

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Joyce W. Carr,	:	
Petitioner	:	
	:	
v.	:	No. 713 C.D. 2025
	:	Submitted: July 24, 2026
Unemployment Compensation	:	
Board of Review,	:	
Respondent	:	

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

OPINION NOT REPORTED

MEMORANDUM OPINION BY
PRESIDENT JUDGE COHN JUBELIRER

FILED: September 3, 2026

Joyce W. Carr (Claimant), self-represented, petitions for review of an Order of the Unemployment Compensation (UC) Board of Review (Board), which affirmed the Referee's decision denying Claimant UC benefits pursuant to Section 402(e) of the UC Law, 43 P.S. § 802(e).¹ On appeal, Claimant argues that the Board erred in finding that she engaged in willful misconduct and, thus, was ineligible for UC benefits. Because Claimant knowingly drove with a suspended driver's license for work purposes, in violation of her employer's policies, we affirm.

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

I. BACKGROUND

Claimant was employed full-time at Pennsylvania National Mutual Casualty Insurance Company (Employer) as an Administrative Services Clerk. (Certified Record (C.R.) at 119.) Claimant was terminated in December 2024 after Employer discovered she had been driving her personal vehicle with a suspended driver's license to fulfill her work duties. (*Id.* at 119-20.) Claimant filed for UC benefits on December 20, 2024, and was denied by the UC Service Center because “[t]he rule [she] violated was . . . reasonable and [she] was aware, or should have been aware, of the rule.” (*Id.* at 58.) Claimant appealed the determination, and a hearing was scheduled in front of the Referee.

At the hearing, Claimant testified as follows. Claimant was hired by Employer in October 2022. (*Id.* at 119.) Claimant's driver's license was already suspended at the time she applied for the job with Employer. (*Id.* at 127.) Claimant was unaware of any policies requiring her to have a valid driver's license for her position. (*Id.*) Claimant “kn[e]w [she] need[ed] [a] license to drive” but did not feel the need to notify Employer that her license was suspended because she was not “causing any harm” and “was driving [her] own car.” (*Id.* at 127-28, 131.) Employer never checked her “credentials,” i.e., the status of her license. (*Id.* at 128.) Despite knowing her license was suspended, Claimant volunteered to do the mail run, which involved driving to pick up mail. (*Id.* at 128, 132-33.) Claimant requested to be taken off the mail run in November 2024 but was still asked to complete it in November and December 2024. (*Id.* at 128.) Employer requested a doctor's excuse from Claimant to take her off the mail run. (*Id.*) On December 10, 2024, Claimant had a meeting with Employer where she presented a doctor's excuse citing a weight limit on lifting. (*Id.* at 129.) Employer responded by asking that Claimant divide

the mail into multiple totes so she could still complete the mail run while complying with the weight limitations provided by her doctor. (*Id.*) Claimant then told Employer that she could not do the mail run because her personal vehicle was “acting up.” (*Id.* at 131.) Employer suggested Claimant drive a company vehicle, and Claimant responded that she could not because her license was suspended. (*Id.* at 131-32.) Employer requested to meet with Claimant on December 19, 2024, at which time Employer told Claimant she would be put on corrective action for driving with a suspended license. (*Id.* at 132-33.)

Employer also testified at the hearing as follows. Employer became aware of Claimant’s suspended license on December 9, 2024. (*Id.* at 122.) For certain positions, Employer required employees to maintain a valid driver’s license when performing work, whether they drive their own vehicle or a company vehicle. (*Id.* at 120-21.) Furthermore, Claimant’s job description stated that a valid driver’s license is required. (*Id.* at 121, 124.) Employer also had a Driver Safety Policy, requiring that Claimant inform Employer of any change in her license status, including suspension, revocation, or restrictions. (*Id.* at 123-24.) Employer’s code of conduct required that Claimant not violate public law when at work on company property or in company vehicles or engage in deceit or fraud. (*Id.* at 123.) Claimant signed an Employee Policy Acknowledgment Statement when she was hired, signing off on “all policies” of Employer, including the code of conduct and any policies accessible online. (*Id.* at 120, 124-26; *see also id.* at 137.) Based on Claimant’s violation of these policies, Employer decided termination was the proper path to take. (*Id.* at 121.) Prior to termination, Employer asked Claimant if she could provide them with a valid driver’s license, but she could not. (*Id.*) Employer terminated Claimant on December 20, 2024. (*Id.* at 122.)

