IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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| Stephanie Elsasser, Petitioner | : | |
| v. | : | |
| Unemployment Compensation Board of Review, Respondent | : | No. 607 C.D. 2025 |
| | : | Submitted: July 24, 2026 |

BEFORE: HONORABLE RENÉE COHN JUBELIRER, President Judge
HONORABLE MICHAEL H. WOJCIK, Judge
HONORABLE STELLA M. TSAI, Judge

OPINION
BY JUDGE TSAI FILED: November 3, 2026

Petitioner Stephanie Elsasser (Claimant) petitions, *pro se*, for a review of an order of the Unemployment Compensation Board of Review (Board) that affirmed a Referee's decision that held Claimant ineligible for benefits pursuant to Section 402(b) of the Unemployment Compensation Law (Law), relating to voluntary resignation without cause of a necessitous and compelling nature.[1] Upon review, we affirm.

## I. BACKGROUND

Claimant filed a claim for unemployment compensation benefits effective July 21, 2024, following her resignation from employment with Great Lakes Services L.L.C./Great Wolf Lodge (Employer). Certified Record (C.R.) at CR64.

[1] Act of December 5, 1936, Second Ex. Sess., P.L. (1937) 2897, *as amended*, 43 P.S.§ 802(b). Section 402(b) of the Law provides, in part, that "an employe[e] shall be ineligible for compensation for any week . . . in which his unemployment was due to voluntarily leaving work without cause of a necessitous and compelling nature."

The Department of Labor and Industry's (Department) Office of Unemployment Compensation Benefits (UC Office) issued a Disqualifying Separation Determination (Determination), concluding that Claimant was ineligible for benefits under Section 402(b) of the Law. *Id*. The Determination provided that Claimant "did not inform [her] employer of [her] work limitations." *Id*. Claimant appealed the Determination. *Id*. at CR79.

A Referee conducted a hearing. *Id*. at CR175. At Claimant's request, the Referee admitted dozens of pages of medical records into the record. *Id*. at CR183. Claimant, assisted by counsel, testified on her own behalf, and Employer presented the testimony of Karen Clark, who is employed by Employer as a manager. *Id*. at CR179.

Claimant testified that she began working for employer in October 2021. *Id.* at CR184-CR185. Claimant explained that she resigned from a position as a front desk agent at Employer on July 15, 2024, because of "health reasons," citing that the "stress and the toxic environment" was taxing on her. *Id*. at CR185, CR188. She stated that "ever since [she] had [an] episode where [she] passed out and had to go to the hospital, [her] doctor wanted [her] to leave" her employment because it was "too much, health-wise." *Id.* at CR185. She explained that her doctor placed her on medication for stress, but it did not work well. *Id.* She testified that she was sick every month and had pneumonia during her last year, which resulted in bronchial tube spasms and her having to use an inhaler. *Id.* Claimant testified that, "after the bronchial spasm, it was time to leave and follow [her] doctor's recommendation." *Id.*

As to her work environment, Claimant testified that it got worse after the new building opened in September 2023, because they started having as many as 500 or

more guests checking in. *Id.* at CR185-CR186. When asked about her having worked for an additional nine months after the new building opened, she explained that she tried to stay there as long as she could because she enjoyed it; her health, however, got worse and worse. *Id.* at CR168.

More specifically, Claimant testified that she suffered a minor stroke while working on November 12, 2023, and had to be transported to the hospital. *Id.* Claimant testified that she informed her manager "about the stress level" and that it was "affecting her health." *Id*. Her manager, who Claimant asserts knew about her stroke, told Claimant that she thought "it would be advisable if [Claimant] cut back on [her] hours." *Id*. Claimant testified that she reduced her working hours from 40 hours per week to 32 hours per week in December 2023. *Id*. at CR187-CR188. However, as she subsequently developed pneumonia and a permanent bronchial wheeze for which she uses a powder atomizer, Claimant testified that she "could no longer perform the essential . . . functions" of the job. *Id*. at CR188-CR189.

When questioned as to whether she asked Employer for a different type of job, Claimant stated that Employer "never mentioned that there was any other thing available to [her] when she gave [her] notice." *Id.* at CR 189. As to whether she notified Employer as to any medical restrictions before she left her job, Claimant testified that Employer "knew of [her] restrictions, because [one manager] was holding . . . her medication in the event [Claimant] needed it while . . . on the job." *Id*. at CR189. According to Claimant, "working in another department or . . . in a different position would have been worse, because it would have been [customer complaint] calls." *Id.* Claimant testified she is looking for a position in the customer service field but not in hospitality. *Id.* at CR190. Claimant also testified that her doctor wrote a letter dated July 24, 2024 (July 2024 letter), that recommended that

