

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Laura I. Ordo,	:	
Petitioner	:	
	:	
v.	:	
	:	
Unemployment Compensation	:	
Board of Review,	:	No. 1574 C.D. 2025
Respondent	:	Submitted: June 16, 2026

BEFORE: HONORABLE RENÉE COHN JUBELIRER, President Judge
HONORABLE MICHAEL H. WOJCIK, Judge
HONORABLE CHRISTINE FIZZANO CANNON, Judge

OPINION

BY JUDGE FIZZANO CANNON

FILED: August 24, 2026

Laura I. Ordo (Claimant), *pro se*, petitions for review of an order issued on November 17, 2025, by the Unemployment Compensation Board of Review (Board). Through this order, the Board denied Claimant’s request for reconsideration of a prior adjudication, issued on October 27, 2025,¹ which had

¹ We note that there is a discrepancy as to the final decision date in the record. The original final decision was dated October 24, 2025, with the “final date to appeal” listed as November 24, 2025. Certified Record (C.R.) at 133. However, two subsequent mailings expressly stated that the decision of the Board became final on October 27, 2025—including the notice which provided instructions for further appeal to this Court. *Id.* at 156 & 158. In *Raichle v. Unemployment Compensation Board of Review*, 535 A.2d 694, 696 (Pa. Cmwlth. 1988), this Court determined that “decision mailing dates” on administrative determinations were required to provide formal notification of deadlines for appeals. However, this Court noted that such dates may not always reflect the date in which a decision is “placed into a properly addressed, stamped envelope and deposited in a proper place for receipt of mail.” *Id.* Where such a discrepancy occurs, a claimant is entitled to rely on the later postmark “as the date on which notification of the decision was *actually mailed and as the date on which the appeal period commences.*” *Id.* (emphasis added). We find that rationale persuasive here. In the subsequent notifications, the Board informed

denied Claimant benefits due to willful misconduct under Section 402(e) of the Pennsylvania Unemployment Compensation Law (UC Law).² Upon review, we affirm.

I. Background

Claimant worked as a full-time Human Resources Generalist with Black Knight Security, Inc. (Employer) from July 29, 2024, until her resignation on September 24, 2024. Certified Record (C.R.) at 102 & 109. Claimant resigned from her position due to anxiety Claimant experienced from performing her daily duties. *Id.* at 102. However, because Employer was struggling to fill Claimant's position, it offered Claimant a part-time, ad hoc position in the recruiting department until it could find a new hire.³ *Id.* Under this arrangement, Claimant could set her hours based on the reported needs of Employer. *Id.* at 103. This ad hoc position permitted Claimant to continue her job search while still working for Employer for extra pay. *Id.*

Claimant that its final decision was mailed on October 27, 2025, and that the October 27, 2025 determination "stands as final." C.R. at 156 & 158. Because the Board's decision was actually mailed on October 27, 2025, and all subsequent notices refer to the October 27 date, we view the Board's correspondence as correcting the original October 24, 2025 date. As such, we refer to October 27, 2025, as the final decision date, and Claimant was entitled to rely on that date for the commencement of the appeal period. *See id.* at 156 & 158; *see also* Pa.R.A.P. 108(a)(1) (stating that "the day of entry shall be the day . . . the office of the government unit mails or delivers copies of the orders to the parties").

² Act of December 5, 1926, Second Ex. Sess., P.L. (1937) 2897, *as amended*, 43 P.S. § 802(e).

³ Employer testified that it offered Claimant new, full-time recruiting positions on three separate occasions, but Claimant declined each of the positions. C.R. at 103.

On January 17, 2025, Employer contacted Claimant to work, but Claimant declined because her husband had COVID. C.R. at 104. Thereafter, Claimant was unreachable until March 3, 2025, when Claimant contacted Employer to inquire about any on-call work. *Id.* Employer informed Claimant that there was no longer a need for her on-call position because there were no outstanding projects in any of the departments. *Id.* at 105. As a result, Claimant applied for UC benefits on March 28, 2025. *Id.* at 3. The Department of Labor and Industry (Department) found that Claimant was eligible for UC benefits because Claimant’s employment was no longer necessary and “[t]here was no information provided to indicate there was any willful misconduct involved in [Claimant’s] separation” pursuant to Section 402(e) of the UC Law, 43 P.S. § 802(e).⁴ *Id.* at 43.

