Bd.)*, 341 A.3d 203, 209 (Pa. Cmwlth. 2025). Here, the WCJ accepted Claimant's testimony relative to his injury, notice thereof, and pre-injury blurry vision in his right eye. The WCJ rejected Claimant's testimony concerning his pre-injury fine vision in his right eye.

Relative to Claimant's right eye pre-injury, Dr. Gupta testified:

> Q You would agree with me, however, that his right eye vision before the work injury did not materially contribute to his overall vision. Can we agree on that at least?
>
> A Before the injury?
>
> Q Yes.
>
> A He was [20/200] in his right eye before the injury.
>
> Q So you would agree, at [20/200] that's not materially contributing to his overall vision, is it?
>
> A I don't know what that means. Can you define materially contributing?
>
> Q I can only speak in English, Doctor, and I'm using the relative English language. Do you think that the eye with a visual acuity of 20/200, materially contributes to one's overall vision, such as [] [C]laimant?
>
> A So if I were to reword, and please correct me if this is not what you mean, but you use the word materially contribute, to me means does it help with the overall visual function of the patient? If somebody has [20/200] vision, there are some functions that the patient can have with [20/200] vision in terms of assessing one's surroundings and their ability to function.
>
> Q **I think**, **Doctor**, **you would agree that it's not substantially contributing to his visual acuity or his overall vision**, **correct**?
>
> A It depends on what the other eye's vision is. If the left eye vision is poor, and the right eye vision is stronger, than it would contribute quite a bit. If the left eye vision is excellent, and the right eye vision is poor, than, yes, the materialistic contribution is pretty small. **In** [**Claimant's**] **case**, **the left eye vision was not excellent**, **so the right eye vision does help him with what's called stereoscopic or binocular function because the two eyes function together**.

Reproduced Record (R.R.) at 224a-225a (emphasis added).

Similarly, Dr. Tamhankar related:

> Q. Before the injury. And I think you might have answered that already today for us, but what's your opinion? Was the right eye better than the left eye or worse than the right eye before the injury?
>
> A. The right eye was seeing better than the left eye, so even though [Claimant] was legally blind, **he was depending on his right eye and therefore in that sense it was materially contributing to his vision before the injury**.

R.R. at 299a (emphasis added).

With respect to Claimant's right eye, post-injury, Dr. Gupta testified:

> Q Doctor, with regard to the right eye, you gave us a four- or five-prong diagnosis of what happened to [Claimant's] right eye, including the ruptured globe. Did [] [C]laimant recover from any of the diagnoses that you gave us on direct examination? I will start with the choroidal detachment. I think you said that was fixed, correct?
>
> A Correct.
>
> Q [Claimant's] recovered from that particular detachment; is that correct?
>
> A Yes.
>
> Q The retinal detachment, although you helped him the best you could, your opinion is that [surgery] did not bring back much of his vision?
>
> A That is correct.
>
> Q Would you say after the retinal detachment surgery that his vision is better, worse, or the same as prior to the injury when he was characterized as legally blind?
>
> A It is now worse.
>
> Q Is there a degree of being worse, meaning, I think you characterized him as [20/200] before the work injury. Is it much worse, can you characterize it better for us, if you can?

> A Yes. It is significantly worse. He was able to read the eye chart before the injury at [20/200]. On my examination and the subsequent examination by the expert's report, he could see light at my examination in April of 2022, and **in May of 2022**[,] **he could not see light at all**.
>
> Q Now, is it your opinion, Doctor, that [] [C]laimant's vision will not improve as time goes on?
>
> A Yes.

R.R. at 228a-229a (emphasis added).

With respect to Claimant's right eye, post-injury, Dr. Tamhankar related:

> Q. Dr. Tamhankar, with regard to your paragraph on page two in which you set forth your opinions about [Claimant's] right eye, do you relate your diagnosis and opinions about his right eye to his work fall on September 3, 2021?
>
> A. Yes.
>
> Q. We have a legal phrase that we use, loss of use for all practical intents and purposes. Do you understand that phrase?
>
> A. Yes.
>
> Q. **Do you believe that** [**Claimant**] **with regard to his right eye**, **has lost the use of his right eye for all intents and purposes**?
>
> A. **Yes**.

