

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Leroy Garnett,	:
Petitioner	:
	:
v.	: No. 659 C.D. 2025
	: Submitted: July 24, 2026
Unemployment Compensation	:
Board of Review,	:
Respondent	:

BEFORE: HONORABLE ANNE E. COVEY, Judge
HONORABLE LORI A. DUMAS, Judge
HONORABLE STACY WALLACE, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE WALLACE

FILED: October 20, 2026

Leroy Garnett (Claimant), representing himself, petitions for review of a March 25, 2025 order (Order) of the Unemployment Compensation (UC) Board of Review (Board) which affirmed a decision by a UC Referee (Referee) finding Claimant ineligible for UC benefits under Subsections 402(b) and (d)(1) of the UC Law.¹ After careful review, we quash this appeal for lack of jurisdiction, because Claimant did not file his Petition for Review (Petition) within the time permitted by Pennsylvania Rule of Appellate Procedure (Rule) 1512(a)(1).

¹ Act of December 5, 1936, Second Ex. Sess., P.L. (1937) 2897, *as amended*, 43 P.S. § 802(b), (d)(1).

BACKGROUND

Claimant worked as a maintenance engineer at a Residence Inn hotel in Glen Mills, Pennsylvania. Certified Record (C.R.) at 68-69, 79. His last day of work was September 8, 2024. *Id.* at 69, 79. He left work because his mother was hospitalized after a fall. *Id.* at 69, 71-72, 79.

Claimant was found ineligible for UC benefits. *Id.* at 16. He timely appealed. *Id.* at 32-33. After a hearing, the Referee found Claimant effectively resigned without seeking a leave of absence or inquiring about leave under the Family and Medical Leave Act. *Id.* at 79-80. The Referee thus found Claimant ineligible for benefits under Subsections 402(b) and (d)(1) of the UC Law, because he voluntarily left work without cause of a necessitous and compelling nature, and because he failed to demonstrate he was able to perform, and was available for, suitable work. *Id.*

Claimant appealed to the Board. *Id.* at 91-100. Incorporating the Referee's findings and conclusions, the Board affirmed the decision on March 25, 2025. *Id.* at 107.

On April 21, 2025, this Court received a letter from Claimant indicating his desire to appeal the Board's decision. The next day, the Court sent a notice to Claimant acknowledging receipt of his letter and directing him to file a conforming petition for review within 30 days, that is, on or before May 22, 2025, to perfect his appeal. The notice advised Claimant that without a timely filed and conforming petition the Court would not take any further action on his appeal.

Claimant filed the Petition by certified mail. He signed it, and wrote by hand, on the line marked "Today's date," "May. 23 2025." He entered the same date by hand on the certificate of service. Petition for Review, 5/23/2025.

This Court received the Petition on May 27, 2025. The envelope in which it was mailed displayed the certified mail item number and a postmark dated May 23, 2025.

This Court directed the parties to address in their briefs whether Claimant timely filed the Petition. Memorandum and Order, 7/22/2025. Claimant's brief does not address the issue. The Board's brief argues Claimant mailed the Petition on May 23, rendering it untimely. Board Br. at 8-11.

DISCUSSION

Rule 121 allows filing the Petition by mail and provides "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). Under Rule 1514(a)(2), a petition for review filed by mail:

shall be deemed received by the prothonotary for the purposes of Pa.R.A.P. 121(a) on the date deposited in the United States mail, as shown on a United States Postal Service Form 3817 Certificate of Mailing, Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail, or other similar United States Postal Service form from which the date of deposit can be verified.

Pa.R.A.P. 1514(a)(2).

