

# Regulatory Analysis Form

(Completed by Promulgating Agency)

(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency: Unemployment Compensation Board of Review

(2) Agency Number: 12

Identification Number: 112

## INDEPENDENT REGULATORY REVIEW COMMISSION

RECEIVED

DEC - 3 2021

Independent Regulatory  
Review Commission

IRRC Number: 3295

(3) PA Code Cite: 34 Pa. Code, Chapter 101, Subchapters A and C, Sections 101.2, 101.24, 101.53, 101.82, 101.89, 101.90 and 101.110

(4) Short Title: Time for filing appeal from determination of Department

(5) Agency Contacts (List Telephone Number and Email Address):

Primary Contact: Brian Parr, UC Appeals System Administrator, UCBR – 717-787-5122 – RA-LIUCBR-REGCOMM@pa.gov

Secondary Contact: Janet Tarczy, Deputy Chief Counsel, OGC – 717-787-4186 – jtarczy@pa.gov

(6) Type of Rulemaking (check applicable box):

- ☐ Proposed Regulation  
☒ Final Regulation  
☐ Final Omitted Regulation

- ☐ Emergency Certification Regulation:  
☐ Certification by the Governor  
☐ Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The existing regulation establishes the methods by which a party may file an appeal of a department unemployment compensation (UC) determination or an appeal of a UC referee decision, and how the date of filing is determined for each filing method. The Unemployment Compensation Board of Review (UCBR) is amending Chapter 101 to create an appeal method through the "Pennsylvania UC Claims System" (UC Claims System), to clarify the e-mail appeal process, and to ensure the regulation is consistent with the General Assembly's amendments to Sections 501 and 502 of the UC Law in Act 30 of 2021.

(8) State the statutory authority for the regulation. Include specific statutory citation.

This final-form rulemaking is issued under the authority provided in Section 203(d) of the UC Law, 43 P.S. § 763(d), which authorizes the Board to adopt, amend or rescind rules of procedure related to appeals. Section 506 of the Administrative Code of 1929 provides authority for the promulgation of rules and regulations for departmental administrative board and stating: "[T]he several departmental administrative boards and commissions, are hereby empowered to prescribe rules and regulations, not inconsistent with law, for the government of their respective departments, boards, or commissions . . . [and] the distribution and performance of their business. . . ." 71 P.S. § 186.

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

While the amendments to this existing regulation concerning e-mail appeals and appeals through the UC Claims System are not mandated by any federal or state law, court order or federal regulation, the Board is also amending the regulation to ensure that it is consistent with the General Assembly's amendments to Sections 501 and 502 of the UC Law in Act 30. Act 30 amended, *inter alia*, Sections 501 and 502 of the UC Law, to (1) increase the time to appeal a Department determination or referee decision from 15 to 21 days, and (2) allow the Department to issue a determination or a referee and the Board to issue a decision by mail to the claimant's or employer's last known post office address or by electronic transmission, as designated by the recipient. There are no relevant state or federal court decisions.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The regulation is needed to clarify the filing date of appeals filed by e-mail and to differentiate those appeals from appeals filed through the UC Claims System. Pursuant to Sections 501(e) and 502 of the UC Law, 43 P.S. §§ 821(e), 822, a party may file an appeal from a Department determination or referee decision. Section 101.82 establishes the methods by which a party may file an appeal and how the filing date is determined for each filing method. Current Section 101.82(b) allows for filing by U.S. mail, common carrier, fax transmission, "electronic transmission other than fax transmission," and personal delivery.

The Department has established the new UC Claims System which allows parties to (1) securely file and manage their UC claims through the Internet, and (2) easily file appeals electronically at no cost. The amendments to Section 101.82(b) are necessary to permit a party to file an appeal through the UC Claims System, establish the filing date of the appeal, and allocate the accountability of errors by the UC Claims System to the Department.

The amendment also clarifies the e-mail appeal process. The final-form amendments to the regulation will eliminate the phrase "electronic transmission other than fax transmission" in paragraph (4) and replace it with "e-mail." This amendment will simplify the terminology and clarify what the filing method is referring to, benefitting the parties filing the appeals. The final-form amendments also notate that the Department will confirm receipt of the party's e-mail appeal by sending the party an auto-reply e-mail. The amendments make clear that if the party does not receive the auto-reply e-mail, the Department has not successfully received the party's appeal, and the party is responsible to re-submit the appeal prior to the appeal deadline using any method provided in Section 101.82(b).

The final-form amendments will add a new paragraph (4.1) to establish filing through the cost-free UC Claims System, in addition to the existing filing methods of US mail, common carrier, fax, e-mail and personal delivery. The regulation is needed to create this particular filing method. Allowing parties to file electronically through the UC Claims System will simplify the filing process by allowing the party to file the appeal from the online dashboard rather than through outside resources. Filing an appeal through the UC Claims System will reduce filing errors, such as mailing or e-mailing to an incorrect address, faxing to an incorrect or busy fax number, or encountering missing or unreadable postmarks. It will also

reduce costs to the appealing party in paper, postage for mailing, certificate of mailing, certified mail receipt, or traveling to a retail establishment to fax or to a workforce investment office to file in person.

Similar to the e-mail appeals, a notation will appear in the UC Claims System to show that the Department successfully received the party's appeal. Following the submission of the appeal, the Appeals Section of the UC Claims System will also show that the party's appeal has been filed. The amendments make clear that if the UC Claims System does not indicate that the party's appeal has been filed, the party is responsible to re-submit the appeal prior to the appeal deadline using any method provided in Section 101.82(b).

The final-form amendments to paragraph (4.1) (filing an appeal through the UC Claims System) provide that if the filing of an appeal is untimely as a result of system or technological failure by the UC Claims System, the date of filing will be redetermined through the adjudicatory process. Further, the Board will make available to its referees any relevant records regarding system outages. Unlike filing by fax or e-mail, this puts the accountability on the Department, not the party, if there is a failure in its system, thus benefitting the party. This will reduce the number of dismissals of untimely appeals.

In addition to the above-referenced notifications, the final-form amendment to Section 101.82(c) states that, after a party files an appeal, the Department or Board will send the party a letter acknowledging that it received the party's appeal and the date on which the party filed the appeal.

The number of people who will benefit will vary based upon the number of appeals filed each year. In 2019, parties filed 66,460 appeals from Department determinations and 7,430 appeals from referee decisions, for a total of 73,890 appeals. In 2020, parties filed 73,995 appeals from Department determinations and 6,260 appeals from referee decisions, for a total of 80,255. The final-form amendments will allow a party to utilize any of the available appeal methods when he or she files an appeal of a Department determination or referee decision.

Finally, after the Board filed its proposed rulemaking, the General Assembly passed Act 30 of 2021 on June 30, 2021. Act 30 amended, *inter alia*, Sections 501 and 502 of the UC Law, to (1) increase the time to appeal a Department determination or referee decision from 15 to 21 days, and (2) allow the Department to issue a determination or a referee and the Board to issue a decision by mail to the claimant's or employer's last known post office address or by electronic transmission, as designated by the recipient. The final-form amendments are needed to ensure that Sections 101.24, 101.53, 101.82, 101.90 and 101.110 are consistent with the General Assembly's amendments to Sections 501 and 502 of the UC Law.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

No, none of the final-form amendments are more stringent than federal standards.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

Of the other states in Pennsylvania's region (Region 2: Delaware, Maryland, Virginia, District of Columbia, West Virginia), Delaware, Maryland, and West Virginia do not allow e-mail or internet appeals. Virginia's "Administrative Code" allows parties to appeal in person, by mail, by fax, and by the Internet at its specified site. The date of filing is determined by the date received or the date of the postmark. 16VAC5-80-20; 16VAC5-80-30. The Virginia provisions do not discuss errors in the electronic system or confirmations. The District of Columbia, Office of Administrative Hearings, Consolidated Rules allows parties to appeal in person, by mail, by fax, and by email. 1 DCMR § 2809.3. The filing date is the receipt date of the e-mail if received by 5:00 p.m. 1 DCMR § 2841.10. Its regulations contain the same caveat for filing by e-mail, placing the burden of error on the filing party. 1 DCMR § 2841.5. The District of Columbia does not have Internet filing.

These amendments will not affect Pennsylvania's ability to compete with other states. A claimant can only file a UC claim in the state(s) where the claimant worked. A claimant cannot choose to file a UC claim in any state. Nonetheless, the final-form amendments will provide Pennsylvania claimants with more options for filing UC appeals than claimants are provided outside of Pennsylvania.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

Yes, 34 Pa. Code § 101.82 (relating to time for filing appeal from determination of Department) is referenced in 34 Pa. Code § 101.102 (relating to form and filing of application for further appeal from decision of referee). Consequently, these amendments will apply to both appeals from determinations of the Department and appeals from referee decisions.

These amendments will not affect other state agencies.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

In March 2020, the Department provided a summary of the proposed regulatory changes by email to a group of valued stakeholders and asked them to provide comments. Those stakeholders included:

1. Geoffrey Moomaw, President, Interstate Tax Service
2. Brian Phillips, Executive Assistant to the President, PA AFL-CIO
3. Alex Halper, Director, Government Affairs, PA Chamber of Commerce
4. Barney Oursler, Co-founder, Mon Valley Unemployment Project
5. Rebecca Oyler, Legislative Director, National Federation of Independent Business
6. Sharon Dietrich, Managing Attorney and Litigation Director, Community Legal Services
7. Julia Simon-Mishel, Supervising Attorney of the Unemployment Compensation Unit,

Philadelphia Legal Assistance

8. John Dodds, Director, Philadelphia Unemployed Project
9. Irwin Aronson, PA Building Trades and PA AFL-CIO
10. John Stember, Board Chairman, Mon Valley Unemployed Committee;
11. Joseph Fogarty, Equifax Manager UI Program Relationship.

The Department also discussed its proposed regulatory package with additional stakeholders including Community Legal Services. The Board did not receive any substantive comments regarding the proposed regulatory package.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

This regulation will affect any employee who files a claim for UC benefits, receives an adverse decision, and wishes to file an appeal. It will also affect all employers with a former or current employee who files a claim for UC benefits, receives an adverse decision, and wishes to file an appeal. The Department does not track the size of businesses. All businesses will be affected in the same manner. The regulation will positively affect employees and employers by providing easier and cost-free methods to file appeals.

The amendments to this regulation allow parties to file an appeal through the UC Claims System, establish the process by which the Department will confirm receipt of the appeal, and confer accountability on the Department for delays caused by failure of the UC Claims System. The amendments will make it easier and more cost-effective for parties to file appeals and to ensure that the appeal is properly filed.

The amendments to this regulation will also ensure that Sections 101.24, 101.53, 101.82, 101.90 and 101.110 are consistent with the General Assembly's amendments to Sections 501 and 502 of the UC Law in Act 30. Act 30 (1) increased the time to appeal a Department determination or referee decision from 15 to 21 days, and (2) allowed the Department to issue a determination or a referee and the Board to issue a decision by mail to the claimant's or employer's last known post office address or by electronic transmission, as designated by the recipient.

The number of people who will be affected will vary based upon the number of appeals filed each year. In 2019, parties filed 66,460 appeals from Department determinations and 7,430 appeals from referee decisions, for a total of 73,890 appeals. In 2020, parties filed 73,995 appeals from Department determinations and 6,260 appeals from referee decisions, for a total of 80,255. The final-form amendments will allow a party to utilize any of the available appeal methods when he or she files an appeal of a Department determination or referee decision.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

Any employee who files a claim for UC benefits, receives an adverse decision, and wishes to file an appeal is required to comply with the regulation regarding filing methods. Any employer who has a

former or current employee who files a claim for UC benefits, receives an adverse decision, and wishes to file an appeal is required to comply with the regulation regarding filing methods. However, six filing methods are permitted, and no party is required to use any one method.

The number of people who will be required to comply with this regulation will vary based upon the number of appeals filed each year. In 2019, parties filed 66,460 appeals from Department determinations and 7,430 appeals from referee decisions, for a total of 73,890 appeals. In 2020, parties filed 73,995 appeals from Department determinations and 6,260 appeals from referee decisions, for a total of 80,255. The final-form amendments will allow a party to utilize any of the available appeal methods when he or she files an appeal of a Department determination or referee decision.