Employer appealed the Department’s eligibility determination,⁵ and a notice of appeal was mailed to Claimant on May 20, 2025. C.R. 67 & 75. The notice of appeal specified that “[e]veryone who is a party to this appeal will have the opportunity to testify and present witnesses and evidence during this hearing. ***It is important that all parties participate and follow instructions as explained in the Notice of Hearing.***” *Id.* (emphasis added). The subsequent notice of hearing was provided on June 25, 2025, informing the parties that a referee would be determining “[w]hether the [C]laimant’s separation from work was voluntary or involuntary. If voluntary, did the [C]laimant have cause of a necessitous and compelling nature to

⁴ Under Section 402(e), an employee shall be ineligible for compensation for any week “[i]n which his unemployment is due to his discharge or temporary suspension from work for willful misconduct connected with his work, irrespective of whether or not such work is ‘employment’ as defined in this act[.]” 43 P.S. § 802(e).

⁵ The hearing transcript notes that Employer filed a request for release from charges during the appeal period. *See* C.R. at 101. However, no such request is in the record.

voluntarily separate from the employment? If involuntary, was the [C]laimant discharged for willful misconduct in connection with the work?”⁶ *Id.* at 75. The notice of hearing also included procedural guidelines for available procedural requests, which provided, in pertinent part:

Requests may be submitted to the referee for the items listed below. Such requests may be made directly through your [UC benefits] account for immediate delivery. Requests not entered into the website should provide the claimant’s name and the appeal number, state the action requested, and include specific reasons for the request, and may be mailed, faxed, emailed, or personally delivered to the Referee’s Office.

...

Continuance of Hearing—If you cannot attend the hearing for any reason, you may request a continuance (postponement) of the hearing. **You should do this as soon as possible as untimely requests may be denied.** Written requests should include the specific reason for the request. The referee will grant this only for “proper cause” and upon terms that he/she deems proper. If a continuance is granted, notice of the continuance and a new Notice of Hearing will follow.

Id. at 79. However, Claimant did not appear at the scheduled hearing and did not file a written continuance request.⁷ *See id.* at 99. As such, the hearing proceeded

⁶ While the notice of hearing referenced the issue of whether Claimant had a necessitous and compelling reason to voluntarily separate from her employment under Section 402(b), 43 P.S. § 802(b), of the UC Law, the referee noted the incorrectness of the inclusion of that issue during the hearing, as the appeal was taken solely from Claimant’s eligibility pursuant to Section 402(e), 43 P.S. § 802(e), of the UC Law. C.R. at 43, 58-62 & 100. However, the referee agreed to permit testimony on both issues due to the instructions in the notice of hearing. *Id.* at 100-01.

⁷ Claimant argues that she called the Pittsburgh Referee Office to request a continuance due to a work conflict, but no evidence of such a conversation exists in the record. Claimant’s Br. at 6; *see* C.R. at 90 & 99.

without Claimant. A witness for Employer appeared and testified that Claimant ceased communicating with Employer after declining Employer's work request on January 17, 2025. *Id.* at 99 & 104. After the hearing, the referee reversed the determination, finding that "Claimant's abandonment of her position and failure to inform Employer of her plans [after January 17, 2025] constitutes willful misconduct" pursuant to Section 402(e), 43 P.S. § 802(e), of the UC Law. *Id.* at 110. Claimant appealed to the Board as to the sole issue of job abandonment but failed to raise any arguments regarding her absence from the hearing. *Id.* at 121-22. On October 27, 2025, the Board issued a final decision (Merits Decision) affirming the determination of the referee.

Claimant filed a request for reconsideration, which the Board denied on November 17, 2025 (Reconsideration Decision). C.R. at 158. As a result, Claimant mailed a petition for review via United States Postal Service (USPS) first class mail to this Court. Pet. for Rev. at 5. The postmark was dated November 24, 2025, but there was no accompanying Certificate of Mailing or other USPS form to verify the date of deposit. *Id.* at 6; *see also* Pa.R.A.P. 1514(a). The petition for review was received and filed on December 1, 2025.

