

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Katelea Williams,	:	
Petitioner	:	
	:	
v.	:	
	:	
Unemployment Compensation	:	
Board of Review,	:	No. 780 C.D. 2025
Respondent	:	Submitted: July 24, 2026

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

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE TSAI

FILED: October 2, 2026

Petitioner Katelea Williams (Claimant) petitions, *pro se*, for review of an order of the Unemployment Compensation Board of Review (Board), which affirmed a decision by a Referee dismissing Claimant's appeal as untimely under Section 501(e) of the Unemployment Compensation Law (Law).¹ Upon review, we now affirm the Board's order.

I. BACKGROUND

Claimant worked for Westrock Services LLC (Employer). Claimant filed for unemployment compensation (UC) benefits on July 26, 2021. (Certified Record (CR) at 009-016.) On March 24, 2022, the Department of Labor and Industry, Office of Unemployment Compensation Benefits (Department) issued a Disqualifying

¹ Act of December 5, 1936, Second Ex. Sess., P.L. (1937) 2897, *as amended*, 43 P.S. § 821(e).

Separation Determination, denying benefits pursuant to Section 402(e) of the Law,² relating to discharge for willful misconduct. (CR at 031-041.) The Department also issued a Notice of Determination establishing non-fault overpayments totaling \$6,164.00 in UC benefits under Section 804(b) of the Law,³ 43 P.S. § 874(b), and \$1,800.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits under Section 1204(f) of the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020, 15 U.S.C. § 9021(f).⁴ (CR at 044-066.) The Disqualifying Separation Determination and Notice of Determination (collectively, Determinations) stated that Claimant had the right to appeal and that the appeals must be received or postmarked by April 14, 2022. (CR at 031, 045.)

Claimant appealed the Determinations on January 28, 2025, nearly three years after the deadline. (CR at 071-074.) A Referee conducted a hearing on March 24, 2025. (CR at 109-120.) Claimant appeared, *pro se*, and testified on her own behalf. (*Id.*) Employer was not present for the hearing. (*Id.* at 110.) The Referee noted that the threshold issue was whether Claimant had filed a timely appeal. (*Id.* at 111-112.)

At that hearing, Claimant testified she discovered that the Department had issued the Determinations when she applied for UC benefits after she “had lost the job again.” (CR at 112-113.) She stated that she was informed she “owed [approximately] \$7,000” and then “went to the . . . CareerLink [center] . . . in . . . Donora[, Pennsylvania,]” for an explanation. (*See id.* at 113.) Claimant testified she did not understand the explanations provided by the staff at the center. (*Id.* at 113.) Claimant testified that after the CareerLink center found her a new job, she

² 43 P.S. § 802(e).

³ 43 P.S. § 874(b).

⁴ The CARES Act of 2020 authorized federal Pandemic Unemployment Assistance funds to be disbursed through the Department.

“didn’t care” anymore. (*Id.* at 113.) When asked about whether she could access the Pennsylvania UC portal, Claimant testified that she was unsure, stating that she does not “go on to the portal” but has “tried to” access it. (CR at 114.) She testified that she filed her initial application for UC benefits on the phone and went to the Donora CareerLink center afterwards. (CR at 115.) She claimed that her preferred method of notification listed, internal message,⁵ was erroneously entered by a UC employee. (*Id.*)

Following the hearing, Claimant submitted a request for continuance, which the Referee granted. (C.R. at 122.) The Referee scheduled an additional hearing for April 22, 2025, and notice was sent to Claimant and Employer. (CR at 122-150.) Neither Claimant nor Employer appeared at the April 22, 2025 hearing. (CR at 155-157.) On April 23, 2025, the Referee issued the following findings of fact:

1. On March 24, 2022, the Unemployment Compensation Service Center issued Notices of Determination to . . . Claimant which denied benefits under Section 402(e) of the Law, found the Claimant to be overpaid regular UC benefits under Section 804(b) and . . . FPUC[] benefits under Sections 1204(f)(2) and 2104(f)(3) of CARES Act of 2020.
2. The Notices of Determination were addressed to the Claimant’s correct mailing address of record and . . . Claimant’s email address is also correct in the file.
3. The Notices of Determination informed . . . Claimant that April 14, 2022 was the last day to file a timely appeal to the Service Center Determinations.
4. . . . Claimant did not file an appeal to the Determinations on or before April 14, 2022.

⁵ When initially applying for a UC claim, claimants are prompted to select a Preferred Notification Method out of three selections: (1) Internal Message; (2) Postal Mail; and (3) Internal Message with Email Notification. See <https://www.pa.gov/content/dam/copapwp-pagov/en/dli/documents/uc/uc-benmod/open-initial-claim.pdf> (last visited September 29, 2026). “Internal Message” means that notifications are sent only through the UC portal. (CR at 115.)

5. . . . Claimant did not recall receipt of the Service Center Determinations.

6. . . . Claimant did file an appeal via email on January 28, 2025.

(CR at 159-170.)