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(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

Financially, there is no cost to file an appeal by e-mail or electronically through the UC Claims System, assuming the party already has Internet access. The UC Claims System is also accessible through a mobile device. Absent Internet access, a party may go to a local workforce investment office, currently known as a CareerLink®, to utilize Department computers at no cost. Libraries often offer computer access at no cost as well. Filing an appeal by e-mail or through the UC Claims System eliminates the cost of postage, certificate of mailing, certified mail receipt, and traveling to a retail store to file by fax or to a workforce investment office to file in person. Filing electronically also cuts down on the use and cost of paper and ink.

The regulation will make it easier for parties to appeal a Department determination or referee decision thus giving more parties access to the appeal system.

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(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The benefit of the amendments is to expand the methods by which a party can file an appeal by allowing an appeal through the UC Claims System. The amendments also establish the process by which the Department confirms that it has successfully received a party's appeal by e-mail or the UC Claims System. Any system or technological failure of the UC Claims System will be borne by the Department and not the party. There is no cost to the parties (outside Internet access) and no adverse effects are anticipated.

The amendments to this regulation are also beneficial by ensuring that Sections 101.24, 101.53, 101.82, 101.90 and 101.110 are consistent with the General Assembly's amendments to Sections 501 and 502 of the UC Law in Act 30.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There is no cost to the regulated community. This regulation is not cost or savings driven. The purpose of this regulation is to leverage the technology of the new UC Claims System and to make appealing a Department determination or referee decision easier.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There is no cost to local governments. This regulation is not cost or savings driven. The purpose of this regulation is to leverage the technology of the new UC Claims System and to make appealing a Department determination or referee decision easier.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

There is no additional cost to state government as a direct result of this regulation. This regulation is not cost or savings driven. The purpose of this regulation is to leverage the technology of the new UC Claims System and to make appealing a Department determination or referee decision easier.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

There are no additional procedures required from any group listed in (19)-(21) above.

(22a) Are forms required for implementation of the regulation?

No. Appeal forms are not required to appeal a Department determination or referee decision. Appeal forms may be used and presently exist. Form UC-47, Appeal Instructions, has been revised for implementation of the UC Claims System and in anticipation of the new regulation.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here.** If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

An appeal form is not required to perfect an appeal. However, a sample copy of the updated form that is provided to the parties, Form UC-46B, is attached and is accessible at the following: <https://www.uc.pa.gov/appeals/Pages/File-an-Appeal-Online.aspx>. Also attached is a copy of the *Appeal Process User Guide*, which includes screen shots of the appeal process through the UC Claims System. This guide is posted on the Department's UC website at <https://www.uc.pa.gov/unemployment-benefits/UCBenMod/Pages/Resources.aspx> and <https://www.uc.pa.gov/appeals/Pages/File-an-Appeal-Online.aspx>. The entire appeal process is explained at <https://www.uc.pa.gov/appeals/Pages/default.aspx>. Also attached are copies of the e-mail confirmations and acknowledgements the appealing party will receive when the appeal has been filed by e-mail or the UC Claims System.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	<b>Current FY SFY 2020-21</b>	<b>FY +1 SFY 21-22</b>	<b>FY +2 SFY 22-23</b>	<b>FY +3 SFY 23-24</b>	<b>FY +4 SFY 24-25</b>	<b>FY +5 SFY 25-26</b>
<b>SAVINGS:</b>						
<b>Regulated Community</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Local Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>State Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total Savings</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>COSTS:</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Regulated Community</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Local Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>State Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total Costs</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>REVENUE LOSSES:</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Regulated Community</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Local Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>State Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total Revenue Losses</b>	\$0	\$0	\$0	\$0	\$0	\$0



(23a) Provide the past three year expenditure history for programs affected by the regulation.

<b>Program</b>	<b>FY -3 SFY 17-18</b>	<b>FY -2 SFY 18-19</b>	<b>FY -1 SFY 19-20</b>	<b>Current FY SFY 20-21</b>
UCBR	\$16,737,120.78	\$16,779,607.76	\$16,766,724.36	As of 4/6/2021 \$13,545,976.46

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

The Board anticipates no adverse impact on small businesses.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

No special provisions have been developed to meet particular needs of specific groups. The regulation provides maximum flexibility to appealing parties, so that they may choose the method that best suits their needs and is most readily available. The system is accessible through a mobile device. Those parties without Internet access can visit a local workforce investment office, known as a CareerLink®, to use the Department's computers at no cost. Libraries and other retail establishments often offer free Internet access. Also, parties may continue to utilize any of the existing methods of appealing a UC determination or referee decision.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

The Board considered no alternative regulatory provisions. This regulation represents the least burdensome alternative for filing appeals.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

This regulation creates no adverse impact or additional requirements on small business, therefore, less stringent standards are not necessary.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

Data was not used as a basis for this regulation. This regulation is due to the modernization of the Department and Board's new UC Claims System. The regulation is not data driven.

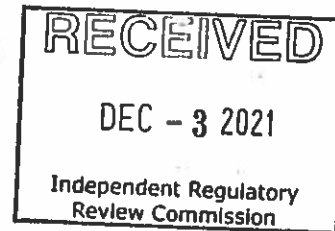
(29) Include a schedule for review of the regulation including:

- |   |   |
|---|---|
| A. The length of the public comment period:   | 30 days   |
| B. The date or dates on which any public meetings or hearings will be held:                   | n/a   |
| C. The expected date of delivery of the final-form regulation:                                | <u>12/3/2021</u>  |
| D. The expected effective date of the final-form regulation:                                  | The amendments will become effective upon publication in the <i>Pennsylvania Bulletin</i> . |
| E. The expected date by which compliance with the final-form regulation will be required:     | The amendments will become effective upon publication in the <i>Pennsylvania Bulletin</i> . |
| F. The expected date by which required permits, licenses or other approvals must be obtained: | n/a   |

**(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.**

The evaluation of the effectiveness of the regulations after its implementation will be monitored with existing weekly and monthly reports and quarterly quality reviews as well as receiving feedback when providing direct service to participants in the UC system.

**FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU  
(Pursuant to Commonwealth Documents Law)**



DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>BY: _____ (DEPUTY ATTORNEY GENERAL)</p> <p>_____ DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p align="center"><u>Department of Labor &amp; Industry</u> (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>12-112</u></p> <p>DATE OF ADOPTION: _____</p> <p>BY: <u>Richard W. Bloomingdale</u> Richard W. Bloomingdale</p> <p>Title: <u>Chairman</u></p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p>BY: _____</p> <p align="center"><u>November 29, 2021</u> DATE OF APPROVAL</p> <p align="center">Deputy General Counsel (<del>Chief Counsel, Independent Agency</del>) (Strike inapplicable title)</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
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## Title 34. Labor and Industry

### Part VI. Unemployment Compensation Board of Review

### Chapter 101. General Requirements

## **FINAL FORM RULEMAKING**

### **Title 34 Labor and Industry Appeals from Determinations of Department 34 Pa. Code, Chapter 101**

In accordance with Section 203(d) of the Pennsylvania Unemployment Compensation Law (UC Law), Act of December 5, 1936, Second Ex. Sess., P.L. (1937) 2897, as amended, 43 P.S. § 763(d), and Section 506 of The Administrative Code of 1929, Act of April 9, 1929, P.L. 177, as amended, 71 P.S. § 186, the Unemployment Compensation Board of Review (Board) is submitting final-form rulemaking for the purpose of providing additional means for the filing of electronic appeals.

The Board amends Sections 101.2, 101.24, 101.53, 101.82, 101.89, 101.90 and 101.110, as set forth in Annex A.

#### *Statutory Authority*

This final-form rulemaking is issued under the authority provided in Section 203(d) of the UC Law, 43 P.S. § 763(d), which authorizes the Board to adopt, amend or rescind rules of procedure related to appeals. Section 506 of the Administrative Code of 1929 provides authority for the promulgation of rules and regulations for departmental administrative boards, stating: “[T]he several departmental administrative boards and commissions, are hereby empowered to prescribe rules and regulations, not inconsistent with law, for the government of their respective departments, boards, or commissions . . . [and] the distribution and performance of their business. . . .” 71 P.S. § 186.

#### *Background*

The Board is a departmental administrative board pursuant to Section 203(c) of the UC Law, which provides that it “shall have all the powers and perform all the duties generally vested in, and imposed upon, departmental administrative boards and commissions” by the Administrative Code of 1929. 43 P.S. § 763(c). It is established under Sections 202, 207.1 and 503 of the Administrative Code of 1929 (71 P.S. §§ 62, 67.1 and 183). The Board voted to adopt the final-form amendments in Annex A on August 16, 2021.

Under Sections 501(e) and 502 of the UC Law, 43 P.S. §§ 821(e), 822, parties may file an appeal from a Department determination or referee decision. Section 101.82 establishes the methods by which an appeal may be filed and how the date of filing is determined for each filing method. The regulation was last amended on September 20, 2003, to expand the methods of filing beyond only personal delivery or delivery by U.S. mail. Existing Section 101.82(b) allows for filing by U.S. mail, common carrier, fax transmission, “electronic transmission other than fax

transmission,” and personal delivery. It also determines the date of filing by each method, including by postage meter mark if there is no U.S. postmark on a mailed appeal.

The Department has established a new electronic “Pennsylvania UC Claims System” that allows parties to securely file and manage unemployment compensation (UC) claims online. It also enables parties to file appeals electronically via the system at no cost. This regulation will add filing via the Pennsylvania UC Claims System as a method of appeal, while preserving existing methods of filing an appeal for parties that do not have access to the system. This will result in additional appeal options for all parties in the UC system and will clarify the way that an appeal filing date is calculated based on the filing method. The additional filing method and the clarity around filing dates will benefit both claimants and employers who participate in the UC system.

These amendments to the regulation are necessary to permit filing appeals via this online system, establish the date of filing, and allocate the accountability of errors by the electronic system to the Department. The amendment also distinguishes filing via email from filing by other methods. The original filing methods remain as alternative options of filing an appeal.

After the Board filed its proposed rulemaking, the General Assembly passed Act 30 of 2021 on June 30, 2021. Act 30 amended, *inter alia*, Sections 501 and 502 of the UC Law, 43 P.S. §§ 821, 822, to (1) increase the time to appeal a Department determination or referee decision from 15 to 21 days, and (2) allow the Department to issue a determination or a referee and the Board to issue a decision by mail to the claimant’s or employer’s last known post office address or by electronic transmission, as designated by the recipient.<sup>1</sup> Given that the Independent Regulatory Review Commission (IRRC) had also raised the issue of clarity of the deadline of the appeal which required additional amendments, this final-form rulemaking amends Sections 101.24, 101.53, 101.82, 101.89, 101.90 and 101.110 in order to ensure that these sections both satisfy IRRC’s concerns and are consistent with the General Assembly’s recent amendments to Sections 501 and 502 of the UC Law.

### *Purpose*

This final-form rulemaking amends the existing regulation establishing methods by which a party can file an appeal. It simplifies and clarifies e-mail appeals and establishes appeals filed via the Pennsylvania UC Claims System. This final-form rulemaking also amends the existing regulation to increase the time to appeal a Department determination or referee decision from 15 to 21 days. Finally, it references the Department’s ability to issue a determination or a referee and the Board’s ability to issue a decision by mail to the claimant’s or employer’s last known post office address or by electronic transmission, as designated by the party.

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<sup>1</sup> Act 30’s amendments to Sections 501 and 502 of the UC Law became effective upon the Department’s publication of a notice in the Pennsylvania Bulletin on July 24, 2021. 51 Pa.B. 4033.

## *Comments*

The notice of proposed rulemaking was published on March 13, 2021 at 51 Pa.B. 1318. The Board received no comments from the public or from the Senate Labor and Industry Committee or the House Labor and Industry Committee (Committees). The Board received comments from IRRC, and the Board's responses to IRRC's comments are below.