From this testimony, the Referee made the following findings of fact, in relevant part:

2. ☐ [E]mployer has a policy that establishes [Claimant] must notify ☐ [E]mployer of any change in driver's license status, including suspension . . . when [she] use[s] a company vehicle or use[s] [her] personal vehicle for business use.
3. ☐ [C]laimant's job position required a valid driver's license.
4. ☐ [C]laimant was aware of the policy.
5. ☐ [C]laimant's driver's license was suspended sometime in 2022.
6. ☐ [C]laimant drove her personal vehicle to pick up the mail . . . while her license was suspended.

....

11. ☐ [C]laimant was terminated effective December 20, 2024, for violating ☐ [E]mployer's code of conduct for failing to notify ☐ [E]mployer of the loss of license and driving with a suspended license.

(Referee's Decision, Findings of Fact (FOF) ¶¶ 2-6, 11.) The Referee affirmed the decision of the UC Service Center and determined Claimant was ineligible for UC benefits. (C.R. at 143.) The Referee reasoned, in part:

[C]laimant testified that she never had to provide a copy of her license when she was hired. [Claimant] testified that she did in fact drive her vehicle with a suspended license while she was employed. [Claimant] stated she was not aware having a license was a requirement of the job. ☐ [E]mployer provided the job description, that clearly showed having a driver's license as a requirement. ☐ [E]mployer also provided the code of conduct. ☐ [C]laimant testified that she never got into an accident while she was driving on company business, so she should not have been terminated. Accordingly, ☐ [C]laimant has not established good cause for her conduct and benefits are denied pursuant to Section 402(e) of the [UC] Law.

(*Id.* at 142.)

Claimant appealed the Referee’s decision to the Board on April 3, 2025. (*Id.* at 153.) The Board issued the Order on April 30, 2025, concluding that the determination made by the Referee was proper and denying benefits. (*Id.* at 171.) The Board reasoned: “[E]mployer provided a copy of [] [C]laimant’s job description which clearly states a driver’s license is required for her job. Additionally, [] [C]laimant admits that driving to the post office was one of her job duties and she was driving to pick up the mail on a suspended license.” (Board’s Order at 1.) Claimant now seeks review of this Order.

II. DISCUSSION²

Claimant argues that because she was unaware of Employer’s Driver Safety Policy, she did not intentionally violate Employer’s policies and, therefore, Employer did not meet its burden of establishing she engaged in willful misconduct. (Claimant’s Brief (Br.) at 9, 12.) Claimant also challenges certain findings of fact affirmed by the Board.³ (*Id.* at 10-11.) Specifically, in addition to challenging the finding of her awareness of Employer’s policies, Claimant challenges the findings that her job required a valid driver’s license, that her license was suspended sometime in 2022, and that she was terminated for violating Employer’s policies.

In response, the Board argues that substantial evidence supports the Board’s findings of fact. (Board’s Br. at 6.) The Board argues the record contradicts Claimant’s claim that her job did not require a valid driver’s license. (*Id.* at 5.)

² Our review is limited to determining whether necessary findings of fact were supported by substantial evidence, whether errors of law were committed, or whether constitutional rights were violated. Section 704 of the Administrative Agency Law, 2 Pa.C.S. § 704.

³ Although the Board did not explicitly adopt and incorporate the Referee’s findings of fact in the Order, we note that the Board is the ultimate factfinder in UC cases and by affirming the Referee, in effect, adopted the findings of fact as its own. We thus refer to the Referee’s findings of fact as the Board’s findings below.

