

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Karen J. Lloyd-Pillot,	:	
Petitioner	:	
	:	
v.	:	No. 426 C.D. 2025
	:	SUBMITTED: June 16, 2026
Unemployment Compensation	:	
Board of Review,	:	
Respondent	:	

BEFORE: HONORABLE LORI A. DUMAS, Judge
HONORABLE STELLA M. TSAI, Judge
HONORABLE BONNIE BRIGANCE LEADBETTER, Senior Judge

OPINION NOT REPORTED

**MEMORANDUM OPINION BY
SENIOR JUDGE LEADBETTER**

FILED: August 24, 2026

Claimant Karen J. Lloyd-Pillot petitions this Court *pro se* for review of the Unemployment Compensation Board of Review's order affirming the decision of a Referee, which denied Claimant's claim for unemployment compensation (UC) benefits. We reverse and remand.

The underlying facts in this matter are undisputed. Claimant works as a substitute teacher for Substitute Teacher Service, Inc., and the Greenwood School District. In August 2023, Claimant filed an application for UC benefits. On August 18, 2024, Claimant attempted to file a claim for the last week of her benefit year, which expired on August 17, 2024 (August 17 claim). The Department of Labor and Industry's online benefit system would not allow the filing because Claimant's benefit year expired. As a result, Claimant filed a new claim, effective August 18, 2024. On September 10, 2024, a UC representative assisted Claimant in filing a

request to backdate the August 17 claim, which a UC Service Center denied as untimely. Claimant appealed to a Referee, who held a hearing in November 2024.

Claimant testified that she is required to file any claim for UC benefits on a Sunday. Because August 17, 2024, fell on a Saturday, Claimant tried to file the August 17 claim on August 18, 2024. The UC benefit system would not allow Claimant to do so, however, as her benefit year had “closed.” Certified Record (C.R.) at 94. Therefore, Claimant filed a new claim, for which she assumed the August 17 claim would be treated as the waiting week.¹ Claimant stated that her receipt of UC benefits was usually delayed for a month while her employer processed the “reasonable assurance” forms required for teachers.² *Id.* at 93-94. As a result, Claimant did not check her UC account for a few weeks. On September 10, 2024, upon discovering that her new claim reflected a different waiting week, Claimant contacted a UC representative, who assisted her in filing a request to backdate the August 17 claim.

¹ The first week a claimant is unemployed and otherwise eligible for benefits is referred to as a “waiting week,” during which benefits are not payable. Section 401(e)(1) of the Unemployment Compensation Law, Act of December 5, 1936, Second Ex. Sess., P.L. (1937) 2897, *as amended*, 43 P.S. § 801(e)(1) (compensation is payable to an employee who is or becomes unemployed and has been unemployed for a one-week waiting period).

² UC benefits are not paid for services performed for educational institutions during the period between academic years or during established vacation periods or holiday recesses where there is a contract or a reasonable assurance that the individual will perform services in the subsequent academic year or immediately following an established vacation period or holiday recess. Section 402.1 of the Law, *added by* the Act of July 6, 1977, P.L. 41, 43 P.S. § 802.1. Section 65.161 of the Department’s regulations, 34 Pa. Code § 65.161, sets forth the conditions required for establishing the existence of a contract or a reasonable assurance. For purposes of receiving UC benefits, a teacher does not have reasonable assurance of returning to work unless she is offered wages, benefits, and hours of work that are substantially similar to those offered the previous year. *Slippery Rock Area Sch. Dist. v. Unemployment Comp. Bd. of Rev.*, 983 A.2d 1231, 1238 (Pa. 2009).

The Referee issued a decision denying the August 17 claim. The Referee found that Claimant attempted to timely file the August 17 claim, but the UC benefit system would not allow her to proceed. Accordingly, the Referee determined that Claimant was entitled to two weeks of backdating, per Section 65.43a(e) of the Department's regulations, 24 Pa. Code § 65.43a(e). C.R. at 99, Referee's Decision. The August 17 claim was still untimely, however, because Claimant filed her backdating request on September 10, 2024. Claimant appealed to the Board, which affirmed the Referee. The instant appeal followed.

A claim for compensation shall be filed "no later than the last day of the second week after the end of the week claimed." 34 Pa. Code § 65.43. Thus, to file a claim for the week ending August 17, 2024, Claimant had to file her claim no later than August 31, 2024. Section 65.43a(c) of the Department's regulations, 34 Pa. Code § 65.43a(c), allows an untimely claim to be backdated where the untimeliness was caused by one of the exceptions set forth in subsection (e). The claim is deemed to have been filed "during the week that precedes the week of actual filing by the number of weeks indicated in subsection (e)." *Id.* Subsection (e) relevantly provides that a claim may be backdated by two weeks where the claimant made "all reasonable and good faith efforts to file timely but [was] unable to do so through no fault of the claimant." *Id.* Section 65.43a(e) also permits backdating by two weeks where the method used to file a claim is "unavailable or malfunctions and the attempt to file occurs on the last day that the claimant could timely file by the method used." *Id.* Where "two or more of the reasons enumerated in subsection[] (e)" prevent a claimant from filing within the time allowed, "the longest extension applies[,] unless adherence thereto "would be inequitable to the claimant," in which case "the sum of the applicable extensions applies." 34 Pa. Code § 65.43a(h). The

claimant bears the burden of proving she is entitled to backdating under Section 65.43a(e). *Naborn v. Unemployment Comp. Bd. of Rev.*, 246 A.3d 373, 379 (Pa. Cmwlth. 2021).