***1. § 101.82. Time for filing appeal from determination of Department. – Reasonableness of requirements, implementation procedures and timetables for compliance by the public and private sectors; Clarity and lack of ambiguity.***

***Comment:*** First, the Preamble explains that a party is “effectively [placed] on notice that if the confirmation is not received, the appeal has not been filed, prompting additional action by the party.” What additional actions will a party need to take when confirmation is not received? We ask the Board to explain the implementation procedures when a confirmation e-mail is not received or the System does not generate an acknowledgment. We also ask the Board to explain the reasonableness of omitting additional actions a party will need to take when there are specific timetables for compliance. The Board should consider revising these filing methods to establish standards that are achievable for the regulated community.

***Response:*** The Board has amended Sections 101.82(b)(4) and (4.1) to address IRRC's comment about the additional actions that a party will need to take when confirmation of an appeal is not received. When a party files an email appeal, Section 101.82(b)(4) states that the Department will confirm receipt of the appeal by sending the party an auto-reply email. If the party does not receive an auto-reply email, the Department has not successfully received the party's appeal, and the party is responsible to re-submit the appeal. The regulation expressly requires the party to re-submit the appeal prior to the appeal deadline. The party may use any method provided in Section 101.82(b) to re-submit the appeal.

When a party files an appeal using the Pennsylvania UC Claims System, Section 101.82(b)(4.1) states that, following submission of the appeal, the system will contain (1) a notation showing that the Department successfully received the party's appeal, and (2) information in the Appeals Section that the party's appeal has been filed. If the system does not indicate that the party's appeal has been filed, the party is responsible to re-submit the appeal prior to the appeal deadline. Again, the party may use any method provided in Section 101.82(b) to re-submit the appeal.

In addition to the regulation, the Department's UC website will provide instructions and suggestions for a party to successfully file an appeal. For email appeals, the majority of filing problems are caused by the party using the incorrect email address to file the appeal, and thus the party does not receive the auto-reply email. After an unsuccessful attempt to file an email appeal, a party should check to make sure that the party used the correct email address. For appeals through the Pennsylvania UC Claims System, the system provides an intuitive filing method with several links to “file appeal” which requires answering a series of questions. If a question is not

answered, the user gets an error message and will not be allowed to proceed to the next step until the question is answered. After an unsuccessful attempt to file an appeal through the system, the party should check the internet connection and make sure that all questions are answered and that the session did not time out. If a party has difficulty filing an appeal using a particular method, the party may use one of the other five (5) methods available under the regulation or may contact the UC Service Center for assistance.

**Comment:** Second, these paragraphs do not state the deadline for timely filing of an appeal. We ask the Board to improve the clarity of these paragraphs by stating the deadline.

**Response:** The Board has reviewed the sections pertaining to timely filing of an appeal and has made amendments as follows. The Board is amending Section 101.82(a) in this final-form regulation to implement Act 30's changes to increase the time to appeal a Department determination or referee decision from 15 to 21 days. Section 101.82(a.1) then states that the Department will mail a copy of the determination to the party's last known post office address or transmit it electronically, as designated by the party. The Board is using the term "party" in the final-form regulation, as opposed to "recipient" as provided in Act 30, in order to make clear that the individual who makes the designation to receive the documentation by mail or electronic transmission is a party. Section 101.82(b) then lists the filing methods for an appeal. Because the deadline is stated in the preceding paragraph, the Board declines to restate the deadline in paragraph (b). The Board also improved clarity and consistency with Act 30 in Sections 101.24(c) and 101.90, by increasing the time to appeal from 15 to 21 days. In addition, the appeal deadline will be provided on the determination or referee decision issued to the parties.

**Comment:** Third, do the confirmation sent by e-mail and the acknowledgment sent by the System include the date the appeal was deemed filed? We ask the Board to describe the information stated in the confirmation and acknowledgment and clarify these paragraphs to include these details.

**Response:** Upon successfully filing an email appeal, the party receives an auto-reply email that states the following: "This message serves as confirmation that your e-mail has been received by the Unemployment Compensation Board of Review. Please retain this confirmation for your records." The auto-reply email does not contain the date the appeal was filed, because this auto-reply email is sent in response to all emails sent to the Board's appeals email address, not only in response to appeals. Therefore, the auto-reply email contains the above standard language. However, once the email appeal is received, UC staff upload it into the UC Claims System, and an appeal acknowledgement letter is sent to the party by the system and includes the date the appeal was filed, as provided in Section 101.82(c).

Upon successfully submitting the appeal in the Pennsylvania UC Claims System, the system immediately generates notations that "Your appeal has been successfully filed" and "This message confirms the Pennsylvania Department of Labor and Industry (DLI) has received your unemployment compensation appeal." The notations do not include the date the party filed the appeal, but the party can access that date in the Appeals Section of the system. Additionally, after the appeal is processed, an appeal acknowledgement letter is sent to the party by the system and



includes the date the appeal was filed, as provided in Section 101.82(c). Additionally, the Board submitted copies of the email confirmations and acknowledgements for upper and lower-level appeals and a screenshot of the UC Claims System acknowledgement with the Regulatory Analysis Form.

## **2. *Regulatory Analysis Form (RAF).***

**Comment:** We ask the Board to submit screen shots of the portion of the System used to file an appeal in response to RAF Question # 22b.

**Response:** In addition to the appeal instructions already submitted, the Board submits a copy of the *Appeal Process User Guide*, which includes screen shots of the appeal process. This guide is posted on the UC website.

**Comment:** In addition, responses to RAF Question # 29 state that the “amendments will become effective upon publication of final-form rulemaking in the Pennsylvania Bulletin on the date of implementation” of the System. We note that the updated System is scheduled to be launched in June 2021. Given that the System will be operational before publication of the final-form regulation, we ask the Board to explain when these amendments will become effective and update the response to RAF Question # 29 and the Preamble accordingly.

**Response:** The regulations will become effective upon publication in the *Pennsylvania Bulletin*. The RAF has been updated to reflect this change.

## **3. *Miscellaneous clarity.***

**Comment:** The definition of “personal delivery” in Section 101.2 (relating to definitions) should be updated to cross-reference Section 101.82(b)(1)—(4.1). [Emphasis added.]

**Response:** This change has been made to the final-form rulemaking.

### ***Summary of Final Form Rulemaking***

#### **34 Pa. Code § 101.2**

The Board is amending this section to update the citation to § 101.82(b)(1)-(4.1).

#### **34 Pa. Code § 101.24**

The Board is amending Sections 101.24(b), (c) and (d) to state that a decision is “issued” to a party, as opposed to “mailed” to a party. This amendment is consistent with Act 30 which allows the Department to issue a determination or a referee and the Board to issue a decision by mail to the claimant’s or employer’s last known post office address or by electronic transmission,

as designated by the recipient. To conform with Act 30 and address IRRC's clarity concerns, the Board is also amending Section 101.24(c) to update the appeal period from 15 to 21 days.

#### **34 Pa. Code § 101.53**

Because a referee and the Board are no longer required to only issue decisions by mail, the Board is amending Section 101.53 to also reference issuance of decisions by electronic transmission.

#### **34 Pa. Code § 101.82**

To conform with Act 30, the Board is amending Section 101.82(a) to update the appeal period from 15 to 21 days. In addition, the Board is amending Section 101.82 to include subsection (a.1) to reference that the Department will mail a copy of the determination to the party's last known post office address or transmit it electronically, as designated by the party.

The Board is amending Section 101.82(b)(4) to address IRRC's comment about the additional actions that a party will need to take when confirmation of an email appeal is not received. When a party files an email appeal, Section 101.82(b)(4) states that the Department will confirm receipt of the appeal by sending the party an auto-reply email. If the party does not receive an auto-reply email, the Department has not successfully received the party's appeal, and the party is responsible to re-submit the appeal. The regulation expressly requires the party to re-submit the appeal prior to the appeal deadline. The party may use any method provided in Section 101.82(b) to re-submit the appeal.

The Board is amending Section 101.82(b)(5) and re-numbering it as Section 101.82(b)(4.1). The amendments also address IRRC's comment about the additional actions that a party will need to take when confirmation of appeal through the Pennsylvania UC Claims System is not received. When a party files an appeal using the Pennsylvania UC Claims System, Section 101.82(b)(4.1) states that, following submission of the appeal, the system will contain (1) a notation showing that the Department successfully received the party's appeal, and (2) information in the Appeals Section that the party's appeal has been filed. If the system does not indicate that the party's appeal has been filed, the party is responsible to re-submit the appeal prior to the appeal deadline. Again, the party may use any method provided in Section 101.82(b) to re-submit the appeal. The amendments also update the terms "delayed" to "untimely" and "redetermined" to "determined" when discussing system or technological failures of the Pennsylvania UC Claims System.

For this final-form rulemaking, the Board is returning Section 101.82(b)(6) to its original numbering (i.e., 101.82(b)(5)), so no change is necessary to the existing regulation.

The Board is amending Section 101.82 to include subsection (c) regarding the appeal acknowledgement letter. After a party files an appeal using one of the methods provided in Section

101.82(b), the Department or Board will send the party a letter acknowledging that it received the party's appeal and the date on which the party filed the appeal.

#### **34 Pa. Code § 101.89**

To conform with Act 30, the Board is amending Section 101.89 to reference that a referee is to issue a decision by mail to the claimant's or employer's last known post office address or by electronic transmission, as designated by the party, including each party's counsel or authorized agent. In addition, the decision date shall be the date the decision is posted on the Pennsylvania UC Claims System and available for viewing.

#### **34 Pa. Code § 101.90**

To conform with Act 30, the Board is amending Section 101.90 to update the appeal period from 15 to 21 days.

#### **34 Pa. Code § 101.110**

To conform with Act 30, the Board is amending Section 101.110 to reference that the Board is to issue a decision by mail to the claimant's or employer's last known post office address or by electronic transmission, as designated by the party, including each party's counsel or authorized agent. Because the Board is no longer required to only issue decisions by mail, the Board is also clarifying that the decision date is not the mailing date but rather the date the decision is posted on the Pennsylvania UC Claims System and available for viewing.

#### *Affected Persons*

This final-form rulemaking will affect all Pennsylvania employees who have filed claims for UC benefits, received adverse decisions, and who wish to file appeals, and all employers with former or current employees who have filed claims for UC benefits, received adverse decisions, and who wish to file appeals.

#### *Fiscal Impact*

This final-form rulemaking does not have any appreciable fiscal impact.

#### *Reporting, Recordkeeping and Paperwork Requirements*

These regulations will not require the creation of new forms or reporting requirements.

#### *Sunset Date*

A sunset date is not appropriate for this regulation. However, the Board will continue to monitor its effectiveness.

#### *Effective Date*

This final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

#### *Contact Person*

The contact person for this final-form rulemaking is Brian Parr, UC Appeals System Administrator, Unemployment Compensation Board of Review, 651 Boas Street, Room 1114, Harrisburg, Pennsylvania, 17121, (717) 787-5122, or by electronic mail to [RA-LIUCBR-REGCOMM@pa.gov](mailto:RA-LIUCBR-REGCOMM@pa.gov).

#### *Regulatory Review*

Under Section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 1, 2021, the Board submitted a copy of this proposed rulemaking, published at 51 Pa.B. 1318 to IRRC and the Chairpersons of the House and Senate Labor and Industry Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, the Board is required to submit to IRRC and the Committees copies of comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments received from IRRC. The Board did not receive any comments from the Committees or the public.

On \_\_\_\_\_, the Board delivered this final-form rulemaking to IRRC and the Committees. Under section 5.1a(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on \_\_\_\_\_, this final-form rulemaking was deemed approved by the Committees.

Under section 5.1(e) of the Regulatory Review Act (71 P.S. § 745.5a(e)), of the Regulatory Review Act, IRRC met on \_\_\_\_\_ and approved this final-form regulation.

### *Findings*

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), known as the Commonwealth Documents Law, and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided as required by law and all comments were considered.

(3) The final-form rulemaking is necessary and appropriate for the administration and enforcement of the authorizing statutes.

(4) The amendments to this final-form rulemaking do not enlarge the original purpose of the proposed regulation published at 51 Pa.B. 1318.

### *Order*

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Board, 34 Pa. Code Chapter 101 are amended by amending §§ 101.2, 101.24, 101.53, 101.82, 101.89, 101.90 and 101.110 to read as set forth in Annex A.