In issuing the decision, the Referee reasoned that “mere testimony is insufficient to defeat the presumption of receipt when the Determination[s] [were] correctly addressed and [were] not returned as undeliverable. The provisions of . . . Section[501(e)] of the Law are mandatory, and the Referee has no jurisdiction to allow any appeal filed after the expiration of the statutory appeal period.” (*Id.* at 160.) The Referee ultimately dismissed the appeal as untimely pursuant to Sections 501(e) and 501(f) of the Law.⁶ (*Id.* at 162.)

Claimant filed a timely appeal of the Referee’s decision to the Board on May 14, 2025. (CR at 172-180.) In this appeal, Claimant explained that she missed the April 22, 2025 hearing before the Referee because she thought it was on April 24, 2025. Claimant did not, however, mention why she failed to file timely her appeal of the Determinations. (*Id.*) The Board adopted and incorporated the Referee’s findings of fact and conclusions of law. (CR at 193.) The Board reasoned that the Determinations “were sent to [Claimant] using her preferred method of delivery and not returned as undeliverable.” (CR at 192.) The Board concluded that Claimant “did not provide credible testimony or evidence to show that her appeal was, or should be accepted as if, timely filed under Section 501(e) of the Law,” thereby affirming the decision of the Referee and denying Claimant a remand hearing. (CR at 192-193.) Claimant then petitioned this Court for review.

⁶ 43 P.S. § 821(f). Under Section 501(f) of the Law, “a notice or a determination to a claimant or employer under [Section 501] shall be mailed to the claimant’s or employer’s last known post office address or transmitted electronically, as designated by the recipient.”

II. ISSUES

On appeal,⁷ Claimant essentially argues that the Board erred in dismissing Claimant's appeal as untimely and that the Board erred in determining her ineligible for benefits.

III. DISCUSSION

Under Section 501(e) of the Law, an appeal must be filed within twenty-one days from the date a determination is mailed to a claimant's last known address. "If an appeal is not filed within [twenty-one] days [from] the mailing of the determination, it becomes final, and the Board does not have the requisite jurisdiction to consider the matter." *Hessou v. Unemployment Comp. Bd. of Rev.*, 942 A.2d 194, 197-98 (Pa. Cmwlth. 2008). Even an appeal filed one day after the 21-day period is considered untimely. *Id.* at 198. However, the Board may, in limited circumstances, consider an untimely appeal *nunc pro tunc* if the claimant shows that the delay involved fraud, a breakdown in the court's operation, or non-negligent conduct. *Harris v. Unemployment Comp. Bd. of Rev.*, 247 A.3d 1223, 1229 (Pa. Cmwlth. 2021). A claimant filing an appeal *nunc pro tunc* must also show that (1) "[s]he filed the appeal within a short time after learning of and having an opportunity to address the untimeliness; (2) the elapsed period of time is of short duration; and (3) the respondent is not prejudiced by the delay." *R.H. v. Dep't of Hum. Servs.*, 205 A.3d 410, 414 (Pa. Cmwlth. 2019).

Claimant argues that she did not know she was required to pay back UC benefits, which was through no fault of her own, until years later when she applied again for UC benefits. She complains that the decision to dismiss her appeal as

⁷ This Court's standard of review is limited to determining whether constitutional rights were violated, whether an error of law was committed, or whether necessary findings of fact are supported by substantial evidence. 2 Pa. C.S. § 704.

untimely was made without her having the opportunity to present evidence against Employer and contends that the Board reached the wrong decision because the Referee did not allow Claimant to present her case at the first hearing when Employer failed to appear. When she called to reschedule the second hearing, she was informed that the Referee had dismissed her appeal.

With respect to Claimant's argument that the Referee denied her the opportunity to present evidence, there is no question that Claimant received notice of the March 24, 2025 hearing. The Referee made clear at the hearing that the sole issue under review was the threshold question of whether Claimant's appeals were timely or should be considered timely and permitted Claimant to provide testimony on this topic. Furthermore, the Referee granted her request for a continuance and scheduled a second hearing for April 22, 2025. Claimant does not dispute that she received notice of the second hearing. Rather, Claimant argues in her brief that the April 22, 2025 hearing conflicted with her doctor's appointment, and she asserted in her appeal to the Board that she thought the hearing was rescheduled for April 24, 2025. While Claimant contends that the Referee denied her "the opportunity to present evidence against" Employer, such evidence was irrelevant to the threshold question of the timeliness of her appeal. (Claimant's Brief at 6.) The Referee appropriately dismissed her appeal when neither party showed at the April 22, 2025 hearing, and the Board did not have jurisdiction to rule on the merits.

While Claimant raises the issue of the timeliness of her appeal in the "Statement of the Questions Involved" section of her brief, she fails to address this issue in the argument section. (*Id.* at 4.) This Court has held that if a claimant raises a question or issue but fails to address it in her brief, the issue is waived. *Tyler v.*

Unemployment Comp. Bd. of Rev., 591 A.2d 1164, 1167 (Pa. Cmwlth. 1991). Thus, Claimant waived this issue on appeal.⁸

IV. CONCLUSION

For the reasons set forth above, we affirm the order of the Board.

STELLA M. TSAI, Judge

⁸ As Claimant's appeal to the Board was untimely, we do not reach the merits of Claimant's appeal.

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ORDER

AND NOW, this 2nd day of October, 2026, the order of the Unemployment Compensation Board of Review is AFFIRMED.

STELLA M. TSAI, Judge