Claimant argues that her late filing was caused, in part, by the “reasonable assurance” process, which “creates confusion about when and how to file” and delays the payment of UC benefits. Claimant’s Br. at 7. Claimant maintains that she believed the August 17 claim would be considered the waiting week for her new claim and that she did not receive any notices or warnings to indicate she missed a filing. In addition, Claimant contends that the Board unfairly applied the “timeliness rules” that govern benefits for non-educators, who are not required to file additional paperwork or wait for reasonable assurance forms. *Id.* Finally, Claimant argues that she relied on the UC representative to file the August 17 claim, and Claimant was not advised of any potential issues with the claim. Given these circumstances, Claimant contends that “equity and good cause support reversing” the Board. *Id.* at 8 (capitalization removed).

The Board counters that confusion about the UC process is not a basis for reversing its decision, and the backdating rules in Section 65.43a apply to both educators and non-educators. The Board acknowledges that Claimant is entitled to two weeks of backdating; however, backdating Claimant’s September 10, 2024 request by two weeks only permits claims for the weeks ending August 31, and September 7, 2024. Although Section 65.43a(h) permits a longer period of backdating if a claimant demonstrates that two or more of the reasons enumerated in subsection (e) apply, the Board contends that Claimant only asserted one reason for her late filing – that she attempted to file the August 17 claim, but the benefit system would not allow it. This circumstance only warranted two weeks of

backdating. Even if the UC benefit system was “unavailable or malfunction[ed],” the Board notes that Claimant did not attempt to file the August 17 claim on August 31, 2024, “the last day that [she] could timely file[.]” Bd.’s Br. at 12 n.2; 34 Pa. Code § 65.43a(e). Thus, the Board asks the Court to affirm its order denying the August 17 claim as untimely.

The Board is correct that Claimant raised an issue with the UC benefit system as one cause of her untimely filing; however, Claimant did not invoke Section 65.43a(e), or any single reason therein, as the basis for her backdating request. Rather, Claimant simply indicates that she was “unable to certify [the August 17 claim] through [her] device.” C.R. at 14, Claimant’s Questionnaire. Specific reference to Section 65.43a(e) is also absent from Claimant’s appeals to the Referee and Board. In her appeal to the Referee, Claimant explained that she is required to file on Sundays and, therefore, the August 17 claim should have been filed on August 18, 2024. However, because her benefit year had ended, the UC benefit system would not allow Claimant to file. As a result, “it was impossible” for Claimant to file the August 17 claim while it remained open. C.R. at 40, Claimant’s Appeal from Determination. Claimant similarly argues in her appeal to the Board that a “fluke” in the UC benefit system prevented her from filing the August 17 claim. C.R. at 113, Claimant’s Appeal from Referee’s Decision. In short, nothing in the record suggests that Claimant limited the scope of her backdating request to a single reason enumerated in Section 65.43a(e). Moreover, Claimant’s inability to file due to a problem internal to the UC benefit system implicates more than one reason for granting her backdating request.

The Board acknowledges that the UC benefit system prevented Claimant from filing the August 17 claim because her benefit year had expired.

Despite this, the Board suggests that Claimant should have made another attempt at filing on August 31, 2024, to qualify for additional weeks of backdating based on system unavailability or malfunction. We disagree. Section 65.43a(e) does not specify that the attempt to file must occur no later than “the last day of the second week after the end of the week claimed.”³ Rather, it must occur “on the last day that the claimant could timely file by the method used.” 34 Pa. Code § 65.43a(e). Given that the UC benefit system rejected Claimant’s filing attempt because the benefit year had closed, any subsequent attempts would have been likewise rejected. As a result, it is unclear what constituted “the last day” that Claimant could timely file the August 17 claim. The Board’s argument that Claimant should have sought “assistance in filing for the claim week sooner than she did” is non-availing. Bd.’s Br. at 12. Section 65.43a(e) does not mandate that a claimant attempt filing by another method after the first method has failed.

While the Referee found that the UC benefit system would not allow Claimant to file the August 17 claim, she did not analyze whether Claimant was entitled to additional weeks of backdating based on the UC benefit system’s unavailability or malfunction. The Board merely adopted the Referee’s findings and conclusions. Because it appears that Claimant may be entitled to additional weeks of backdating, the Court concludes that a remand is necessary for the Board to make additional findings of fact in that regard.

³ 34 Pa. Code § 65.43.

For the reasons discussed herein, the Court reverses the Board's order affirming the Referee and remands this matter to the Board for additional fact-finding consistent with this opinion.⁴

BONNIE BRIGANCE LEADBETTER,
President Judge Emerita

⁴ The Court rejects Claimant's arguments that her claim was untimely because she was confused by the reasonable assurance process and that the rules on timeliness are unfairly applied to educators. A claimant's "ignorance of the UC claim process . . . is not a basis upon which this Court may reverse the [Board's] decision." *Naborn*, 246 A.3d at 380. Furthermore, as the Board notes, regulations regarding when claims must be filed do not differentiate between educators and non-educators.

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ORDER

AND NOW, this 24th day of August, 2026, the order of the Unemployment Compensation Board of Review is hereby REVERSED, and this matter is REMANDED to the Board to make additional findings of fact consistent with the foregoing opinion.

Jurisdiction is relinquished.

BONNIE BRIGANCE LEADBETTER,
President Judge Emerita