(b) The Board shall submit this regulation to the Office of General Counsel and the Office of Attorney General for review and approval as to form and legality, as required by law.

(c) The Board shall submit this regulation to IRRC and the Committees as required by law.

(d) The Chairman of the Department shall certify this regulation and deposit it with the Legislative Reference Bureau as required by law.

(e) This order shall become effective upon publication in the *Pennsylvania Bulletin*.

RICHARD W. BLOOMINGDALE  
Chairman

## APPEAL INSTRUCTIONS

Under Section 501(e) of the Pennsylvania Unemployment Compensation Law, this determination becomes final unless you file an appeal. You have 21 calendar days after the determination date provided on the notice of determination to file a timely appeal. However, if the 21st day is a Saturday, Sunday or legal holiday, you may file a timely appeal on the next business day. If your appeal is not filed on time, the UC Board of Review will determine if you had good cause for filing a late appeal.

**Your appeal must include the claimant's name; address; last 4 digits of the claimant's Social Security number; the date of the determination being appealed; determination number (if known); the reason for the appeal; and the name and address of the individual filing the appeal.**

### **You may file your appeal:**

- online on the PA UC Claims System;
- by completing the Petition for Appeal form (included with your determination), and mailing, faxing or emailing the petition for appeal to the department;
- by mailing, faxing or emailing an appeal letter to the department; or,
- in person at a PA CareerLink®

### **If you appeal online:**

- The filing date is the date recorded by the PA UC Claims System.
- Log in to your account at [##SystemURL##], from your dashboard under "Unemployment Services," click on "Appeals" and then click on the tab for "Determinations" to locate the determination you wish to appeal. Click on the action "File Appeal" and proceed to complete the required entries.
- The PA UC Claims System will acknowledge that your appeal has been successfully filed and you will be able to immediately view your appeal status through the "Appeals Filed" tab on your online account. If your appeal has not been acknowledged and you cannot view it under "Appeals Filed," contact the UC Service Center.
- Online filing is the most efficient and preferred method of filing an appeal.
- You must file a separate appeal for each determination you wish to appeal. For example, if you were issued a determination that disqualifies benefits and a determination that establishes an overpayment, and wish to appeal both determinations, you must file a separate appeal to each determination, for a total of two appeals.

### **If you appeal by mail:**

- U.S. Postal Service: The filing date is the U.S. Postal Service postmark date, the date of a Postal Service certificate of mailing or the date of a Postal Service certified mail receipt. In the absence of these dates, the filing date is the date of a postage meter mark. In the absence of all the above dates, the filing date is the date the department receives the appeal.
- Common carrier: The filing date is the date the envelope is delivered to a common carrier. If that date cannot be determined, the filing date is the date the department receives the appeal.
- The mailing address for your appeal is:

[##MailProcessingUnit##]  
[##MailingAddress1##]  
[##MailingAddress2##]  
[##CityStateZip##]



**If you appeal by fax:**

- The filing date is the date imprinted by the receiving fax machine. If the receiving machine does not provide a date, the filing date is the date imprinted by the sending fax machine. If neither machine provides a date, the filing date is the date the appeal is received by the department.
- Keep a copy of the successful fax transmission report for your records.
- The fax number for your appeal is: [##ServiceCenterFaxNumber##]

**If you appeal by electronic mail (email):**

- If you file your appeal by email, the appeal is filed on the date of receipt recorded by the department's electronic transmission system.
- You are responsible for using the proper format and email address
- You should receive a confirmation email that your appeal was received. Keep this confirmation email for your records. If you don't receive a confirmation email, check that you sent the email to the correct address. If you did, contact the UC Service Center.
- The email address for your appeal is: [ucappeals@pa.gov](mailto:ucappeals@pa.gov)

**If you appeal in person at a PA CareerLink®:**

- The filing date is the date you deliver the appeal to the PA CareerLink® during regular business hours. The PA CareerLink® will forward your appeal to the UC Service Center.
- Keep a date-stamped copy of the appeal for your records.
- You cannot file an in-person appeal at the UC Service Center.

**IMPORTANT:**

- **If you file your appeal by fax or email, you accept the risk of delay, disruption or interruption of electronic signals, which may affect the timeliness of the appeal.**
- **If you remain partially or fully unemployed while an appeal concerning your eligibility is pending, continue to file your weekly claims for benefits. If the appeal is decided in your favor, only benefits for the weeks you claimed will be released for payment.**



## PETITION FOR APPEAL

### IMPORTANT!

#### READ THE INFORMATION ON THE LAST PAGE OF THIS FORM BEFORE FILING AN APPEAL

If you want to appeal the notice of determination, you must file by the last date to appeal as indicated on the determination. You may file an appeal electronically via your account on the PA UC Claims System website at [##SystemURL##]. This is the most efficient and preferred method of filing. You may also file the appeal by fax, email or mail by completing the form below and returning this form in accordance with the appeal instructions enclosed with the notice of determination.

#### FOLLOW THE APPEAL INSTRUCTIONS CAREFULLY!

DATE OF DETERMINATION BEING APPEALED [##DetDate##]

CLAIMANT'S SOCIAL SECURITY NO. XXX-XX-[##SSNL4Digits##]

DETERMINATION NUMBER: [##DETERMNUM##]

CLAIMANT'S TELEPHONE NO. (XXX) XXX-XXXX

EMPLOYER'S TELEPHONE NO. (XXX) XXX-XXXX

CLAIMANT'S NAME AND ADDRESS

[##Claimant##]

[##ClaimantAddress1##]

[##ClaimantAddress2##]

[##ClaimantCityStateZIP##]

EMPLOYER'S NAME AND MAILING ADDRESS

[##Employer##]

[##EmployerAddress1##]

[##EmployerAddress2##]

[##EmployerCityStateZIP##]

LOCATION WHERE THE CLAIMANT LAST WORKED  
(IF DIFFERENT FROM EMPLOYER ADDRESS  
ABOVE)

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EMPLOYER'S ACCOUNT NO. [##EAN##]

*Auxiliary aids and services are available upon request to individuals with disabilities.  
Equal Opportunity Employer/Program*





REASON(S) FOR DISAGREEING WITH THE DETERMINATION AND FILING THIS APPEAL ARE:

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I certify that all information I have provided in this document is correct and complete. I acknowledge that false statements in this document are punishable pursuant to 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

NAME OF PERSON FILING APPEAL \_\_\_\_\_

### AUTHORIZATION OF FEDERAL TAX INFORMATION

I hereby authorize the disclosure of my federal tax information (FTI), consisting of federal tax returns or return information (and information derived from it) that the Pennsylvania Department of Labor and Industry, Office of Unemployment Compensation (UC) Benefits Policy possesses or controls, for use in the following UC proceedings:

- Appeals from UC Service Center Determinations to a UC Referee
- Appeals from UC Referee Decisions to the UC Board of Review
- Appeals from UC Board of Review Decisions to the PA Commonwealth Court

I understand that my FTI will be used for the sole purpose of addressing the above-referenced UC proceedings. A copy of this authorization shall be as valid as the original. This authorization is effective immediately.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

DO YOU NEED ASSISTANCE?

¿NECESITA AYUDA?

Any interested party at an appeal hearing before the Unemployment Compensation Board of Review or one of the Board's referees must be able to deal effectively with both written evidence and oral testimony.

If you are a person who:

- Requires assistance because of a disability with hearing, speech and/or vision, or
- Needs an interpreter for your own language other than English,

you must properly notify the Board about this. The Board is responsible to provide an appropriate device or qualified interpreter whose credentials are certified for quasi-judicial proceedings and the Board covers the cost required to provide this assistance.

If you are in either of these situations, please enter the information when you file your appeal online at [##SYSTEMURL##] or TYPE or PRINT to complete the section below and submit it with your appeal form.



☐ I require an interpreter for:

\_\_\_ Spanish

Yo necesito un interprete por: \_\_\_ Espanol

\_\_\_ Another spoken language (please specify): \_\_\_\_\_

☐ I require assistance to participate in the hearing because of disability with:

\_\_\_ Hearing \_\_\_ Speech \_\_\_ Vision \_\_\_ Other \_\_\_\_\_

☐ I require an interpreter to participate in the hearing for:

\_\_\_ American Sign Language(ASL) \_\_\_ Oral \_\_\_ Signed English

\_\_\_ Other (please specify) \_\_\_\_\_

☐ I require the following device to participate in the hearing:

\_\_\_ Assistive listening device (ALD) (please specify) \_\_\_\_\_

\_\_\_ Other (please specify) \_\_\_\_\_

☐ I am requesting to participate in the hearing by telephone for the following reason:

\_\_\_ Distance from site of hearing \_\_\_ Current employment \_\_\_ Transportation

\_\_\_ Health reason \_\_\_ Other compelling reasons (please specify) \_\_\_\_\_

Participation by telephone will be decided by the appeals referee and will only be granted for compelling reasons. The following details explain why my request to appear by telephone should be considered compelling:

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## **INFORMATION ABOUT THIS FORM AND THE APPEAL PROCESS**

### **What is the purpose of this form?**

This is an appeal form. If you disagree with the UC Service Center determination and decide to appeal, please read your determination and the appeal instructions for information on where to file your appeal. You may file an appeal electronically via your account on the PA UC Claims System. This is the most efficient and preferred method of filing. Simply log on to [##SYSTEMURL##] to access your claim and click on Unemployment Services > Appeals > Determinations > File Appeal to begin the process. If you wish to file by fax, email or mail, you may use this form to appeal the enclosed notice of determination. If you file an appeal, a copy of the completed form will be sent to all parties.

### **Do I qualify to file an appeal?**

If you are the claimant, you may appeal if the determination denies UC benefits and you think you should be eligible for benefits. If you are the employer, you may appeal if the determination grants benefits and you think the claimant should be ineligible or eligible for fewer benefits, or if the determination denies your request for relief from charges. You must indicate your reason for filing an appeal.

### **What do I do if I have questions?**

**Do not use this form to ask questions about the enclosed determination or UC benefits. This form should be used only to file an appeal.** If you have any questions about UC, call the UC Service Center at 1-888-313-7284. If you would like to ask a question before you decide whether to appeal, call promptly because an appeal must be filed no later than 21 calendar days after the determination date provided on the notice of determination.

### **What happens if I file an appeal?**

After your appeal is received and processed, an Acknowledgement of UC Appeal will be mailed to you as notification that it has been processed.

If an appeal is filed, a UC referee will conduct a hearing where the parties and their witnesses can give testimony under oath. The parties may arrange for witnesses with firsthand knowledge of the facts to participate in the hearing. Firsthand knowledge refers to something which the witness actually saw or heard, as distinguished from something learned from some other person or source. Information learned secondhand might not, depending on the circumstances, be considered at the hearing.

If the hearing concerns the claimant's separation from employment, and the claimant quit his or her job, the claimant will be ineligible for benefits unless the claimant proves that there was a necessitous and compelling reason to voluntarily leave work. If the employer discharged the claimant, the claimant's separation will not be disqualifying unless the employer proves that the claimant was dismissed for willful misconduct or the claimant's unemployment is his or her fault.

At the hearing, the referee will try to obtain testimony about all the facts relevant to the appeal. The referee will issue a decision after the hearing and mail a copy to the parties.

### **May I have legal representation?**

Whether you are the claimant or the employer, you may file your own appeal and represent yourself throughout the appeal process, or you may have an attorney or any other advocate represent you. If you are the claimant and you qualify, free legal assistance may be available from the legal services organization serving your area, your local bar association, or a law school clinic.

### **Should I file claims while an appeal is pending?**

Yes. If the employer appeals a determination granting you benefits, you can receive benefits while the appeal is pending. If you appeal a determination denying benefits and the appeal is decided in your favor, only benefits for weeks that you claimed while the appeal was pending can be paid. Therefore, if you remain partially or fully unemployed while an appeal concerning your eligibility is pending, continue to file claims for benefits. UC claims can be filed by logging in to your account on the PA UC Benefits System website at [##SystemURL##]. If you are unable to file, your UC Service Center can assist you by calling 1-888-313-7284.