R.R. at 303a (emphasis added).

Based on the above testimony, the WCJ concluded:

> For a specific loss of the eye, [] Claimant has the burden of proving that the injured eye was lost for all practical intents and purposes and [] Claimant sustained that burden and established his right to [WC] benefits for the loss of the right eye, in accordance with the terms of the . . . Act.

> The ultimate test is whether the injured eye was lost for all practical intents and purposes, not whether [] Claimant has vision in the injured eye. If so, compensation follows. In facilitation of the application of the ultimate test, a further standard has been adopted: Compensation may not be had, if using both eyes, [] Claimant can see better, in general, than by using the uninjured eye alone; or as otherwise stated, if the use of the injured eye does not contribute materially to [] Claimant's vision in conjunction with the use of the normal eye. [] Claimant sustained his burden and established that [] Claimant can't see better with the use of both eyes than the use of the uninjured eye alone and that the use of the injured eye doesn't contribute materially to [] Claimant's vision in conjunction with the use of the normal eye.

WCJ Remand Dec. at 16 (citations omitted). This Court discerns no error in the WCJ's Remand Decision. Because the WCJ explained her credibility determinations, and Dr. Gupta's and Dr. Tamhankar's testimony supports the Remand Decision, the WCJ's Remand Decision is well reasoned and supported by substantial evidence.

Employer also argues that the Board and the WCJ erred by awarding specific loss benefits for vision loss for Claimant's right eye (275 weeks plus a 10-week healing period) because Claimant was legally blind in that eye with only 20/200 vision before the alleged work incident. Employer contends that since Claimant did not have an otherwise healthy eye and the injury did not eliminate vision for all practical purposes there could be no specific loss of vision as defined by the Act and case law. Claimant rejoins that the relevant case law simply states that a claimant must demonstrate that the injured eye does not contribute materially to the claimant's vision in conjunction with the use of the uninjured eye.

Section 306(c) of the Act provides, in relevant part:

> For all disability resulting from permanent injuries of the following classes, the compensation shall be exclusively as follows:

> . . . .
>
> (7) For the loss of an eye, [66 2/3%] of wages during [275] weeks.
>
> . . . .
>
> (22) For serious and permanent disfigurement of the head, neck[,] or face, of such a character as to produce an unsightly appearance, and such as is not usually incident to the employment, [66 2/3%] of wages not to exceed [275] weeks.
>
> . . . .
>
> (25) In addition to the payments herein before provided for permanent injuries of the classes specified, any period of disability necessary and required as a healing period shall be compensated in accordance with the provisions of this subsection. The healing period shall end (I) when the claimant returns to employment without impairment in earnings, or (II) on the last day of the period specified in the following table, whichever is the earlier:
>
> . . . .
>
> For the loss of an eye, [10] weeks.

77 P.S. § 513.

> [P]ursuant to Section 306(c) of the [Act,] [w]here . . . the eye has been injured but not destroyed, **the test to determine whether compensation should be awarded is whether the eye was lost for all intents and purposes**. *Rohm and Haas v. Workmen's Comp*[.] *Appeal* [*Bd.*], . . . 414 A.2d 163 ([Pa. Cmwlth.] 1980). **Loss for all intents and purposes will be found where the injured eye does not contribute materially to the claimant's vision in conjunction with the use of the uninjured eye**. *Id*.

Scapellato v. Workmen's Comp. Appeal Bd. (Guardian Indus. Corp.), 671 A.2d 1196, 1197 n.2 (Pa. Cmwlth. 1996) (emphasis added); *see also Travato v. Citizens Fin. Grp. (Workers' Comp. Appeal Bd.)* (Pa. Cmwlth. No. 1263 C.D. 2021, filed Aug. 29, 2022), slip op. at 8 ("To meet this burden, [the c]laimant [is] required to

show that his vision is not improved when using both eyes as opposed to just the uninjured eye and the use of the injured eye does not contribute materially to his overall vision in conjunction with the use of the normal eye.").[4]

Here, the WCJ concluded: "Claimant sustained his burden and established that [he] can't see better with the use of both eyes than the use of the uninjured eye alone and that the use of the uninjured eye doesn't contribute materially to [] Claimant's vision in conjunction with the use of the normal eye." WCJ Remand Dec. at 16. Accordingly, the WCJ did not err by awarding specific loss benefits for the vision loss Claimant sustained in his right eye. *See Travato*; *Scapellato*.