Furthermore, the Board contends that Claimant's allegations that she was unaware of Employer's policies are a matter of credibility, and the Board found Employer to be more credible about Claimant's awareness. (*Id.*) Finally, the Board argues that even if Claimant could demonstrate she was unaware she needed a driver's license or to inform Employer of her suspension, her admissions that she drove multiple times for work without a valid license, in violation of the code of conduct against violating public law, constitutes willful misconduct.

In UC cases, the Board is the ultimate factfinder, and we are bound by their findings so long as they are supported by substantial evidence, defined as "such relevant evidence which a reasonable mind would accept as adequate to support a conclusion." *Cambria Cnty. Transit Auth. ("CamTran") v. Unemployment Comp. Bd. of Rev.*, 201 A.3d 941, 947 (Pa. Cmwlth. 2019) (citation omitted). Furthermore, the Board is free "to make its own determinations as to witness credibility." *Id.*; see also *Ackley v. Unemployment Comp. Bd. of Rev.*, 166 A.3d 565, 568 (Pa. Cmwlth. 2017) ("The Board is the arbiter of credibility and is free to accept or reject the testimony of any witness in whole or in part.").

Pursuant to Section 402(e) of the UC Law, an employee is not eligible for unemployment compensation benefits for any week "[i]n which [her] employment is due to [her] discharge or temporary suspension from work for willful misconduct connected with [her] work" 43 P.S. § 802(e). In the context of UC Law, we have previously defined willful misconduct as:

(1) an act of wanton or willful disregard of the employer's interest, (2) a deliberate violation of the employer's rules, (3) a disregard for standards of behavior which the employer has a right to expect of an employee, or (4) negligence indicating an intentional disregard of the employer's interest or of the employee's duties and obligations to the employer.

Woodring v. Unemployment Comp. Bd. of Rev., 284 A.3d 960, 964 (Pa. Cmwlth. 2022) (citation and internal quotations omitted). “An employer, seeking to prove willful misconduct based on the violation of its policies, must prove the existence of the policy, its reasonableness, and the fact of its violation.” *Id.* (citing *Halloran v. Unemployment Comp. Bd. of Rev.*, 188 A.3d 592, 597 (Pa. Cmwlth. 2018)). If the employer establishes willful misconduct, “the burden of proof shifts to the employee to prove that she had good cause for her actions.” *Chapman v. Unemployment Comp. Bd. of Rev.*, 20 A.3d 603, 607 (Pa. Cmwlth. 2011). “The employee establishes good cause where her actions are justified or reasonable under the circumstances.” *Id.*

Here, Claimant challenges the Board’s findings related to her job description, her awareness of Employer’s policies, and her violation of Employer’s policies.⁴ Claimant challenges the Board’s Finding of Fact No. 3, which states that, “[C]laimant’s job position required a valid driver’s license.” (Board’s FOF ¶ 3.) In her testimony, Claimant affirms that her job title was “Administrative Services Clerk” at the time of her termination. (C.R. at 125.) The job description in the record provided by Employer outlines the requirements of an Administrative Services Clerk, including “hav[ing] a valid driver’s license.” (*Id.* at 56.) Additionally, Employer testified that Claimant’s position required a valid license. (*Id.* at 121.) Based on the record, we conclude that substantial evidence supports the Board’s finding that Claimant’s position required a valid driver’s license and are constrained to uphold this finding.

⁴ Claimant also challenges Finding of Fact No. 5, stating that her license was suspended “sometime in 2022.” (Board’s FOF ¶ 5.) Claimant testified that her license was suspended “for about two years” at the time of her termination and, therefore, the Board’s finding is supported by her own testimony. (See C.R. at 127.)

Next, Claimant challenges the Board's Finding of Fact No. 4, which states, "[C]laimant was aware of the policy."⁵ (Board's FOF ¶ 4.) Preliminarily, it is unclear whether "the policy" in Finding of Fact No. 4 refers to (1) the Driver Safety Policy or (2) the policy in Claimant's job description that she maintain a driver's license, as the latter requirement is referenced in the immediately preceding paragraph, Finding of Fact No. 3. To the extent Claimant challenges her awareness of both of these policies, we will address both here. First, as to Claimant's awareness of the Employer's Driver Safety Policy, we need not reach this issue because we find error in the Board's determination that Claimant violated this policy, as will be addressed in our discussion of Claimant's challenge to Finding of Fact No. 11 below.