## How to file an appeal

Individuals and employers have the option to file an appeal when they receive an unfavorable determination of unemployment eligibility and would like to explain how they feel the law was misapplied in their situation. An independent appeals referee will hear the case and make decisions about unemployment eligibility.

The following instructions show how both claimants and employers can file appeals using the unemployment compensation system dashboard.

From the left navigational menu of the dashboard, click the link for “Unemployment Services.”



A menu will appear with multiple choices to select.

**Claimants:** Click on "Appeals."

**Employers:** Click on "Notice of Separation." Since employers may potentially have numerous claims to manage at one time, you must first select the Notice of Separation for the claim you wish to appeal.



**Employers:** Click on the "Determinations" tab on the "Notice of Separation" tab to see what can be appealed.

The screenshot shows the Pennsylvania Unemployment Benefits website interface. On the left is a sidebar with navigation links. The main content area has a header with the text "Select a folder tab below to view more information about that tab." Below this is a row of tabs: "Unemployment Claims", "Claims", "Determinations", "Appeals", "Missed Payments", "Laboratory Test Results", "Shared Work", "Unemployment Notices", and "Appeal Status". The "Determinations" tab is highlighted, and an arrow points to it. Below the tabs, there are two sections: "Monetary Determinations" and "Non-Monetary Determinations". The "Monetary Determinations" section states "There have been no monetary determinations made on this claim." The "Non-Monetary Determinations" section includes a brief explanation and a table of determinations.

Claimant	Issue Id	View Appeal	Determination Date	Appeal Status	Appeal Filed	Action
Fury Ranch	Issue 47367		6/25/2020			<a href="#">File Appeal</a> <a href="#">View Determination</a>
Fury Ranch	Issue 47366		6/25/2020			<a href="#">File Appeal</a> <a href="#">View Determination</a>

The rest of the process is the same for both claimants and employers.

Click the **"Determinations"** tab.

In the Non-Monetary Determinations Panel, look through the Issue Type column to find which determination you wish to appeal. Click on the **"File Appeal"** hyperlink in the Action column.

Below are the details of your latest appeal

Appeals Filed | Appeals Filed Against | **Determinations** | Associated Appeals

### Monetary Determinations

These determinations are made after gathering all of your wages in the base period. Appeals of these determinations are not necessary until all efforts to find base period wages have been exhausted. You should discuss your situation with a claims specialist before filing an appeal.

Determination Date	WBA	MBA	ReDetermination Date	Action
8/13/2020 16:05:31 PM	\$197.00	\$5,122.00	8/13/2020	<a href="#">View Appeal Summary</a> <a href="#">View Redetermination</a>
8/11/2020 1:43:29 AM	\$0.00	\$0.00		<a href="#">File Appeal</a> <a href="#">View Determination</a>

### Non-Monetary Determinations

These notices have determined your eligibility or ineligibility for benefits. They may be appealed by you or your employer. Before filing the appeal, you should select the "Show Determination" link to ensure you are appealing the correct one. Once you have that assurance, select the "File Appeal" link and follow the directions.

Issue Id	Issue Type	View Appeal	Determination Date	Appeal Status	Appeal Filed	Action
Issue 54042	Seek Other Work	<a href="#">Show Determination</a>	8/14/2020	New	8/24/2020	<a href="#">Edit Appeal</a> <a href="#">View Determination</a>
Issue 54185	Seek Other Work		8/14/2020			<a href="#">File Appeal</a> <a href="#">View Determination</a>

A separate appeal must be filed for **each** determination you want to appeal.

Enter the reason you disagree with the determination and are filing an appeal in the text box provided; then click the "Next" button.

The screenshot shows the 'Basic Claim Information' form on the Pennsylvania Department of Labor & Industry website. On the left is a sidebar menu with options like 'My Individual Workspace', 'My Dashboard', 'Directory of Services', 'My Resources', 'Quick Menu', 'My Portfolio', 'Services for Individuals', 'Career Services', 'Job Seeker Services', 'Education Services', 'Labor Market Services', 'Employer Services', 'Unemployment Services', 'Other Services', 'Communication Center', 'Appointment Center', 'Assistance Center', 'Customer Satisfaction Survey', 'Document Management', and 'View My Documents'. The main content area has a header with the Pennsylvania logo and a message box stating: 'This following screens will guide you through the process of filing your appeal. In the text box below enter your reason for filing this appeal. Click "Next" to continue.' Below this is a legend: 'Indicates required fields.' and an information icon with the text 'For help click the information icon.' The form is titled 'Basic Claim Information' and contains the following fields:

<b>Claimant Name:</b>	Helena Brown	<b>Employer Name:</b>	Trammell Powers LLC
<b>Claimant Phone:</b>	(717) 555-1212	<b>Employer Phone:</b>	(412) 989-4017
<b>Claimant SSN:</b>	***-**-0100	<b>Employer Contact:</b>	Ramon Trammell
<b>Benefit Year Beginning Date:</b>	7/3/2020	<b>Benefit Year End Date:</b>	7/3/2021
<b>Program Code:</b>	UI-UI	<b>Application ID:</b>	31466

**\* Reason for Filing Appeal:**

Some HTML tags such as embedded videos are not allowed in this text box and will not be saved.

[ Clear Text ]

Back Next SS





Complete the following information fields for your counsel contact. Identify the contact type from the dropdown box at the **Contact type** field.

**Enter or edit the information for this contact.**  
This contact will be associated with this appeal and will receive correspondence as necessary. Click Save to retain the information or click Cancel to return to the previous page without saving the contact information.

**Name**

\* First Name:

Middle:

\* Last Name:

**Address**

\* Address 1:

Address 2:

\* City:

\* State:

\* Zip Code:

**Phone**

\* Primary Phone:

Phone Type:

Call Phone:

FAX Number:

Email:

\* Contact Type:

**Contact Type:**

- None Selected
- None Selected
- Claimant's Second Address
- Employer's Second Address
- Claimant's Attorney or Paralegal
- Claimant's Union Representative
- Claimant Representative (Non-legal)
- Employer's Attorney or Paralegal
- Employer's Tax Consultant Representative
- Agency's Attorney or Paralegal
- Agency's Representative (Non-legal)
- Other

[Save](#) [Return to](#)

Once the fields are completed click "Save" and then click "Return to Previous Page."

**Enter or edit the information for this contact.**  
This contact will be associated with this appeal and will receive correspondence as necessary. Click Save to retain the information or click Cancel to return to the previous page without saving the contact information.

**Name**

\* First Name:   
\* Middle:   
\* Last Name:

**Address**

\* Address 1:   
\* Address 2:   
\* City:   
\* State:   
\* Zip Code:

**Phone**

\* Primary Phone:  -  -  -

**Phone Type**

**Call Phone:**  -  -  -

**FAX Number:**  -  -  -

**Email:**

\* **Contact Type:**

**Save** **Cancel**

**Return to Previous Page**

The following screen will ask if you would like to designate someone to serve as a witness for this appeal. If you wish to designate a witness, select the **"Add New Contact"** link.

[illegible]

Complete the following information fields for a witness. Select the witness type indicated from the **Contact Type** dropdown box. Once the fields are completed click **"Save"** and click **"Return to Previous Page."**

**Enter or edit the information for this contact.**  
This contact will be associated with this appeal and will receive correspondence as necessary. Click Save to retain the information or click Cancel to return to the previous page without saving the contact information.

**Name**

\*First Name:

Middle:

\*Last Name:

**Address**

\*Address 1:

Address 2:

\*City:

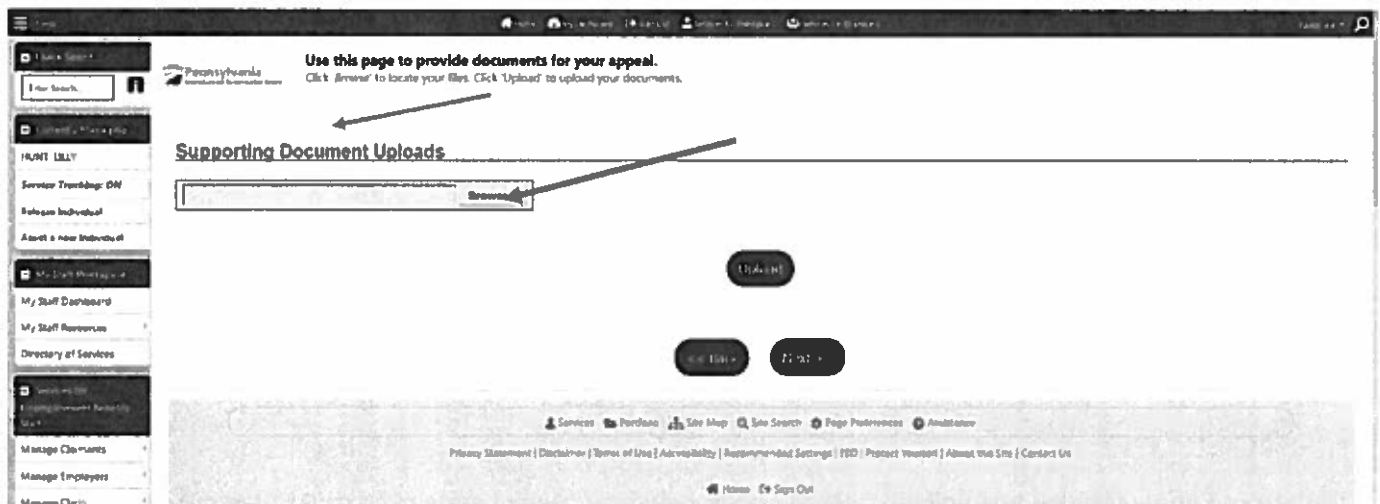
\*State:

\*Zip Code:

\*Contact Type:

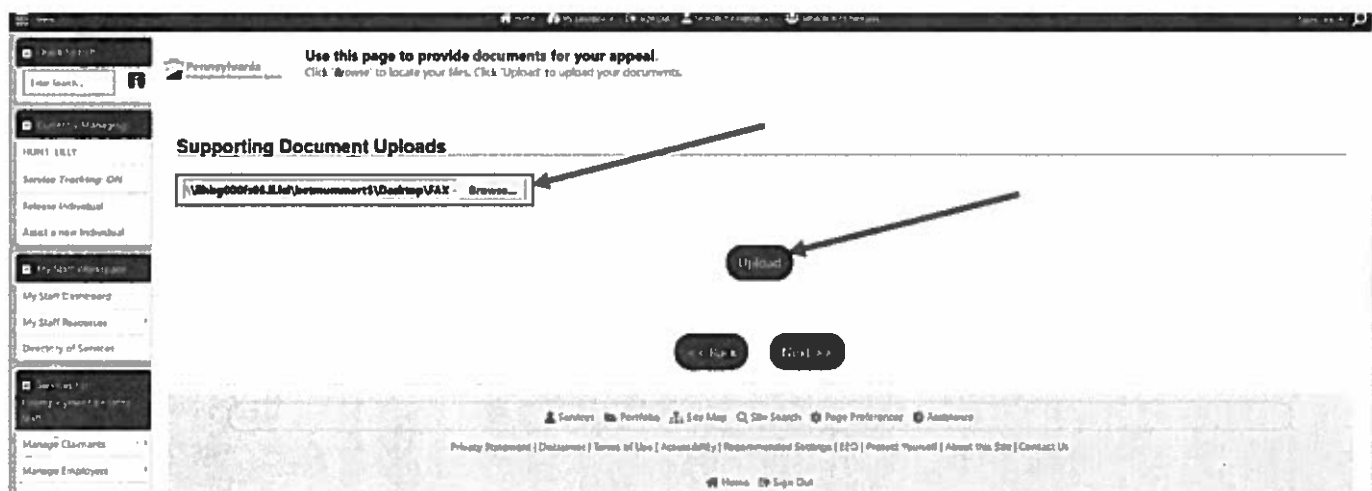
- None Selected
- Claimant's Witness
- Employer's Witness
- Agency's Witness
- Claimant's Subpoena
- Employer's Subpoena
- Observer
- Other

In most cases documents which have already been uploaded during the fact-finding and determination process will be made part of the appeal record. If there are additional documents to support your case, please upload them here from the **Supporting Document Uploads** screen. Click the "**Browse**" button to find the document(s) on your personal computer.