Claimant seek alternative employment. *Id*. at CR188. A review of the July 24, 2024 letter from Claimant's physician reveals that the physician recommended that Claimant "seek alternative employment . . . for continued health concerns." *Id.* at CR34. He further stated that Claimant "has been treated for multiple medical concerns, some of which [were] life threatening, during her period of employment, and feel alternative employment would benefit her long[-]term health status." *Id.*

On cross-examination, Claimant confirmed that the July 2024 letter was prepared by her doctor after she resigned her employment for the purpose of submitting something in writing to the Referee. *Id.* at CR190. Claimant also affirmed that, in all cases with the exception of one, the medical records in the record regarding Claimant's health stated that she had no restrictions to return to work. *Id*. Claimant explained that when she got sick, she would heal then get sick again the following month due to the amount of germs in the workplace. *Id.* With regard to the incident when she went to the hospital in November 12, 2023, the note from the hospital physician indicated that she was under a physician's care from November 11-13, 2023, and could return to work on November 17, 2023. *Id.* at CR191.

During Claimant's testimony, Employer attempted to dispute the reason for the visit to the hospital, citing an incident report that indicated that Claimant became light-headed after taking some pain medication and was told by Employer to rest and go home; Claimant disputed the accuracy of the incident report, asserting she is allergic to the type of pain medication mentioned in the report. *Id.* at CR191-CR192.

Employer's witness, Karen Clark (Clark), testified that Claimant submitted a resignation letter on July 5, 2024, stating that she was resigning due to health reasons and her last day of employment would be July 19, 2025. *Id.* at CR192. Clark stated that Claimant worked her time and left on a "re-hirable" status. *Id.* Clark testified

that Claimant never indicated that she had work restrictions or that she was seeking alternative employment opportunities with Employer; Claimant's resignation notice indicated that Claimant verbally spoke with the manager to resign for ongoing health concerns and a plan for open-heart surgery that was scheduled for the end of the month. *Id*.

Following the hearing, the Referee affirmed the Determination and made the following findings of fact:

> 1. [C]laimant last worked as a fulltime front desk agent for [Employer] beginning employment on October 21, 2021, with a last day worked on July 15, 2024.
> 2. While employed[,] [C]laimant had multiple health issues, including but not limited to a stroke and pneumonia.
> 3. On July 5, 2024, [C]laimant notified [E]mployer that July 19, 2024, was to be her last day of work due to health issues.
> 4. On July 15, 2024, [C]laimant quit her job.
> 5. [C]laimant did not notify [E]mployer of any work restrictions at the time of resigning the job.
> 6. [C]laimant is able to work in a non-hospitality work environment.

*Id*. at CR197.

The Referee found to be incredible Claimant's assertions that "[E]mployer knew [about] her health restriction due to her manager 'holding' her medication and the stress of the job causing health issues." *Id*. As for the Referee's reasoning, the Referee wrote:

> In the present case [C]laimant testified on July 15, 2024, she quit the job due to health issues. [C]laimant's assertions that [E]mployer knew her health restriction due to her manager "holding" her medication and the stress of the job causing health issues are found to be incredible. Moreover, [C]laimant continued working for an extended period under the same conditions. [E]mployer['s] witness testified [C]laimant did not notify [E]mployer of any work restrictions at the time of resignation. As such, the Referee cannot find that . . . Claimant has established a necessitous and compelling reason for leaving

> employment at the time . . . or that . . . Claimant acted with ordinary common sense and made a good faith effort to preserve the employment. Accordingly, benefits must be denied under Section 402(b) of the . . . Law.

*Id.* at CR197. Claimant appealed the Referee's decision to the Board. *Id*. at CR208.

The Board adopted and incorporated the Referee's findings of fact and conclusions of law and affirmed the Referee's decision. *Id*. at CR225. In so doing, the Board reasoned:

> Based on a review of the record, the Board concludes . . . [C]laimant did not meet her burden of showing that her reasons for quitting were necessitous and compelling under Section 402(b) of the Law. The record established . . . [C]laimant quit due to health issues. However, . . . [C]laimant provided insufficient evidence to establish that she brought these issues to the attention of . . . [E]mployer prior to quitting. . . . [C]laimant did not inform . . . [E]mployer of her health issues prior to quitting and failed to give . . . [E]mployer any opportunity to provide an accommodation. Additionally, . . . [C]laimant did not establish that seeking an accommodation would be futile. As such, . . . [C]laimant failed to meet her burden under Section 402(b) of the Law.

*Id*.

## II. ISSUES

On appeal to this Court,[2] Claimant essentially challenges whether there is substantial evidence to support the Board's finding of fact number 5, which provides that Claimant "did not notify [E]mployer of any work restrictions at the time of resigning the job." Claimant's Br. at 2. Claimant also argues that the Board erred in concluding that she lacked a necessitous and compelling reason to terminate employment. *Id*.

