

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Carmen Booker,	:	
Petitioner	:	
	:	
v.	:	
	:	
Unemployment Compensation	:	
Board of Review,	:	No. 490 C.D. 2025
Respondent	:	Submitted: July 24, 2026

BEFORE: HONORABLE PATRICIA A. McCULLOUGH, Judge
HONORABLE CHRISTINE FIZZANO CANNON, Judge
HONORABLE MATTHEW S. WOLF, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE FIZZANO CANNON

FILED: October 9, 2026

Carmen Booker (Claimant) petitions *pro se* for review of the January 10, 2025 Order (Reconsideration Order) of the Unemployment Compensation Board of Review (Board). Through its Reconsideration Order, the Board denied Claimant's request for reconsideration (Reconsideration Request) from the Board's December 16, 2024 Order (Appeal Denial Order), which had affirmed a referee's decision (Referee's Decision) dismissing Claimant's appeal as untimely under Section 501(e) of the Unemployment Compensation Law (Law).¹ For the reasons that follow, we affirm the Board's denial of the Reconsideration Request.

¹ Section 501(e) of the Pennsylvania Unemployment Compensation Law, Act of December 5, 1936, Second Ex. Sess., P.L. (1937) 2897, *as amended*, 43 P.S. § 821(e).

I. Background

This Court previously outlined the undisputed facts and procedural history underlying this matter in its opinion determining Claimant's separate challenge to the Appeal Denial Order. *See Booker v. Unemployment Comp. Bd. of Rev.* (Pa. Cmwlth., No. 77 C.D. 2025, filed March 31, 2026) (*Booker I*) at 1-3. This Court explained:

On March 12, 2024, Claimant applied for [unemployment compensation (UC)] benefits. On April 17, 2024, the Department of Labor and Industry (Department) issued a disqualification determination (Determination), finding her ineligible for UC under Sections 402(h) and 4(1)(2)(B) of the law,^{[FN]2} because Claimant was self-employed. Specifically, the Determination noted Claimant was “engaged in self-employment while working in regular employment” and failed to furnish documents concerning her business's profits and losses. Claimant had until May 8, 2024[,] to file a timely appeal. On July 9, 2024, more than two months later, Claimant appealed the Determination.^{[FN]3}

^{FN2} Section 402(h) of the Law provides: “An employe shall be ineligible for compensation for any week . . . in which he is engaged in self-employment” 43 P.S. § 802(h). Section 4(1)(2)(B) provides[, in] relevant part:

Services performed by an individual for wages shall be deemed to be employment subject to this act, unless and until it is shown to the satisfaction of the [D]epartment that -- (a) such individual has been and will continue to be free from control or direction over the performance of such services both under his contract of service and in fact; and (b) as to such services such individual is customarily engaged in an

independently established trade, occupation, profession or business.

43 P.S. § 753(l)(2)(B).

^{FN3} Claimant represented herself throughout the proceedings below.

On October 25, 2024, the Referee conducted a hearing, at which only Claimant testified. The Referee questioned Claimant about her selected notification method for UC benefits, and when she received and appealed the Determination. On November 8, 2024, the Referee issued [the Referee's Decision] dismissing the appeal as untimely under Section 501(e) of the Law. In support, the Referee rendered the following findings of fact:

1. Claimant's preferred notification method is internal message with email notification.
2. On April 17, 2024, the Determination was issued finding Claimant ineligible for [UC] benefits.
3. A [c]opy of the Determination was issued to Claimant electronically through internal message with email notification on the above date.
4. The Notice of Determination was not returned as being undeliverable.
5. The Notice of Determination informed Claimant that there were twenty-one (21) days from the date of that Determination in which to file an appeal if Claimant disagreed with the Determination. The last day on which a valid appeal could be filed from that Determination was May 8, 2024.
6. Claimant did not file an appeal on or before May 8, 2024, but waited until July 9, 2024.

7. Claimant was not misinformed nor in any way misled regarding the right to appeal or the need to appeal.

Claimant timely appealed to the Board, which affirmed the Referee's [D]ecision on December 16, 2024[, via the Appeal Denial Order]. In so doing, the Board adopted and incorporated the Referee's findings of fact and conclusions of law. Given the conflicts in her testimony, the Board did not find Claimant credible.

Booker I at 1-3 (internal citations omitted; original brackets omitted). Claimant timely sought reconsideration of the Appeal Denial Order in the Reconsideration Request, which the Board denied by issuing the Reconsideration Order on January 10, 2025. *See* Reconsideration Order, C.R. at 159.

Claimant petitioned this Court for review of both the Appeal Denial Order and the Reconsideration Order. *See Booker I*. Under a separate docket number,² this Court affirmed the Appeal Denial Order, finding that substantial evidence existed to support the Board's finding that Claimant did not timely appeal the Determination. *See Booker I*. In the instant action, Claimant now separately petitions this Court for review of the Board's Reconsideration Order.

II. Discussion

The Board may grant a claimant's request for reconsideration only where there is good cause to do so. *See* 34 Pa. Code. § 101.111(b); *see also Ensle*

² In addition to the instant appeal and *Booker I*, Claimant also attempted to appeal both the Appeal Denial Order and the Reconsideration Order at Commonwealth Court Docket 182 C.D. 2025. *See Booker v. UCBR* (Pa. Cmwlth., 182 C.D. 2025), *Pro Se* Letter received Jan. 21, 2025 and Ancillary Petition for Review filed Feb. 8, 2025. This Court dismissed Claimant's petition for review at 182 C.D. 2025 as duplicative of the appeal pending at *Booker I*. *See* Commonwealth Court Order entered August 22, 2025, at Docket. No. 182 C.D. 2025.

v. Unemployment Comp. Bd. of Rev., 740 A.2d 775, 779 (Pa. Cmwlth. 1999); *Bennett v. Unemployment Comp. Bd. of Rev.*, 470 A.2d 203, 205 (Pa. Cmwlth. 1984). “In determining whether ‘good cause’ exists, the Board must consider whether the party requesting reconsideration has presented new evidence or changed circumstances or whether it failed to consider relevant law.” *Ensle*, 740 A.2d at 779. Further, “in reviewing an order denying reconsideration, we are limited to considering whether the Board abused its discretion in denying reconsideration.” *Serrano v. Unemployment Comp. Bd. of Rev.*, 149 A.3d 435, 441 (Pa. Cmwlth. 2016) (citing *Payne v. Workers’ Comp. Appeal Bd. (Elwyn, Inc.)*, 928 A.2d 377, 379 (Pa. Cmwlth. 2007)). “An abuse of discretion in the denial of reconsideration of an administrative agency decision occurs only where the challenger establishes that the order is manifestly unreasonable or is based upon bad faith, fraud, capricious action, or an abuse of power.” *Id.*

Here, Claimant’s appeal of the Reconsideration Request seeks to draw into question the basis of the Appeal Denial Order, which order this Court already affirmed in *Booker I*. Claimant has not presented new evidence or changed circumstances or argued that the Board failed to consider relevant law. In short, Claimant has not established that the Board engaged in behavior that would constitute an abuse of discretion, and we perceive no basis for such a conclusion on the facts of this case. Because we find no abuse of discretion in the Board’s determination to deny Claimant’s Reconsideration Request, we affirm the Reconsideration Order.

III. Conclusion

For the reasons above, we affirm the Reconsideration Order.

CHRISTINE FIZZANO CANNON, Judge

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ORDER

AND NOW, this 9th day of October, 2026, the January 10, 2025 Order of the Unemployment Compensation Board of Review is AFFIRMED.

CHRISTINE FIZZANO CANNON, Judge