Double click on the document and the file name will appear in the box to the left of the **Browse** button.

Click the **'Upload'** button to bring the document into your appeal case file.



Once the uploaded document is displayed in the grid, click next and the document is attached to the appeal file and available to be included in the appeal case file.

Click **'Next'** at the bottom of the page, (as shown on the full screen, above).



The next page is **Do you need assistance?** Read the description and then select **"Yes or No"** to the questions as they apply to your situation.

Click Search

Enter Search...

Currently Managing

My Unit Tools

Service Tracking: ON

Reference Individuals

Add a new Individual

My Staff Viewers are

My Staff Dashboard

My Staff Resources

Directory of Services

Services For

Unemployment Benefits

Manage Claimants

Manage Employers

Manage Claim

Manage Trade Act (TRA)

Manage Shared Work

Manage Benefit Changes

Manage UI Accounting

Manage Consider Unemployment Assistance (WLAN)

Manage Overpayments

Manage Payments

Indicate below if you will need an interpreter for any hearings required by this appeal.

If an interpreter is necessary then indicate the preferred language

Basic Claim Information

Claimant Name	Lilly, Sam	Employer Name	WELLS 440
Claimant Phone:	(570) 360-0611	Employer Phone	
Claimant SSN	***-**-1015	Employer Contact	Lilly, Sam

Benefit Year Beginning Date	01/01/2020	Benefit Year End Date	12/31/2021
Program Code	UP-C1	Application ID:	2341041

Do you need assistance?

If you are a person who:

- Requires assistance because of a disability with hearing, speech or vision, or
- Needs an interpreter for your own language other than English,

the Board is responsible to provide an appropriate device or qualified interpreter at no cost to claimant's and is certified for quasi-judicial proceedings and the Board covers the costs required to provide this assistance.

Interpreter

Do you need an interpreter?

Select a language

Please Select

Do you require assistance because of a disability with hearing, speech or vision?

Please Select



If language assistance is needed, select a language from the "Select a Language" dropdown box.

The screenshot shows a web application interface with a sidebar on the left containing a list of menu items: My Staff Resources, My Staff Account, Directory of Services, Manage Team and Staff, Manage Team and Staff, Manage Interfaced, Manage Employees, Manage Client, Manage Trade Act (TEA), Manage Shared View, Manage Benefit Changes, Manage Life Insurance, Manage Unemployment Assistance (DUA), Manage Overpayments, Manage Payments, Manage Multi-Claim and Issues, Manage Appeals, Manage Investigations, and Manage Non-Monetary. The main content area is titled "Do you need assistance?" and includes a list of bullet points: "Requires assistance because of a disability with hearing, speech or vision, or", "Needs an interpreter for you own language other than English", and "the Board is responsible to provide an appropriate device or qualified interpreter whose credentials are certified for quasi-judicial proceedings and the Board covers the costs required to provide this assistance". Below this is a section titled "Interpreter" with a sub-header "Do you need an interpreter?" and two radio buttons: "Yes" (selected) and "No". Underneath is a label "Select a language:" followed by a dropdown menu. The dropdown menu is open, showing a list of languages: "None Selected", "Afarsi Selection", "Spanish", "Arabic (All Dialects)", "Vietnamese", "Creole", "Russian", "Alghani (Dard)", "Alban", "Albanian (Gheg, Tosk)", "Amharic", "Armenian", "Assamese", "Azerbaijani", "Azerbaijani (Azeri)", "Bakhti", "Bahasa", "Bambara", "Bambara", and "Bambara". A black arrow points to the dropdown menu. At the bottom of the page, there is a footer with links: "Home", "Sign Out", "Privacy Policy", "Accessibility", "Recommended Settings (SEO)", "Protect Yourself", "About the Site", and "Contact Us". The footer also includes the text "Copyright © 2018-2020 Descriptive Statistics, Inc. All rights reserved." and "10/8".

Do you need assistance?

- Requires assistance because of a disability with hearing, speech or vision, or
- Needs an interpreter for you own language other than English
- the Board is responsible to provide an appropriate device or qualified interpreter whose credentials are certified for quasi-judicial proceedings and the Board covers the costs required to provide this assistance.

**Interpreter**

Do you need an interpreter?

☒ Yes ☐ No

Select a language:

None Selected

- Afarsi Selection
- Spanish
- Arabic (All Dialects)
- Vietnamese
- Creole
- Russian
- Alghani (Dard)
- Alban
- Albanian (Gheg, Tosk)
- Amharic
- Armenian
- Assamese
- Azerbaijani
- Azerbaijani (Azeri)
- Bakhti
- Bahasa
- Bambara
- Bambara
- Bambara

Back Find

Portfolio Site Map Site Search Page Preferences Assistance

Terms of Use / Accessibility / Recommended Settings (SEO) / Protect Yourself / About the Site / Contact Us

Task Page

Home Sign Out

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10/8

If assistance is required because of a disability with hearing, speech or vision, select the specific need for assistance in the second dropdown box.

The screenshot shows a web application interface. On the left is a sidebar menu with items like 'My Staff Resources', 'My Staff Account', 'Directory of Services', and 'Manage Clients'. The main content area is titled 'Do you need assistance?' and includes a sub-header 'If you are a person who:' followed by two bullet points: 'Requires assistance because of a disability with hearing, speech or vision, or' and 'Needs an interpreter for your own language other than English; the Board is responsible to provide an appropriate device or qualified interpreter whose credentials are certified for quasi-judicial proceedings and the Board covers the costs required to provide this assistance.' Below this is a section titled 'Interpreter' with two questions: 'Do you need an interpreter?' (with 'Yes' and 'No' radio buttons, 'No' selected) and 'Do you require assistance because of a disability with hearing, speech or vision?' (with 'Yes' and 'No' radio buttons, 'Yes' selected). Under the second question is a label '\* Please Select:' followed by a dropdown menu. The dropdown menu is open, showing options: 'None Selected', 'None Selected', 'American Sign Language (ASL) Interpreter', 'Signed English Interpreter', 'Oral Interpreter', 'Assisted Listening Device (ALD) (please specify)', and 'Other (please specify)'. An arrow points from the 'Oral Interpreter' option to a 'Next' button. Below the form is a footer area with links for 'Privacy Statement', 'Disclaimer', 'Terms of Use', 'Accessibility', 'Review/Feedback Settings', 'SEO', 'Protect Yourself', 'About the Site', and 'Contact Us'. At the bottom, it says 'Copyright © 1999-2022 Geographic Solutions, Inc. All rights reserved.' and '100'.

Do you need assistance?

If you are a person who:

- Requires assistance because of a disability with hearing, speech or vision, or
- Needs an interpreter for your own language other than English; the Board is responsible to provide an appropriate device or qualified interpreter whose credentials are certified for quasi-judicial proceedings and the Board covers the costs required to provide this assistance

**Interpreter**

Do you need an interpreter? ☐ Yes ☒ No

Do you require assistance because of a disability with hearing, speech or vision? ☒ Yes ☐ No

\* Please Select:

None Selected

None Selected

American Sign Language (ASL) Interpreter

Signed English Interpreter

Oral Interpreter

Assisted Listening Device (ALD) (please specify)

Other (please specify)

Next

Privacy Statement | Disclaimer | Terms of Use | Accessibility | Review/Feedback Settings | SEO | Protect Yourself | About the Site | Contact Us

Track Page

Home | Sign Out

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100

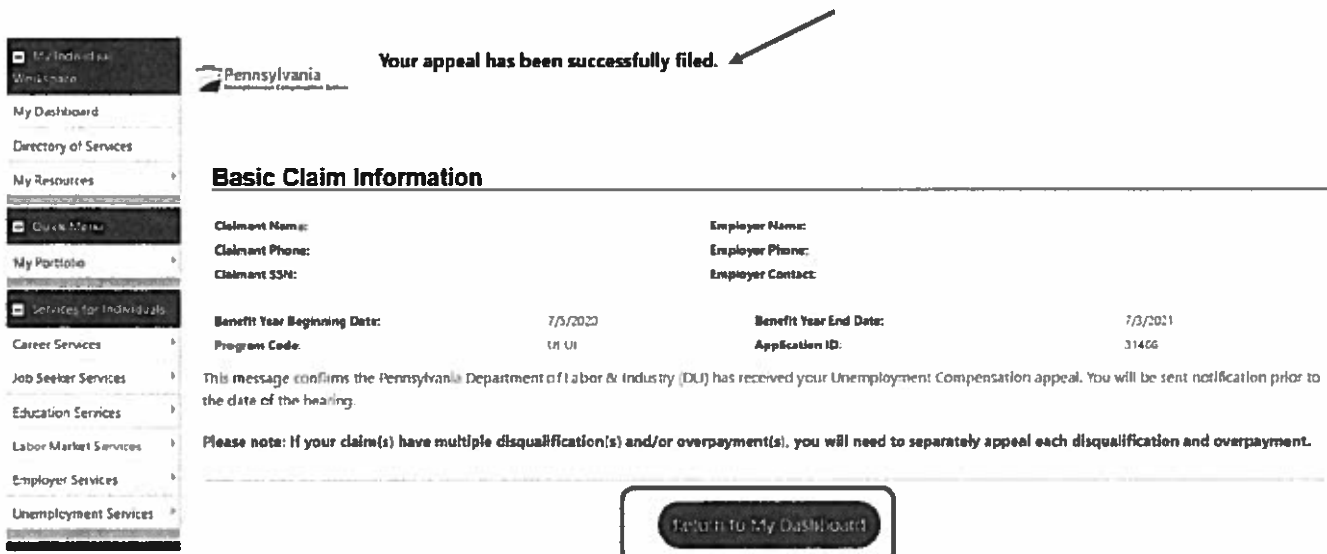


When the appropriate selections are complete, click **"Finish."**



Your appeal is filed when you see the message **"Your appeal has been successfully filed."**

Click **'Return to My Dashboard'**  
to view the appeals you filed.



As in the beginning of this process, click **Unemployment Services** on the left-navigation menu and click on **Appeals** (both claimants and employers).

**My Individual Workspace**

**My Dashboard**

**Directory of Services**

**My Resources**

**Quick Menu**

**My Portfolio**

**Services for Individuals**

**Career Services**

**Job Seeker Services**

**Education Services**

**Labor Market Services**

**Employer Services**

**Unemployment Services**

**Pennsylvania**  
Unemployment Compensation System

**Welcome to My Individual Workspace Helena Brown.**  
[View your Personal Profile and Contact Information.](#) This page introduces you to system features and offers suggestions. Select from the items below to start customizing the content that interests you.

**My Dashboard** **Directory of Services** **My Resources**

**Find a Great Job Today**  
We have found local job listings related to your employment history, desired occupations, and associated job skills.

**Career Services** **Unemployment Services** **My Personal Profile**

**Career Explorer** **PA Careerlink®** **Update Contact**

Instead of clicking on the Determinations tab, this time click the "Appeals Filed" tab.

Below are the details of your latest appeal.

Appeals Filed | **Appeals Filed Against** | Determinations | Associated Appeals

### Select Appeal

Select Appeal:

### Appeal Information

<b>Docket Number:</b>	202014473-RD	<b>Claimant:</b>	Hunt, Lilly
<b>Appeal Date:</b>	9/18/2020	<b>Employer:</b>	RITE AID
<b>Current Status:</b>	None	<b>Appellant:</b>	Employee
		<b>Appeal Authority:</b>	Appeals Review

<b>Determination Date:</b>	9/18/2020
<b>Determination Mail Date:</b>	9/21/2020
<b>Determination Type:</b>	<u>Non-Monetary Determinations</u>

you did not file for your benefits in a timely manner

**Your appeal is awaiting an initial review.**

Upon review, a hearing will be scheduled and a Notice of Hearing will be mailed to your address of record.

[Review Appeal](#) (not yet reviewed)

The **Appeal Information** page will appear. Select which appeal you would like to view if appeals are filed to more than one determination. The appeal information page includes important information such as:

- **Docket Number:** The unique number assigned only to your appeal.
- **Appeal Authority:** "Appeals Referee" is the first level of the appeals process.
- **Indication of stage of the appeal process:** The example shows "Your appeal is awaiting an initial review." This means the date, time, and location of your appeal is being assigned.