II. Issues

Before this Court,⁸ Claimant sets forth several arguments in support of her eligibility for UC benefits. Claimant's Br. at 4. Claimant maintains that the

⁸ This Court's review of the Board's order is limited to determining whether constitutional rights were violated, whether an error of law was committed, or whether necessary findings of fact were supported by substantial evidence. *Hessou v. Unemployment Comp. Bd. of Rev.*, 942 A.2d 194, 197 (Pa. Cmwlth. 2008) (citing *Sheets v. Unemployment Comp. Bd. of Rev.*, 708 A.2d 884 (Pa. Cmwlth. 1988)). In unemployment compensation cases, the Board is the ultimate factfinder, and its findings are conclusive on appeal so long as the record, taken as a whole, contains

referee's reversal of her UC benefits determination was predicated on a violation of Claimant's due process because Claimant was not present at the hearing, which prevented Claimant from presenting conflicting testimony and authenticating eight exhibits which were excluded by the referee as hearsay. *Id.* at 10. Specifically, Claimant asserts that the referee's factual finding of job abandonment was in error because Employer had no work for Claimant to perform. *Id.* Claimant finally maintains that she had a "necessitous and compelling cause" to voluntarily quit her position pursuant to Section 402(b), 43 P.S. § 802(b), of the UC Law.⁹ *Id.* at 12.

The Board preliminarily asserts that Claimant failed to timely appeal the Merits Decision, thus constraining this Court's review to the Board's Reconsideration Decision. Board's Br. at 4. The Board further argues that it did not abuse its discretion in denying Claimant's request for reconsideration because Claimant raised arguments that were never at issue before the referee or the Board, nor did she present new evidence or changed circumstances to justify granting her request for reconsideration. *Id.* at 5-6.

We begin by discussing the timeliness of Claimant's petition for review as to the Merits Decision, as it is potentially dispositive.

substantial evidence to support those findings. *Hessou*, 942 A.2d at 198 (first citing *Peak v. Unemployment Comp. Bd. of Rev.*, 501 A.2d 1383 (Pa. 1985); and then citing *Taylor v. Unemployment Comp. Bd. of Rev.*, 378 A.2d 829 (Pa. 1977)).

⁹ In her statement of questions involved, Claimant also asserts that an error of law was committed when Employer's request for relief from charges was granted. Claimant's Br. at 4. However, it is unclear what the alleged charges are because no evidence of the granted request for relief from charges exists in the record. Moreover, Claimant failed to brief this issue.

III. Discussion

A. Reviewability of the Merits Decision

A petition for review must be filed in this Court's Prothonotary's Office within 30 days after entry of the order on appeal, unless otherwise provided. Pa.R.A.P. 1512(a)(1). As a general matter, the entry date of an order by a government unit "shall be the day . . . the government unit mails or delivers copies of the order to the parties." *Id.* 108(a)(1). A claimant's filing of a petition for reconsideration does not operate to extend the 30-day appeal period of the original order. *Muehleisen v. State Civ. Serv. Comm'n*, 443 A.2d 867, 869 (Pa. Cmwlth. 1982). When a petition for review is filed more than 30 days beyond the date of a government unit's decision, in violation of Rule 1512(a), Pa.R.A.P. 1512(a), we may not review the merits of the initial adjudication and order, and our review is limited to the denial of the request for reconsideration. *Id.* (determining that this Court had jurisdiction to review only the State Civil Service Commission's denial of a request for reconsideration, because the petition for review as to the merits adjudication was untimely); *Fleeher v. Dep't of Transp.*, 850 A.2d 34, 36 (Pa. Cmwlth. 2004) (holding that review was limited to the Department of Transportation's denial of reconsideration because the petition for review was not filed within 30 days of the merits order); *see also G.R.S. v. Dep't of Hum. Servs.*, 329 A.3d 770, 773-74 (Pa. Cmwlth. 2025) (acknowledging that the failure to timely appeal an administrative agency's action is a jurisdictional defect that cannot be waived and may be raised at any stage of the proceedings by any party, or by the Court *sua sponte*).

The Board maintains that Claimant's petition for review is not a timely appeal as to the Board's Merits Decision. Board's Br. at 4. As discussed *supra* at note 1, while the Board issued two conflicting dates as to the date of the Merits

Decision—October 24, 2025, and October 27, 2025—the Board notified Claimant that its Merits Decision was mailed and final on October 27, 2025, and directed Claimant to appeal to this Court within 30 days from that date. C.R. at 156 & 158. As such, the date of entry of the order for appeal purposes was October 27, 2025, when the Board mailed its Merits Decision to Claimant. *See* Pa.R.A.P. 108(a)(1); *see also Raichle*, 535 A.2d at 696. Therefore, the deadline to appeal the Board’s Merits Decision to this Court was November 26, 2025. *See* Pa.R.A.P. 1512(a)(1).