## III. DISCUSSION

### A. SUBSTANTIAL EVIDENCE

[2] This Court's review of a Board order is limited to determining whether the findings of fact are supported by substantial evidence, whether errors of law were committed, or whether constitutional rights were violated. 2 Pa. C.S. § 704.

Substantial evidence is "evidence upon which a reasonable mind could base a conclusion." *Henderson v. Unemployment Comp. Bd. of Rev.*, 77 A.3d 699, 718 (Pa. Cmwlth. 2013). In determining whether there is substantial evidence to support the Board's findings, this Court must examine the testimony in the light most favorable to the prevailing party, giving that party the benefit of any inferences that can logically and reasonably be drawn from the evidence. *Johnson v. Unemployment Comp. Bd. of Rev.*, 502 A.2d 738, 740 (Pa. Cmwlth. 1986). A determination as to whether substantial evidence exists to support a finding of fact can only be made upon examination of the whole record. *Taylor v. Unemployment Comp. Bd. of Rev.*, 378 A.2d 829, 831 (Pa. 1977). The Board's findings of fact are conclusive on appeal if there is substantial evidence in the record to support them. *Penflex Inc. v. Bryson*, 485 A.2d 359, 365 (Pa. 1984). Even if there is evidence of record to the contrary, the Board's findings of fact are binding on our Court when supported by substantial evidence. *Johnson v. Unemployment Comp. Bd. of Rev.*, 504 A.2d 989, 990 (Pa. Cmwlth. 1986).

In support of her substantial evidence challenge, Claimant points to her testimony at the Referee hearing, which she asserts establishes that she informed Employer of her medical restrictions prior to terminating employment. Specifically, Claimant notes that she testified that she "told [her manager] about the stress level . . . [and] that it was affecting [her] health." *Id*. at CR186. Claimant also points to testimony where she claimed that Employer knew of "[her] restrictions" because one manager was holding her medication. *Id*. at CR189. This was not credited by the Board. *Id*. at CR235. Claimant never testified that she informed Employer of any medical restrictions prior to leaving her employment. Conversely, Clark testified that Claimant never notified Employer of any work restrictions either during her

employment or at the time of her resignation. *Id*. at CR192. Although Claimant entered medical records into evidence, the record does not show that she provided those documents to Employer during her employment. As Claimant presented insufficient evidence to establish that she had ever informed Employer of any work restrictions, we conclude that substantial evidence exists to support the Board's finding of fact number 5.[3]

B. ERROR OF LAW

Next, we will address Claimant's argument that the Board erred in concluding that Claimant lacked a necessitous and compelling reason to terminate employment. A claimant has the burden of proving that the claimant had a "necessitous and compelling reason" to terminate employment, which results from "real and substantial" pressure to terminate employment and which would "compel a reasonable person under the circumstances to act in the same manner." *Taylor*, 378 A.2d at 832-33. To meet this burden, the claimant must generally demonstrate that the claimant took "all necessary and reasonable steps to preserve the employment relationship." *PECO Energy Co. v. Unemployment Comp. Bd. of Rev.*, 682 A.2d 58, 60-61 (Pa. Cmwlth. 1996). The purpose of the "reasonable steps to preserve employment" requirement is to allow an employer to "*accommodate* a claimant's

[3] Claimant appears to argue that the Referee and Board discarded or disregarded her medical records, as they did not consider them. The certified record includes the medical records that Claimant introduced at the hearing. C.R. at CR34-CR62; CR182-CR183. As noted above, Claimant did not testify that she gave any of these medical records to Employer, and, therefore, the records do not establish that Claimant provided the requisite notice of her medical conditions or restrictions to Employer prior to her resignation. Moreover, the records did not inform Employer of any work restrictions imposed on Claimant at the time of her resignation. To the extent that the medical records document bouts of illness, we observe that neither the Referee nor the Board found that Claimant did not have health issues. As such, we see no error on the part of the Referee or the Board with regard to Claimant's medical records.

problem by offering suitable work." *Fox v. Unemployment Comp. Bd. of Rev.*, 522 A.2d 713, 715 (Pa. Cmwlth. 1987) (emphasis in original).

Our courts have held that a medical condition that limits a person's ability to perform work duties can provide a "necessitous and compelling reason to quit one's employment." *St. Clair Hosp. v. Unemployment Comp. Bd. of Rev.*, 154 A.3d 401, 405 (Pa. Cmwlth. 2017). To establish that a medical condition qualifies as a "necessitous and compelling reason" for termination, a claimant must "(1) establish, via competent evidence the existence of a medical condition; (2) *inform the employer of the condition*; and (3) be able and available to work if a reasonable accommodation can be made." *Id*. at 405 (emphasis added). Our Supreme Court has opined:

> Where an employee because of a physical condition[] can no longer perform his regular duties, he must be available for suitable work, consistent with the medical condition, to remain eligible for benefits. However, once he has communicated his medical problem to the employer and explained his inability to perform the regularly assigned duties, an employee can do no more.