Below are the details of your latest appeal.

Appeals Filed | **Appeals Filed Against** | Determinations | Associated Appeals

**Select Appeal**

Select Appeal: [BEN # 514-041 - 2020144493 RD]

**Appeal Information**

<b>Docket Number:</b>	2020144493 RD	<b>Claimant:</b>	Hunt, Lily
<b>Appeal Date:</b>	9/18/2020	<b>Employer:</b>	RITE AID
<b>Current Status:</b>	New	<b>Appellate:</b>	Employer
		<b>Appeal Authority:</b>	Appeals Referee

**Determination Date:** 9/18/2020

**Determination Mail Date:** 9/21/2020

**Determination Type:** Non-Mandatory Determination

you did not file for your benefits in a timely manner

**Your appeal is awaiting an initial review.**

Upon review, a hearing will be scheduled and a Notice of Hearing will be mailed to your address of record.

**Review Appeal** (Not yet reviewed)

or Appeal filed on 9/18/2020 30 days 10/18/2020 45 days 11/2/2020

or Your appeal is awaiting an initial review.

Upon review, a hearing will be scheduled and a Notice of Hearing will be mailed to your address of record.

Review Appeal (Not yet reviewed)

[Add Case Note](#) | [View Determination](#) | [Clear Profile](#) | [Withdraw Appeal](#) | [Review Hearing](#) | [Cancel Appeal](#)

[Select Employer](#) | [Change Jurisdiction](#) | [Request Records](#) | [Upload Document](#)

[Return to Previous Page](#)

At this point, you may submit any additional documents not previously submitted by selecting the **"Upload Documents"** link at the bottom of the appeal Information page. The steps for uploading the documents are the same as previously described.

If there is nothing further to add and you've reviewed all the information you wished to see, click **"Return to Previous Page"** to get back to the dashboard. You now know how to log in and view all submitted appeals at any time.



After the appeal is processed, both the claimant (and employer, if an interested party) will receive a Notice of Hearing in the mail which provides the date, time, and location of the hearing with a UC Referee. All hearing notices are mailed via US Postal Service and emailed to your dashboard.

As the claimant and/or employer, you have successfully filed an appeal to the determination issued by a UC service center.



## ACKNOWLEDGMENT OF UC APPEAL TO BOARD OF REVIEW

Date Mailed: [##MailDate##]

[##RecipientName##]

[##RecipientAddress1##]

[##RecipientAddress2##]

[##RecipientCityStateZIP##]

Claim Number:

[##ClaimNum##]

Determination Number:

[##DetNum##]

Appeal Filed By:

[##Appellant##]

Appeal Filed Date:

[##AppealDate##]

Board of Review Docket:

[##DocketNum##]

Claimant: [##Claimant##]

Claimant Address: [##ClaimantAddress1##]

[##ClaimantAddress2##]

[##ClaimantCityStateZIP##]

Employer: [##Employer##]

Employer address: [##EmployerAddress1##]

[##EmployerAddress2##]

[##EmployerCityStateZIP##]

Date of Application for Benefits: [##ABDate##]

Date of Referee Decision: [##DecisionDate##]

The Unemployment Compensation (UC) Board of Review has received an appeal on this UC claim from the referee decision under docket number [##RefDocketNum##]. This appeal does NOT affect any benefits currently being received. This notice only confirms that an appeal has been filed. This is NOT a decision. The referee decision and the appeal are available for you to view by logging into your account on the PA UC Benefits System website at [##SystemURL##]. If you are unable to access your account on the website, you may contact the Board for a copy of the referee decision and/or appeal.

The Board will review the evidentiary record of the Referee's hearing. The Board has authority to issue its decision based on the Referee's record. The Board also has authority to order a remand hearing for the purpose of taking additional testimony and evidence. In the event a remand hearing is ordered, you will receive a Notice of Hearing in accordance with the method you selected in the Pennsylvania UC Benefits System. Thereafter, the Board will issue a decision and it will be mailed to all interested parties.

### **Additional Information:**

If you remain partially or totally unemployed while the appeal is pending, you should continue to file weekly claims for benefits. Remember: If you return to work but you're not working full time, be sure to report your earnings each week when you file for benefits. For further information on UC claims and appeals you can login to your account on the PA UC Benefits System website at [##SystemURL##].

*Auxiliary aids and services are available upon request to individuals with disabilities.  
Equal Opportunity Employer/Program*



\_\_\_\_\_  
\_\_\_\_\_

### **Additional Interested Parties**

[##Party1Name##]  
[##Party1Address1##]  
[##Party1Address2##]  
[##Party1CityStateZIP##]

[##Party2Name##]  
[##Party2Address1##]  
[##Party2Address2##]  
[##Party2CityStateZIP##]

[##Party3Name##]  
[##Party3Address1##]  
[##Party3Address2##]  
[##Party3CityStateZIP##]

[ This section will expand to list all interested parties linked to the appeal ]



## ACKNOWLEDGMENT OF UC APPEAL TO REFEREE

Date Mailed: [##MailDate##]

[##RecipientName##]

[##RecipientAddress1##]

[##RecipientAddress2##]

[##RecipientCityStateZIP##]

Claim Number:

[##ClaimNum##]

Determination Number:

[##DetNum##]

Appeal Filed By:

[##Appellant##]

Appeal Filed Date:

[##AppealDate##]

Referee Office Docket:

[##DocketNum##]

Claimant: [##Claimant##]

Claimant Address: [##ClaimantAddress1##]

[##ClaimantAddress2##]

[##ClaimantCityStateZIP##]

Employer: [##Employer##]

Employer address: [##EmployerAddress1##]

[##EmployerAddress2##]

[##EmployerCityStateZIP##]

Date of Application for Benefits: [##ABDate##]

Date of Determination: [##DetDate##]

The Department has received an appeal on this UC claim for determination number [##DetNum##]. This appeal does NOT affect any benefits currently being received. This notice only confirms that an appeal has been filed. This is NOT a decision. The determination and the appeal are available for you to view by logging into your account on the PA UC Benefits System website at [##SystemURL##]. If you are unable to access your account on the website, you may contact the UC Service Center for a copy of the determination and/or appeal.

This appeal is being assigned to the [##RefOffice##]. A hearing will be scheduled by the referee office in the near future. You will receive a Notice of Hearing in accordance with the method you selected in the Pennsylvania UC Benefits System. The notice will give you the hearing date, time, location and specific issues to be covered at the hearing.

Everyone who is a party to this appeal will have the opportunity to testify and present witnesses and evidence during this hearing. It is important that all parties participate and follow instructions as explained in the Notice of Hearing.

### **Additional Information:**

If you remain partially or totally unemployed while the appeal is pending, you should continue to file weekly claims for benefits. Remember: If you return to work but you're not working full time, be sure to report your earnings each week when you file for benefits. For further information on UC claims and appeals you can login to your account on the PA UC Benefits System website at [##SystemURL##].

*Auxiliary aids and services are available upon request to individuals with disabilities.  
Equal Opportunity Employer/Program*





### **Additional Interested Parties**

[##Party1Name##]  
[##Party1Address1##]  
[##Party1Address2##]  
[##Party1CityStateZIP##]

[##Party2Name##]  
[##Party2Address1##]  
[##Party2Address2##]  
[##Party2CityStateZIP##]

[##Party3Name##]  
[##Party3Address1##]  
[##Party3Address2##]  
[##Party3CityStateZIP##]

[ This section will expand to list all interested parties linked to the appeal ]



**From:** LI, UCP-CL-Appeals-HOC  
**To:** [REDACTED]  
**Subject:** Online Appeal Received  
**Date:** Friday, May 28, 2021 1:00:20 PM

---

This message serves as confirmation that your online appeal has been received by the Department of Labor and Industry, Office of Unemployment Compensation Service Centers. Please retain this confirmation for your records.

**From:** U.I. Board Appeals  
**To:** [REDACTED]  
**Subject:** Unemployment Compensation Board Appeals Auto Reply  
**Date:** Friday, May 28, 2021 10:24:54 AM

---

This message serves as confirmation that your e-mail has been received by the Unemployment Compensation Board of Review. Please retain this confirmation for your records.

## Commentators List – Regulation 12-112

David Sumner, Executive Director  
Independent Regulatory Review Commission  
[esumner@irrc.state.pa.us](mailto:esumner@irrc.state.pa.us)

**Annex A**

**TITLE 34. LABOR AND INDUSTRY**

**PART VI. UNEMPLOYMENT COMPENSATION BOARD OF REVIEW**

**CHAPTER 101. GENERAL REQUIREMENTS**

**Subchapter A. GENERAL PROVISIONS**

**§ 101.2. Definitions.**

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Party* – The Department, the claimant, the last employer of the claimant and another employer affected by the appeal proceedings.

**Pennsylvania UC Claims System – The Department’s information technology system of record for the filing, management and processing of unemployment compensation claims and appeals.**

*Personal delivery* – Delivery by or on behalf of a party that is not enumerated in § 101.82(b)(1)-(4.1) (relating to time for filing appeal from determination of Department) where a person personally files the appeal at a Board office or workforce investment office.



\* \* \* \* \*

**Subchapter B. PROVISIONS GOVERNING HEARINGS BEFORE THE  
DEPARTMENT OR REFEREE**

**§ 101.24. Reopening of hearing**

\* \* \* \* \*

(b) A request for reopening which is received by the referee before his decision has been ~~mailed~~ **ISSUED** to the parties shall be decided by the referee before whom the case is pending. If the request for reopening is allowed, a new hearing shall be scheduled with written notice thereof to each of the parties. At a reopened hearing, the opposing party shall be given the opportunity to object to the reopening if he so desires. If the request for reopening is denied, the referee shall append to the record the request, supporting material and the ruling on the request, so that it shall be subject to review on further appeal.

(c) A request for reopening the hearing which is not received before the decision was ~~mailed~~ **ISSUED**, but is received or postmarked on or before the ~~15th~~ **21<sup>st</sup>** day after the decision of the referee was ~~mailed~~ **ISSUED** to the parties shall constitute a request for further appeal to the Board and a reopening of the hearing, and the Board will rule upon the request. If the request for

reopening is allowed, the case will be remanded and a new hearing scheduled, with written notice thereof to each of the parties. At a reopened hearing, the opposing party shall be given the opportunity to object to the reopening if he so desires. If the request to have the hearing reopened is denied, the Board will append to the record the request, supporting material and the ruling on the request, so that it shall be subject to review in connection with any further appeal to the Commonwealth Court.

(d) If a request for reopening is not received before the decision was ~~mailed~~ **ISSUED** but is received or postmarked within 15 days after the decision of the Board was ~~mailed~~ **ISSUED** to the parties, it will be accepted as a request for reconsideration and a reopening of the hearing and the Board will rule upon the request. If the request for reopening is allowed, the Board will vacate its decision and remand the case for further hearing, with written notice thereof to each of the parties. At a reopened hearing, the opposing party shall be given the opportunity to object to the reopening if he so desires. If the request to have the hearing reopened is denied, the Board will append to the record the request, supporting material, and the ruling on the request, so that it shall be subject to review in connection with any further appeal to the Commonwealth Court.

#### **§ 101.53. Notice.**

Mailing of notices, orders or decisions of a referee, or of the Board to the parties at their last known addresses, **OR ISSUANCE BY ELECTRONIC TRANSMISSION WHEN PERMITTED BY LAW AND THIS CHAPTER**, as furnished by the parties to the referee, the Board or the Department, shall constitute notice of the matters therein contained.