Rule 1514(a) of the Pennsylvania Rules of Appellate Procedure governs procedure for filing and service of the petition for review. Pa.R.A.P. 1514(a). In relevant part, Rule 1514(a) states:

(a) Filing with the Prothonotary.

...

(2) If the petition for review is filed by first class, express, or priority [USPS] mail, the petition shall be deemed received by the prothonotary for the purposes of Pa.R.A.P. 121(a)^[10] on the date deposited in the United States mail as shown on a [USPS] Form 3817 Certificate of Mailing, Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail, or other similar [USPS] form from which the date of deposit can be verified.

Id. 1514(a)(2). If the petition for review does not include any of the listed USPS forms that may be used to establish the date of deposit, the date of actual receipt by the prothonotary constitutes the date of filing. *Id.* 1514(a)(3)(i).

¹⁰ Rule 121(a) requires all appellate court filings to be filed with the prothonotary. “Filing may be accomplished by mail addressed to the prothonotary, but except as otherwise provided by these rules, filing shall not be timely unless the papers are received by the prothonotary within the time fixed for filing.” Pa.R.A.P. 121(a).

Claimant sent her petition for review via USPS first class mail without any of the USPS forms that may be used to establish the date of deposit. Therefore, her petition for review was filed on December 1, 2025, on the date of the prothonotary's actual receipt. While Claimant's petition for review was received after the November 26, 2025 deadline, our Supreme Court has acknowledged that technical noncompliance with appellate rules regarding timely mailing should not defeat an appeal "if timeliness can be determined by reference to the internal records of the court[.]" *Miller v. Unemployment Comp. Bd. of Rev.*, 476 A.2d 364, 365 (Pa. 1984). Further, in *Pelletier v. Unemployment Compensation Board of Review*, 344 A.3d 879, 883-84 (Pa. Cmwlth. 2025), this Court relied on *Miller* to determine that a petition for review is timely when received one business day after the deadline if this Court can infer that a claimant mailed the petition at least one business day before the petition arrived.

We now examine the timeline of Claimant's mailing. While this Court has determined that postmark dates are only persuasive support for timeliness, we note that Claimant's petition for review included a postmark dated November 24, 2025. Pet. for Review at 6; *see Pelletier*, 344 A.3d at 884 n.8 (noting that a postmark evidencing timely mailing is "further evidence [claimant] mailed her [petition] on time"). Under *Miller* and *Pelletier*, the last day for Claimant's petition to be deemed timely filed was one day after the November 26, 2025 deadline if the internal records of this Court permit the inference that Claimant's petition was timely deposited in the mail. 476 A.2d at 367; 344 A.3d at 884. However, when computing deadlines, "[w]henver the last day of any such period shall fall on Saturday or Sunday, or on any day made a legal holiday by the laws of this Commonwealth or of the United States, such day shall be omitted from the computation." Pa.R.J.A. 107(b).

November 27, 2025, and November 28, 2025, were state holidays when the prothonotary's office was closed. November 29, 2025, and November 30, 2025, were Saturday and Sunday, respectively. Therefore, such days would be omitted from the computation of time, and the next business day after November 26, 2025, would be December 1, 2025, when the prothonotary's office was open to receive Claimant's petition for review. Because the prothonotary received Claimant's petition for review on December 1, 2025, and the November 24, 2025 postmark evidences mailing three business days before its arrival, the internal records of this Court permit the inference that the petition was timely deposited in the mail. *See Pelletier*, 344 A.3d at 884 n.8. As such, Claimant's petition for review is timely as to both the Merits and Reconsideration Decisions under *Miller*, 476 A.2d at 367 and *Pelletier*, 344 A.3d at 884.

Because Claimant's petition for review was timely as to the Merits Decision, our review extends to Claimant's arguments as to her eligibility for UC benefits.