Second, as to Claimant's awareness of the license policy in the job description, Claimant testified she had no knowledge that her position required a valid driver's license. (C.R. at 127.) While the job description in the record contains the provision that a valid driver's license is required, (*id.* at 56), Employer offered no testimony that Claimant actually received or had access to this job description. Although the record contains testimony from Employer that when hired, all employees, including Claimant, sign off on "all policies," (*id.* at 124), Employer offered no evidence or testimony to confirm whether the job description in the record was included among these "policies." Moreover, the Employee Policy Acknowledgment Statement that Employer offered as proof that Claimant electronically signed off on "all policies" does not list the job description among the policies she acknowledged or had access to and does not clarify whether a job description is considered a "policy" for

⁵ Claimant does not explicitly challenge Finding of Fact No. 4 in her brief; however, she denies being aware of Employer's Driver Safety Policy and that her position required a valid driver's license. Accordingly, Claimant has impliedly challenged Finding of Fact No. 4.

purposes of this form.⁶ (*Id.* at 137.) In the absence of any evidence that Claimant received or had access to the job description, we conclude substantial evidence does not support the Board’s finding that Claimant was aware of the policy that she have a valid driver’s license, at least insofar as that policy was set forth in the job description.⁷

Furthermore, Claimant challenges the Board’s Finding of Fact No. 11, which states, “[C]laimant was terminated effective December 20, 2024, for violating [] [E]mployer’s code of conduct for failing to notify [] [E]mployer of the loss of license and driving with a suspended license.”⁸ (Board’s FOF ¶ 11.) Claimant argues she did not violate Employer’s policies by having not notified Employer of the suspension of her license because the license was already suspended prior to her employment—meaning that “[t]here was no change to report.” (Claimant’s Br. at 11-12.) We agree, as substantial evidence does not support the Board’s finding that

⁶ Although we acknowledge this document contains catch-all language that Claimant acknowledges and has access to policies beyond those listed, including those online, Employer did not offer testimony that the job description was online.

⁷ We address Claimant’s awareness of Employer’s code of conduct separately in connection with our later discussion of the Board’s finding that Claimant violated this additional policy.

⁸ The Board’s Finding of Fact No. 11 regarding Claimant’s violation of the license suspension notification requirement is unclear as to **which** policy it finds Claimant violated. (Board’s FOF ¶ 11.) While the notification requirement appears in the **Driver Safety Policy**, the Board misstates that this notification language is found in the code of conduct. (*Id.* (“[C]laimant was terminated effective December 20, 2024, **for violating [] Employer’s code of conduct** for failing to notify [] [E]mployer of the loss of license and driving with a suspended license.”) (emphasis added).) The code of conduct does not set forth a policy that Claimant notify Employer of changes in her license status, instead setting forth a policy that “[v]iolation of public law when at work” and “deception or fraud” are examples of misconduct. (C.R. at 31.) To the extent that Claimant’s challenge to Finding of Fact No. 11 is focused on the notification requirement in the Driver Safety Policy, we will address only the Driver Safety Policy in this paragraph. Our discussion of whether substantial evidence supports finding Claimant violated the code of conduct will follow below.

Claimant violated this notification requirement. Here, Employer’s Driver Safety Policy requires employees to report “[a]ny **change** in driver’s license status including suspension, revocation, or restriction.” (C.R. at 38 (emphasis added).) The Board found Claimant violated the code of conduct for failing to notify Employer of a **change** in her license status. Contrary to this finding of a “change” in license status, Claimant testified her license was suspended **before** her employment with Employer began. (*Id.* at 127.) Employer offered no contrary evidence to suggest Claimant’s license suspension occurred during her Employment. Accordingly, where the record establishes that Claimant’s license was **already suspended before Employer hired her**, leaving Claimant without a “change” in her license status to report while employed, substantial evidence does not support the Board’s finding that Claimant violated the Employer’s notification requirement in the Driver Safety Policy.

