IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Mariely Quezada, Petitioner	:	
v.	:	No. 1514 C.D. 2025
Unemployment Compensation Board of Review, Respondent	:	Submitted: October 13, 2026

BEFORE: HONORABLE PATRICIA A. McCULLOUGH, Judge
HONORABLE MICHAEL H. WOJCIK, Judge
HONORABLE MATTHEW S. WOLF, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE McCULLOUGH FILED: November 13, 2026

Mariely Quezada (Claimant), *pro se*, petitions for review of the October 8, 2025 decision and order of the Unemployment Compensation (UC) Board of Review (Board), affirming the Referee's decision and dismissing Claimant's appeal pursuant to Section 501(e) of the Unemployment Compensation Law (Law).[1] We affirm.

On March 11, 2025, Claimant applied for UC benefits. (Certified Record (C.R.), Item No. 1.) On April 11, 2025, the UC Service Center issued a Disqualifying

[1] Act of December 5, 1936, Second Ex. Sess., P.L. (1937) 2897, *as amended*, 43 P.S. § 821(e). Under Section 501(e) of the Law, an appeal must be filed within twenty-one days from the date a determination is mailed to a claimant's last known address. "If an appeal is not filed within [twenty-one] days [from] the mailing of the determination, it becomes final, and the Board does not have the requisite jurisdiction to consider the matter." *Hessou v. Unemployment Compensation Board of Review*, 942 A.2d 194, 197-98 (Pa. Cmwlth. 2008). Even an appeal filed one day after the 21-day period is considered untimely. *Id.* at 198.

Determination denying benefits pursuant to Section 401(b)(1)(i) of the Law. (C.R., Item No. 4.) The Disqualifying Determination informed Claimant that she had 21 days from the date of the Determination to appeal the denial of benefits, and that the last day to file an appeal was May 2, 2025. Claimant did not file her appeal until May 6, 2025.

A Referee conducted a hearing at which Claimant appeared and testified through an interpreter. Claimant admitted she received the Disqualifying Determination and reviewed it. When asked by the Referee why she waited until May 6, 2025, to file her appeal, she stated that she "tried to do it over the phone and [] couldn't do it," and that she had "a lot of problems with the English language." (C.R., Item No. 9.) Claimant did not present evidence that she was misinformed or misled by the UC authorities regarding her right or the necessity to file a timely appeal. Discerning neither an administrative breakdown nor other non-negligent conduct, the Referee dismissed Claimant's appeal as untimely pursuant to Section 501(e) of the Law. (C.R., Item No. 10.)

Claimant appealed to the Board, which affirmed the Referee's dismissal. (C.R., Item No. 13.) Claimant now appeals.[2]

Before this Court, Claimant only argues why she believes she is eligible for UC benefits and does not address the timeliness issue. The Board argues that

[2] On appeal, our review is limited to "determining whether constitutional rights were violated, whether an error of law was committed, or whether necessary findings of fact are supported by substantial evidence." *Rivera v. Unemployment Compensation Board of Review*, 310 A.3d 348, 352 n.4 (Pa. Cmwlth. 2024). It is well established that the Board is the ultimate factfinder, entitled to make its own determinations on evidentiary weight and witness credibility, and is free to accept or reject the testimony of any witness, in whole or in part. *See Cambria County Transit Authority v. Unemployment Compensation Board of Review (CCTA)*, 201 A.3d 941, 947 (Pa. Cmwlth. 2019). Further, the Board's credibility determinations are not subject to judicial review provided they are based on substantial evidence, even if there is contrary evidence of record. *See Henderson v. Unemployment Compensation Board of Review*, 77 A.3d 699, 718 (Pa. Cmwlth. 2013). Substantial evidence is "relevant evidence upon which a reasonable mind could base a conclusion." *Fritzo v. Unemployment Compensation Board of Review*, 429 A.2d 1215, 1218 (Pa. Cmwlth. 1981).

Claimant's failure to address the sole issue of timeliness before this Court mandates dismissal of Claimant's petition for review, and there is nothing for this Court to review. (Board's Br. at 8-9.)

Under Section 501(e) of the UC Law, a claimant must file an appeal within 21 days of a determination. *See* 43 P.S. § 821(e). A statutory appeal deadline is mandatory and a claimant's failure to timely appeal within the deadline is a jurisdictional defect, which this Court cannot overlook or disregard. *Carney v. Unemployment Compensation Board of Review*, 181 A.3d 1286, 1288 (Pa. Cmwlth. 2019); *Hessou*, 942 A.2d at 197. Further, this Court may not extend an appeal deadline as a matter of grace or mere indulgence. *Russo v. Unemployment Compensation Board of Review*, 13 A.3d 1000, 1003 (Pa. Cmwlth. 2010). To justify an untimely appeal and obtain *nunc pro tunc* relief, a claimant bears a heavy burden of demonstrating extraordinary circumstances involving (1) fraud or a breakdown in the administrative authority's operation or (2) non-negligent conduct of the claimant that was beyond her control. *Hessou*, 942 A.2d at 198. Failure to file an appeal within 21 days "without an adequate excuse for the late filing, mandates dismissal of the appeal." *United States Postal Service v. Unemployment Compensation Board of Review*, 620 A.2d 572, 573 (Pa. Cmwlth. 1993).