B. Waiver

While our review may include the merits of the Board's adjudication, Claimant sets forth her issues under the legal theory that she had a "necessitous and compelling cause" to voluntarily quit her position pursuant to Section 402(b), 43 P.S. § 802(b), of the UC Law. Claimant's Br. at 12. However, while Claimant's original UC application appeared to set forth arguments in favor of her eligibility under both Section 402(b) and Section 402(e), the Department only found that Claimant was eligible for benefits under Section 402(e) due to a lack of evidence of

willful misconduct involved in her separation. C.R. at 13-14, 43 & 100; 43 P.S. § 802(e). It is from this determination that Employer appealed. C.R. at 58-62.

This Court has determined that a referee is not strictly confined to the specific statutory subsection cited by the Department if the notice of hearing indicates that other issues might be raised. *Torsky v. Unemployment Comp. Bd. of Rev.*, 474 A.2d 1207, 1211 (Pa. Cmwlth. 1984). Here, while Claimant's original eligibility was determined based solely on Section 402(e) of the UC Law, the notice of hearing placed both Section 402(b) and 402(e) at issue. C.R. at 75. As such, Claimant could have argued that her anxiety was a necessitous and compelling reason to voluntarily quit her job pursuant to Section 402(b) at the referee's hearing. *See* 43 P.S. § 802(b). However, Claimant failed to attend the hearing. C.R. at 99.

Rule 1551(a) of the Pennsylvania Rules of Appellate Procedure provides, in relevant part:

(a) Review of quasijudicial orders shall be conducted by the court on the record made before the government unit. Only questions raised before the government unit shall be heard or considered, except:

...

(3) Questions that the court is satisfied the petitioner ***could not by the exercise of due diligence have raised before the government unit.***

Pa.R.A.P. 1551(a)(3) (emphasis added). Moreover, the waiver rule is mandated by Section 703(a) of the Administrative Agency Law, which states that “[a] party who proceeded before a Commonwealth agency under the terms of a particular statute . . . may not raise upon appeal any other question not raised before the agency . . . unless allowed by the court upon due cause shown . . .” 2 Pa.C.S. § 703(a); *see Wing v. Commonwealth*, 436 A.2d 179, 180 (Pa. 1981).

Here, Claimant had the opportunity to raise her Section 402(b) arguments during the referee hearing but failed to attend. Claimant was notified of the date, hour, and place of the hearing, and the record reveals that the referee waited for some amount of time for Claimant to appear. C.R. at 75 & 99. The procedural guidance provided to the parties in the notice of hearing stated that a continuance would be granted only for what the referee deems to be “proper cause.” *Id.* at 79. Such requests were to be submitted in writing to the referee, and a notice of continuance and new notice of hearing would be issued upon granting a party’s request. *Id.* While Claimant argues that she called the Pittsburgh Referee Office to request a continuance, she does not claim that such request was granted. Claimant’s Br. at 6. There is also no evidence of such request in the record. *See* C.R. at 99. Moreover, the notice of hearing provided Claimant actual notice that a continuance was granted only if a notice of continuance was subsequently issued to the parties. *Id.* at 79. As such, Claimant’s Section 402(b) argument is waived because she had the opportunity to preserve it at the referee hearing but failed to attend.¹¹

IV. Conclusion

Based on the foregoing discussion, the Board properly determined that

¹¹ Similarly, we decline to address the rest of Claimant’s issues because they are also waived. This Court has repeatedly held that an issue not specifically raised before the Board on appeal of a referee’s decision is waived. *See, e.g., Merida v. Unemployment Comp. Bd. of Rev.*, 543 A.2d 593, 596 (Pa. Cmwlth. 1988); *Schneider v. Unemployment Comp. Bd. of Rev.*, 523 A.2d 1202, 1204 (Pa. Cmwlth. 1987). Here, the only issue that Claimant raised on appeal from the referee’s determination was that she did not abandon her position. C.R. at 121-22. As such, all other issues are waived.

Claimant was ineligible for UC benefits and the Board's November 17, 2025 order denying Claimant's request for reconsideration is affirmed.

CHRISTINE FIZZANO CANNON, Judge

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Laura I. Ordo,	:	
	:	
Petitioner	:	
	:	
v.	:	
	:	
Unemployment Compensation	:	
Board of Review,	:	No. 1574 C.D. 2025
	:	
Respondent	:	

ORDER

AND NOW, this 24th day of August, 2026, the November 17, 2025 order of the Unemployment Compensation Board of Review is AFFIRMED.

CHRISTINE FIZZANO CANNON, Judge