Even though Claimant did not experience a “change” in her license status, substantial evidence supports the Board’s finding that she violated Employer’s code of conduct,⁹ another of Employer’s policies, by driving with a suspended license. *See Phila. Parking Auth. v. Unemployment Comp. Bd. of Rev.*, 1 A.3d 965, 969 (Pa.

⁹ Notwithstanding that Finding of Fact No. 11 misstates the contents of the code of conduct by referencing the Driver Safety Policy’s notification requirement, as discussed in the above footnote, we note that the Referee’s decision affirmed by the Board also discusses the code of conduct elsewhere without referring to the notification requirement. Specifically, the Referee’s decision contains a determination that Claimant **was terminated “for continued violation of the [] code of conduct and driving with a suspended license.”** (C.R. at 141.) To the extent that the Board intended to find that Claimant violated **both** the code of conduct and Driver Safety Policy, we agree that substantial evidence supports finding Claimant violated the code of conduct, for reasons discussed above in more detail. If the Board intended to find that Claimant **only** violated the Driver Safety Policy and not the code of conduct, based on the notification language in Finding of Fact No. 11, the Board assigned an erroneous reason to a decision that was ultimately correct based on the record before us, and we affirm on the alternative grounds set forth herein. *See Phila. Parking Auth. v. Unemployment Comp. Bd. of Rev.*, 1 A.3d 965, 969 (Pa. Cmwlth. 2010).

Cmwlth. 2010) (“We will affirm an order of [the Board] where the result is correct, even if the reason given is erroneous, where the correct basis for the decision is apparent on the record.”). As set forth above, the record contains testimony from Employer that Employer had a code of conduct that set forth a policy requiring employees to follow public law when at work or in company vehicles. (C.R. at 123.) Employer’s testimony is consistent with the copy of the code of conduct admitted in the record, which prohibits “[v]iolation of public law when at work, on [Employer] property, or in [Employer] vehicles.” (*Id.* at 31.) Based on this record, we are satisfied that substantial evidence supports the Board’s finding that Employer had a code of conduct, which set forth a policy that prohibited violation of public laws when at work—and, by extension, prohibited driving without a license. The question then becomes whether Claimant was aware of this policy and that driving without a license violated public law.

Here, as set forth above, Employer testified that Claimant signed an Employee Policy Acknowledgment Statement that acknowledged Claimant had reviewed Employer’s policies. (*Id.* at 120.) The Employee Policy Acknowledgment Statement admitted in the record confirms Claimant electronically signed off on the code of conduct, as it specifically lists the code of conduct among the policies Claimant reviewed before signing. (*Id.* at 137.) In her testimony credited by the Board, Claimant admitted that she knew driving would require a valid license, suggesting an awareness that driving without a license was against public law: “Oh yeah, I was driving . . . **I know you need a license to drive. We all know that . . .**” (*Id.* at 128 (emphasis added).) As to whether Claimant in fact drove without a license, she admitted in her testimony to this violation of public law when at work:

[Referee] All right. So – but you were **aware when you drive that you did not have a license?**

[Claimant] **I was.**

[Referee] Okay. You said you wanted to explain something?

[Claimant] Oh, yeah. I was driving I was driving my own car, and I did volunteer to do the mail run.

. . . .

[Claimant] **I'm driving – delivering federal mail for a company.**

(*Id.* at 128, 132 (emphasis added).) Claimant also freely admits to the same violation of the law when at work in her brief, stating, “I admit to driving my personal vehicle to pick up the mail while my license was suspended.” (Claimant’s Br. at 6.) Based on Claimant’s own testimony, and evidence establishing both the existence of the code of conduct and that Claimant signed off on it, Claimant was aware she needed a license to drive without violating public law and should have been aware that she needed a license driving for work purposes to avoid violating Employer’s code of conduct. Substantial evidence, therefore, supports the Board’s finding that Claimant violated at least one of Employer’s policies—the code of conduct—despite the Board’s error in finding she violated the Driver Safety Policy or was aware of the job description. For these reasons, we uphold the Board’s findings challenged by Claimant. *See Phila. Parking Auth.*, 1 A.3d at 969.