Here, Claimant presents no argument regarding the timeliness of her appeal or her right to proceed with an appeal *nunc pro tunc*. Nor does Claimant contend that the Board erred or abused its discretion in dismissing her appeal based on its untimeliness. Instead, Claimant raises a completely unrelated argument regarding her eligibility for UC benefits, which contains no legal analysis or citation to legal authority. *See* Claimant's Br. at 16. This Court has held that if a claimant raises a question or issue but fails to address it in her brief, the issue is waived. *Tyler v.*

Unemployment Compensation Board of Review, 591 A.2d 1164, 1167 (Pa. Cmwlth. 1991). We conclude, therefore, that Claimant has waived the issue of timeliness. *See Rapid Pallet v. Unemployment Compensation Board of Review*, 707 A.2d 636, 638 (Pa. Cmwlth. 1998) (holding that failure to develop issue in appellate brief results in waiver). Because timeliness was the only basis on which the Board dismissed Claimant's appeal, Claimant has failed to preserve any issue for this Court's review.[3] *See Cunningham v. Unemployment Compensation Board of Review* (Pa. Cmwlth., No. 1646 C.D. 2023, filed May 6, 2025), slip op. at 8 ("[The c]laimant does not address, let alone provide good cause for, the untimeliness of his appeal from the referee's decision to the Board, which is the jurisdictional hurdle he needed to overcome to get to his underlying claim. Consequently, the issue is waived."); *Pitsikoulis v. Unemployment Compensation Board of Review* (Pa. Cmwlth., No. 535 C.D. 2021, filed December 19, 2022), slip op. at 7 ("[The c]laimant does not explain why her appeal was filed late, nor does she argue any applicable exception. Because [the c]laimant fails to address or develop any argument on the only issue before this Court, we conclude that she has

[3] We note that, even if Claimant had preserved the issue of timeliness on appeal, we would still affirm the Board's October 8, 2025 order. The UC Service Center mailed its Disqualifying Determination to Claimant on April 11, 2025. The determination indicated that Claimant's appeal was due no later than May 2, 2025. Claimant did not file her appeal until May 6, 2024. Thus, it was patently untimely. *See* 43 P.S. § 821(e). Moreover, Claimant's reasons for her untimely appeal, difficulty with English and difficulty filing her appeal by phone, do not justify *nunc pro tunc* relief. *See Basnet v. Unemployment Compensation Board of Review*, 284 A.3d 263 (Pa. Cmwlth. 2022) (rejecting the claimant's argument that the Department of Labor and Industry's language access services were inadequate because the claimant offered no evidence that she informed the Department that she needed such services). Notably there are several ways a party can file an appeal of a UC determination: online, mailing, faxing or emailing, or in person. 34 Pa. Code § 101.82(b). The instructions are given in Spanish. Claimant admitted she received and reviewed the instructions but offered no evidence that she tried any of the other methods if she could not appeal online using her phone. *Naborn v. Unemployment Compensation Board of Review*, 246 A.3d 373, 380 (Pa. Cmwlth. 2021) (holding that a claimant's ignorance or negligence of the UC claim process is not a basis upon which this Court can reverse a decision by the Board). Accordingly, the Board did not err or abuse its discretion in dismissing Claimant's appeal.

waived the issue."); *Mendolia v. Unemployment Compensation Board of Review* (Pa. Cmwlth., No. 731 C.D. 2025, filed August 20, 2026), slip op. at 5 ("[The c]laimant presents no argument regarding the timeliness of her appeal or her right to proceed with an appeal *nunc pro tunc*. Nor does [the c]laimant contend that the Board erred or abused its discretion in dismissing her appeal based on its untimeliness. Instead, [the c]laimant raises a completely unrelated argument regarding the hostility of her work environment, which contains no legal analysis or citation to legal authority. [] We conclude, therefore, that [the c]laimant has waived the issue of timeliness."). Accordingly, we are constrained to affirm the Board's dismissal of Claimant's appeal as untimely under Section 501(e) of the UC Law, 43 P.S. § 821(e).

Based on the foregoing, the October 8, 2025 order of the Board is affirmed.

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PATRICIA A. McCULLOUGH, Judge

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	:	
Unemployment Compensation	:	
Board of Review,	:	
Respondent	:	

ORDER

AND NOW, this 13th day of November, 2026, the October 8, 2025 order of the Unemployment Compensation Board of Review is hereby AFFIRMED.

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PATRICIA A. McCULLOUGH, Judge