Lastly, Employer argues that the WCJ and the Board erred by failing to address and adopt Employer's alternative argument that any vision loss award should be apportioned to 10% of 275 weeks - to, at most, 27.5 weeks - because Claimant had less than 10% vision in his right eye prior to his work injury and lost 1/10th of his overall vision as a result of the work incident, and by failing to tailor the award to reflect the actual vision loss that the pre-injury, legally-blind Claimant could relate to the work incident. Employer contends that an award of 27.5 weeks makes Claimant whole as to the specific vision he lost after the work accident. Claimant rejoins that there is no support in the Act or case law for Employer's proposed award structure. Claimant maintains that the relevant case law simply states that a claimant must demonstrate that the injured eye does not contribute materially to Claimant's vision in conjunction with the use of the uninjured eye.

[4] This Court's unreported memorandum opinions filed after January 15, 2008, may be cited "for [their] persuasive value, but not as binding precedent." Section 414(a) of the Commonwealth Court's Internal Operating Procedures, 210 Pa. Code § 69.414(a). *Travato* is cited for its persuasive value.

The Pennsylvania Supreme Court (Supreme Court) has held:

> [I]t is well settled that a[] [petitioner] bears the burden of sufficiently developing his arguments to facilitate appellate review. *See Wirth v. Commonwealth*, . . . 95 A.3d 822, 837 ([Pa.] 2014). "[O]ur rules of appellate procedure are explicit that the argument contained within a brief must contain 'such discussion and citation of authorities as are deemed pertinent.'" *Id*., quoting Pa.R.A.P. 2119(a). "Where an appellate brief fails to provide any discussion of a claim with citation to relevant authority or fails to develop the issue in any other meaningful fashion capable of review, that claim is waived. It is not the obligation of an appellate court to formulate [a] [petitioner's] arguments for him." *Banfield v. Cortés*, . . . 110 A.3d 155, 168 n.11 ([Pa.] 2015) (alteration in original), quoting *Wirth*, 95 A.3d at 837; *see Samuel-Bassett v. Kia Motors Am*[.]*, Inc.*, . . . 34 A.3d 1, 29 ([Pa.] 2011) (a litigant's "failure to develop the claim in any meaningful fashion . . . so as to allow for appellate review [is] a sufficient basis in itself to reject the argument") (citation omitted). Indeed, [the Supreme Court] [is] "neither obliged, nor even particularly equipped, to develop an argument for a party. To do so places the [Supreme] Court in the conflicting roles of advocate and neutral arbiter. The [Supreme] Court is left to guess at the actual complaint that is intended by the party." *Commonwealth v. Williams*, . . . 782 A.2d 517, 532 ([Pa.] 2001) (Castille, J., concurring).

Commonwealth v. Armolt, 294 A.3d 364, 376-77 (Pa. 2023) (emphasis omitted).

Here, Employer's entire argument consists of one paragraph that did not include any citations to relevant authority. *See Armolt*. Further, Employer failed to develop the issue in any other meaningful fashion capable of review. *See id*. Accordingly, because Employer failed to develop a supported legal argument or cite legal authority, Employer waived this issue.

For all of the above reasons, the Board's orders are affirmed.

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ANNE E. COVEY, Judge

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Johnson Service Group, Inc., Petitioner	:	
v.	:	
Fitzrupert Dowridge (Workers' Compensation Appeal Board), Respondent	:	No. 845 C.D. 2025

O R D E R

AND NOW, this 6th day of November, 2026, the Workers' Compensation Appeal Board's June 12, 2025 and January 10, 2024 orders are affirmed.

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ANNE E. COVEY, Judge