*Genetin v. Unemployment Comp. Bd. of Rev.*, 451 A.2d 1353, 1356 (Pa. 1982).

A claimant's failure to notify an employer of work restrictions may not preclude the claimant from establishing necessitous and compelling reasons for terminating employment if the claimant can establish that notifying the employer would have been futile. *See Hoffman v. Unemployment Comp. Bd. of Rev.*, 528 A.2d 1050 (Pa. Cmwlth. 1987). In *Hoffman*, the unemployment compensation claimant was a custodial worker who faced serious health problems. The claimant's doctor advised her to seek lighter work duties and imposed restrictions on her lifting, stooping, and bending. The claimant did not provide her employer with medical documentation attesting to the severity or presence of a medical condition, and the claimant did not inform her employer of the fact that she could perform work with

restrictions. Based on those circumstances, the Board concluded that the claimant "did not take the necessary steps to preserve her employment" and reversed the referee's award of benefits. *Id.* at 1057.

On appeal, this Court in *Hoffman* reversed the order of the Board. We concluded that the Board improperly denied benefits. We focused our analysis on the concept of futility, noting that the claimant elicited testimony from the employer that, even if the employer had known of the claimant's medical condition and work restrictions, it could not have offered the claimant a suitable alternative position. We opined that, "although an employer is under no duty to offer alternative employment to an employee when the employee's account of her medical condition is admittedly vague, this failure to properly communicate is not fatal to eligibility under Section 402(b)[ of the Law][4] when evidence in the record shows that no suitable work would have been available." *Hoffman*, 528 A.2d at 1053. In reaching that conclusion, we reasoned:

> We do not believe that under *Genetin*, a claimant's only duty is to communicate that she is in ill-health and quitting. The *Genetin* decision interpreted the [Law] to place the onus on the employer, not the employee, to initiate the quest for an alternate position but an employer cannot undertake such a responsibility unless it is aware that the employee is permitted to do some type of work.

*Hoffman*, 582 A.2d at 1052. We emphasized in *Hoffman* that the claimant in that case "cannot be considered to have accurately communicated her medical condition to [the] employer in a manner which would enable a transfer to a lighter duty position." *Id.*

[4] It appears to the Court that the *Hoffman* opinion mistakenly referred to Section 402(b)(1) of the Law rather than Section 402(b) of the Law.

The framework set forth above for analyzing medical conditions for purposes of necessitous and compelling reasons to terminate employment requires this Court to consider whether the finding that "[C]laimant did not notify [E]mployer of any work restrictions at the time of resigning the job" precludes Claimant from receiving benefits. C.R. at CR197. For the reasons that follow, we conclude that Claimant's failure to notify Employer of the nature of her medical conditions and associated restrictions that she contends form the basis for compelling and necessitous reasons to quit is fatal to Claimant's unemployment compensation claim.

Although Claimant contends that her medical conditions constitute necessitous and compelling reasons for terminating her employment, a review of the record reveals that the nature of any medical condition that existed *at the time Claimant resigned* is unclear and vague. Consistent with this point, the Referee found that "[C]laimant *had* multiple health issues, including but not limited to a stroke and pneumonia." *Id.* More importantly, however, Claimant has not explained what restrictions, if any, her medical conditions require. Unlike in *Hoffman*, there is no testimony describing work restrictions imposed on Claimant due to any medical condition. Claimant's lack of specificity as to the nature of any work restrictions she had at the time of resignation makes it impossible for Claimant to establish that any attempts by Employer to accommodate actual, medically necessitated work restrictions would have been futile. *See Hoffman*, 528 A.2d at 1052. Claimant's testimony that one of the other jobs available at Employer's workplace would be "worse" than the job from which she resigned does not save Claimant's claim. *See* C.R. at CR189. Claimant's testimony rejecting other jobs potentially available at Employer's workplace appeared to be based on her dissatisfaction with work within the hospitality industry and not based on her inability to perform other jobs due to

specified work restrictions. Thus, the testimony would not support a determination of futility.

For the reasons set forth above, we conclude that the Board did not err in concluding that Claimant failed to establish necessitous and compelling reasons for terminating her employment.

## IV. CONCLUSION

Accordingly, we affirm the order of the Board.

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STELLA M. TSAI, Judge

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**O R D E R**

AND NOW, this 3rd day of November, 2026, the order of the Unemployment Compensation Board of Review is AFFIRMED.

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STELLA M. TSAI, Judge