## **Subchapter C. APPEALS FROM DETERMINATIONS OF DEPARTMENT**

### **§ 101.82. Time for filing appeal from determination of Department.**

- (a) A party seeking to appeal a Department determination shall file an appeal in the form and manner specified in § 101.81 (relating to filing of appeal from determination of Department) and this section ~~on or before the 15<sup>th</sup> day after the date on which notification of the decision of the Department was delivered personally to the appellant or mailed to him at his last known post office address~~ **NO LATER THAN 21 DAYS AFTER THE “DETERMINATION DATE” ON THE DETERMINATION.**

**(a.1) THE DEPARTMENT WILL MAIL A COPY OF THE DETERMINATION TO THE PARTY’S LAST KNOWN POST OFFICE ADDRESS OR TRANSMIT IT ELECTRONICALLY, AS DESIGNATED BY THE PARTY.**

- (b) A party may file a written appeal by any of the following methods:

\* \* \* \* \*

- (4) Electronic [transmission other than fax transmission] email (e-mail).*

(I) The date of filing is the receipt date recorded by the Department appeal office or the Board’s [electronic transmission] e-mail system, if the [electronic record] e-mail message is in a form capable of being processed by that system. ~~Filing will be acknowledged by a confirmation e-mail.~~

**(II) THE DEPARTMENT WILL CONFIRM RECEIPT OF THE PARTY'S E-MAIL APPEAL BY SENDING THE PARTY AN AUTO-REPLY E-MAIL. IF THE PARTY DOES NOT RECEIVE AN AUTO-REPLY E-MAIL, THE DEPARTMENT HAS NOT SUCCESSFULLY RECEIVED THE PARTY'S APPEAL, AND THE PARTY MAY RE-SUBMIT THE APPEAL USING ANY METHOD PROVIDED IN THIS SUBSECTION. FAILURE TO RESUBMIT THE APPEAL PRIOR TO THE APPEAL DEADLINE WILL RESULT IN AN UNTIMELY APPEAL.**

**(III) A party filing by [electronic transmission] e-mail shall comply with Department instructions concerning format. A party filing an appeal by ~~electronic transmission~~ e-mail is responsible for using the proper format and for delay, disruption, interruption of electronic signals and readability of the document and accepts the risk that the appeal may not be properly or timely filed.**

**(4.1) *Pennsylvania UC Claims System.***

**(I) The date of filing is the receipt date recorded by the Pennsylvania UC Claims System. ~~Filing will be acknowledged by a confirmation from the Pennsylvania UC Claims System.~~ FOLLOWING SUBMISSION OF THE APPEAL, A NOTATION WILL APPEAR IN THE PENNSYLVANIA UC CLAIMS SYSTEM TO SHOW THAT THE DEPARTMENT SUCCESSFULLY RECEIVED THE PARTY'S APPEAL. FOLLOWING SUBMISSION OF THE APPEAL, THE APPEALS SECTION OF THE PENNSYLVANIA UC CLAIMS SYSTEM WILL ALSO SHOW THAT THE PARTY'S APPEAL HAS BEEN FILED. IF THE PENNSYLVANIA UC CLAIMS SYSTEM DOES NOT INDICATE THAT THE PARTY'S APPEAL HAS BEEN FILED, THE PARTY MAY RE-SUBMIT THE APPEAL USING ANY METHOD PROVIDED IN THIS SUBSECTION. FAILURE TO**

**RESUBMIT THE APPEAL PRIOR TO THE APPEAL DEADLINE WILL RESULT IN AN UNTIMELY APPEAL.**

**(II) If the filing is delayed untimely as a result of system or technological failure of the Pennsylvania UC Claims system, the date of filing will be redetermined through the adjudicatory process. The Board will make available to the Referee relevant Department records regarding system outages where a party alleges a late filing due to system or technological failure.**

*(5) Personal delivery to a workforce investment office or the Board.* The filing date will be the date the appeal was personally delivered to the workforce investment office or the Board during its normal business hours.

**(C) APPEAL ACKNOWLEDGEMENT LETTER. AFTER A PARTY FILES AN APPEAL USING ONE OF THE METHODS PROVIDED IN SUBSECTION (B), THE DEPARTMENT OR BOARD WILL SEND THE PARTY A LETTER ACKNOWLEDGING THAT IT RECEIVED THE PARTY'S APPEAL AND THE DATE ON WHICH THE PARTY FILED THE APPEAL.**

**§ 101.89. Notice of decision**

A copy of the decision of the tribunal shall be ~~mailed promptly to the parties to the proceedings, and their counsel or authorized agent at their last known post office addresses~~ **MAILED TO EACH PARTY'S LAST KNOWN POST OFFICE ADDRESS OR TRANSMITTED ELECTRONICALLY, AS DESIGNATED BY THE PARTY, INCLUDING EACH PARTY'S COUNSEL OR AUTHORIZED AGENT.** ~~The decision shall be dated as of the day~~

~~of mailing of the copies thereof~~ **THE DECISION DATE SHALL BE THE DATE THE DECISION IS POSTED ON THE PENNSYLVANIA UC CLAIMS SYSTEM AND AVAILABLE FOR VIEWING.**

**§ 101.90. Further appeal**

(a) Within ~~45~~ **21** days after the decision of a referee, the claimant, the Department or an affected employer may file an application for a further appeal with the Board.

\* \* \* \* \*

**§ 101.110. Notice of decision of Board**

A copy of the decision of the Board shall be ~~mailed to the parties to the proceedings, and their counsel or authorized agent, at their last known post office addresses~~ **MAILED TO EACH PARTY'S LAST KNOWN POST OFFICE ADDRESS OR TRANSMITTED ELECTRONICALLY, AS DESIGNATED BY THE PARTY, INCLUDING EACH PARTY'S COUNSEL OR AUTHORIZED AGENT.** ~~The decision shall be dated as of the time of the mailing of such notice~~ **THE DECISION DATE SHALL BE THE DATE THE DECISION IS POSTED ON THE PENNSYLVANIA UC CLAIMS SYSTEM AND AVAILABLE FOR VIEWING.**



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF LABOR AND INDUSTRY

December 3, 2021

George D. Bedwick, Chairman  
Independent Regulatory Review Commission  
333 Market Street, 14<sup>th</sup> Floor  
Harrisburg, PA 17101

**Re: Notice of Final Rulemaking**  
Title 34. Labor and Industry  
Part VI. Unemployment Compensation Board of Review  
Chapter 101. General Requirements

Dear Chairman Bedwick:

Enclosed is a final rulemaking package consisting of a Face Sheet, Preamble, Annex A and Regulatory Analysis Form and attachments.

The Unemployment Compensation Board of Review is submitting this rulemaking to amend Part VI, Chapter 101 of 34 Pa. Code to provide additional means for the filing of electronic appeals and reflecting the increase in time to file appeals and methods of communication, as promulgated in the newly amended statute.

Written comments, recommendations or objections should be directed to Brian Parr, UC Appeals System Administrator, 651 Boas Street, 11<sup>th</sup> Floor, Harrisburg, PA 17121, telephone no. (717) 787-5122, email address: [RA-LIUCBR-REGCOMM@PA.GOV](mailto:RA-LIUCBR-REGCOMM@PA.GOV).

The Board's staff will provide your staff with any assistance required to facilitate your review of this proposal.

Sincerely,

Richard W. Bloomingdale  
Chairman

cc w/encl: The Honorable Jennifer Berrier, Secretary  
The Honorable Allison Jones, Secretary of Planning and Policy  
William Trusky, Executive Deputy Secretary  
Susan Dickinson, Acting Deputy Secretary for Unemployment Compensation  
Neil Cashman, Director of Legislative Affairs  
Julia Grubbs, Policy Director  
Brian Parr, UC Appeals System Administrator, UCBR  
Christopher Giovanis, Assistant Counsel  
Janet Tarczy, Deputy Chief Counsel

UNEMPLOYMENT COMPENSATION BOARD OF REVIEW  
651 BOAS STREET | 11<sup>TH</sup> FLOOR | HARRISBURG, PA 17121  
Ph: (717) 787-5122 | Fax: (717) 787-6125

**Kathy Cooper**

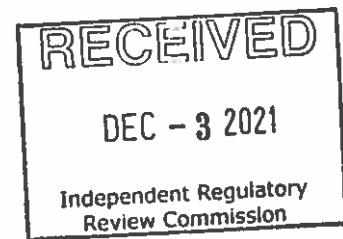
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**From:** Kratz, Eric  
**Sent:** Friday, December 3, 2021 12:13 PM  
**To:** Mueller, Janet (LI-OCC)  
**Subject:** RE: Electronic Delivery - Final UCBR - Appeals from Determination - Regulation 12-112

Received. Thanks Janet.

Best,  
Eric

**Eric Kratz**  
Executive Director | Senate Labor and Industry Committee  
Senator Camera Bartolotta  
19 East Wing | Harrisburg, PA 17120  
Phone: 717.783.6832 | Cell: 717-215-1259  
[ekratz@pasen.gov](mailto:ekratz@pasen.gov)



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**From:** Mueller, Janet (LI-OCC) <[jamueller@pa.gov](mailto:jamueller@pa.gov)>  
**Sent:** Friday, December 3, 2021 12:08 PM  
**To:** Kratz, Eric <[ekratz@pasen.gov](mailto:ekratz@pasen.gov)>  
**Subject:** Electronic Delivery - Final UCBR - Appeals from Determination - Regulation 12-112

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● CAUTION : External Email ●

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Hello,

Please respond to this email that you have received delivery of Final-UCBR – Appeals from Determination Regulation #12-112.

Thank you!

**Jan Mueller** | Legal Office Administrator 1  
PA Department of Labor & Industry | Office of Chief Counsel  
651 Boas Street | Harrisburg, PA 17121  
Phone: 717.787.4186 | Fax: 717.787.1303  
[www.dli.pa.gov](http://www.dli.pa.gov)



**Kathy Cooper**

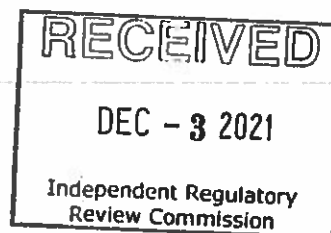
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**From:** Erwin, Noah  
**Sent:** Friday, December 3, 2021 12:11 PM  
**To:** Mueller, Janet (LI-OCC)  
**Subject:** RE: Electronic Delivery - Final UCBR - Appeals from Determination - Regulation 12-112

Received! Thanks

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**From:** Mueller, Janet (LI-OCC) <jamueller@pa.gov>  
**Sent:** Friday, December 3, 2021 12:07 PM  
**To:** Erwin, Noah <Noah.Erwin@pasenate.com>  
**Subject:** Electronic Delivery - Final UCBR - Appeals from Determination - Regulation 12-112



■ EXTERNAL EMAIL ■

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Hello,

Please respond to this email that you have received delivery of Final-UCBR – Appeals from Determination Regulation #12-112.

Thank you!

Jan Mueller | Legal Office Administrator 1  
PA Department of Labor & Industry | Office of Chief Counsel  
651 Boas Street | Harrisburg, PA 17121  
Phone: 717.787.4186 | Fax: 717.787.1303  
[www.dli.pa.gov](http://www.dli.pa.gov)

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**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**

**I.D. NUMBER:** 12-112

**SUBJECT:** Time for Filing Appeal from Determination of Department

**AGENCY:** DEPARTMENT OF LABOR & INDUSTRY

**TYPE OF REGULATION**

Proposed Regulation

X Final Regulation

Final Regulation with Notice of Proposed Rulemaking Omitted

120-day Emergency Certification of the Attorney General

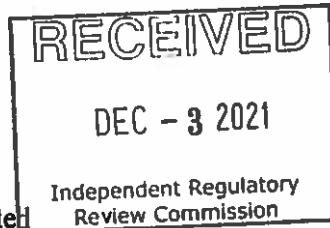
120-day Emergency Certification of the Governor

Delivery of Tolled Regulation

a. With Revisions

b.

Without Revisions



**FILING OF REGULATION**

DATE

SIGNATURE

DESIGNATION

12/3/21 Jennifer Dodge

12/3/21 Jennifer Dodge

*HOUSE COMMITTEE ON LABOR & INDUSTRY*

MAJORITY CHAIR Representative Jim Cox

MINORITY CHAIR Representative Gerald J Mullery

*SENATE COMMITTEE ON LABOR & INDUSTRY*

MAJORITY CHAIR \_\_\_\_\_

MINORITY CHAIR \_\_\_\_\_

*INDEPENDENT REGULATORY REVIEW COMMISSION*

*ATTORNEY GENERAL (for Final Omitted only)*

*LEGISLATIVE REFERENCE BUREAU (for Proposed only)*

December 3, 2021