Claimant did not submit any of these Postal Service forms, but a decision by our Supreme Court, and one by this Court, hold that while appellate jurisdiction depends on timely deposit in the mail it does not depend on the use of one of the specified forms. We have jurisdiction to consider a petition filed by mail if the record establishes that petitioner deposited the filing in the mail on or before the last date allowed for filing. *Miller v. Unemployment Comp. Bd. of Rev.*, 476 A.2d 364,

366-67 (Pa. 1984); *Pelletier v. Unemployment Comp. Bd. of Rev.*, 344 A.3d 879, 884 (Pa. Cmwlth. 2025) (*en banc*).²

The last date for Claimant to file was May 22, 2025. All evidence indicates he deposited the Petition in the mail the following day. The postmark on the envelope bears the date May 23, 2025. *See Pelletier*, 344 A.3d at 884 n.9 (in the absence of other definitive evidence a postmark may be considered as evidence of the date of deposit in the mail). The envelope containing the Petition indicates Claimant sent it by certified mail and identifies the item number; the tracking information for that item, available on the Postal Service website, indicates “USPS [was in] possession of [the] item” at 2:06 p.m. on May 23, 2025. *See USPS Tracking*, United States Postal Service, <https://tools.usps.com/tracking/9589%200710%205270%200403%208446%2073> (last visited Oct. 19, 2026).³

Furthermore, Claimant dated the Petition and certificate of service by writing in the date, May 23, 2025, by hand. We cannot discern any logical explanation for insertion of that date if Claimant actually completed and mailed the Petition on an earlier date. The record does not contain any evidence of timely mailing, and

² In *Pelletier*, the initial *pro se* letter arrived at the Court the day after the filing deadline, but we held the rule applicable under in Rule 1514 – that a petition is timely filed if deposited in the mail on or before the filing deadline – also applies to such letters. *Id.* at 882, 884.

³ According to the website this means the Postal Service “has received or picked up the package” as of that date and time. *See Where is My Package*, USPS, <https://faq.usps.com/s/article/Where-is-my-package> (last visited Oct. 19, 2026). We may take judicial notice of publicly available information on an official government website. *Cunningham v. Unemployment Comp. Bd. of Rev.*, 330 A.3d 20, 22 n.1 (Pa. Cmwlth. 2025). Furthermore, courts have considered tracking information as evidence of when a party receives an item. *See Sawyers v. Davis*, 222 A.3d 1, 6 (Pa. Super. 2019) (considering tracking information as evidence of delivery of a certified mailing).

Claimant did not address this issue in his brief, as directed by our July 22, 2025 Memorandum and Order.⁴

Claimant submitted his initial letter within the 30-day appeal period, preserving the date of that submission as his filing date under our Internal Operating Procedure 211, codified at 210 Pa. Code § 69.211. Jurisdiction remained subject, however, to Claimant perfecting the appeal by filing a conforming petition within 30 days of the date of the Court’s notice. *Id.* The IOP requires the Prothonotary to advise a party who submits a communication “that evidences an intention to appeal an adjudication of a state administrative agency but does not conform to the rules for an appellate petition for review” that the filing date of that communication “will be preserved as the date of filing of the appeal if that party files a fully conforming petition for review within 30 days of the date of the Prothonotary’s letter.” *Id.* We cannot extend that 30-day period, so Claimant’s failure to file within that period extinguished jurisdiction. *DeWitt v. Unemployment Comp. Bd. of Rev.*, 6 A.3d 586 (Pa. Cmwlth. 2010). “[A]ppeal periods are jurisdictional and may not be extended as a matter of grace or mere indulgence” *City of Phila. v. Tirrill*, 906 A.2d 663, 665 (Pa. Cmwlth. 2006) (*en banc*). As a result, we cannot entertain an untimely appeal, even one filed a day late. *Id.* at 666.

⁴ *Miller* and *Pelletier* concluded the relevant filings in those cases were deposited no later than the last day of the filing period, because in each case the Court received the document on the business day after the deadline, and an item deposited into the mail requires at least one business day to arrive at the addressee. *Miller*, 476 A.2d at 366-67; *Pelletier*, 344 A.3d at 884.

CONCLUSION

For the reasons stated in this Memorandum Opinion, we have no choice but to quash Claimant's appeal.

STACY WALLACE, Judge

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ORDER

AND NOW, this 20th day of October 2026, the above-captioned appeal is
QUASHED.

STACY WALLACE, Judge