Turning now to willful misconduct, Employer met its burden. Employer terminated Claimant for driving without a valid license, which violated the policy against violation of public law when at work in its code of conduct. Employer provided a copy of the code of conduct for the record, proving its existence. Additionally, a policy requiring employees to follow public laws while working, including the law requiring a driver to have a valid driver’s license when they drive, is objectively reasonable in the eyes of this Court, particularly given that Claimant

was driving to deliver mail. *See Blaylock v. Unemployment Comp. Bd. of Rev.* (Pa. Cmwlth., No. 2059 C.D. 2014, filed Aug. 21, 2015), slip op. at 2, 7 (holding that an employer’s policy that prohibited “committing illegal conduct” was reasonable and that an employee committed misconduct by engaging in illegal conduct).¹⁰ Lastly, Claimant herself admits to driving for work purposes without a valid driver’s license, establishing a direct violation of Employer’s policy that explicitly prohibits violations of public law when at work. Even in the absence of such a policy, Claimant’s conduct in knowingly driving without a valid license falls below “the standards of behavior” that Employer had a right to expect from its employees, to the extent employers would reasonably have an interest in limiting their own liability and conducting business in a manner that does not place the safety of the general public and its own employees in jeopardy. *See Woodring*, 284 A.3d at 964 (defining willful misconduct as “a disregard for standards of behavior which the employer has a right to expect of an employee”).

Finally, Claimant attempts to establish good cause for her actions by arguing that she did not drive a company vehicle with a suspended license and that no one was harmed by her actions. While Claimant raised this argument at the hearing, neither the Referee nor the Board found good cause existed for Claimant’s violations. We agree that the fact Claimant broke the law when at work by driving without a valid license in her own vehicle, rather than in the company’s, does not make her actions reasonable under the circumstances. *See Hine v. Unemployment Comp. Bd. of Rev.*, 520 A.2d 102, 104 (Pa. Cmwlth. 1987) (“[W]here an employee is required to possess and maintain a valid driver’s license as a condition of h[er]

¹⁰ Unreported panel decisions of this Court may be cited for their persuasive value pursuant to Rule 126(b) of the Pennsylvania Rules of Appellate Procedure, Pa.R.A.P. 126(b), and Section 414(a) of this Court’s Internal Operating Procedures, 210 Pa. Code § 69.414(a).

employment, if the employee is discharged because h[er] license is suspended, [s]he is ineligible to receive benefits under Section 3 [of the UC Law].”).¹¹ Likewise, that no one was injured as a result of Claimant’s actions may be cause for relief, but this is not good cause justifying her actions as reasonable under the circumstances. For these reasons, we are constrained to hold the Board did not err in concluding Claimant was ineligible for benefits.

III. CONCLUSION

Accordingly, we conclude the Board did not err in denying Claimant benefits pursuant to Section 402(e) of the UC Law and affirm the Order of the Board.

RENÉE COHN JUBELIRER, President Judge

¹¹ While we acknowledge that the policy in *Hine* was one specifically requiring that the claimant possess a valid driver’s license and not one prohibiting violation of public law when at work, the code of conduct in this case had the same effect as a policy requiring that Claimant maintain a valid driver’s license to the extent that she drove for work. *See* 520 A.2d at 103.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Joyce W. Carr,	:	
	:	
Petitioner	:	
	:	
v.	:	No. 713 C.D. 2025
	:	
Unemployment Compensation	:	
Board of Review,	:	
	:	
Respondent	:	

ORDER

NOW, September 3, 2026, the Order of the Unemployment Compensation Board of Review in the above-captioned case is **AFFIRMED**.

RENÉE COHN JUBELIRER, President Judge