



Zimmerman, Rob

From: Geoff Moomaw <geoff@interstatetaxserviceinc.com>
Sent: Tuesday, April 29, 2025 9:10 AM
To: LI, UCBR-RegComm
Subject: [External] Amendments to UC regs
Attachments: ITS response to UCBR regs amendments 4.29.25.pdf

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Dear Mrs. Trambley:

We have reviewed the proposed amendments to Chapter 101 of 34 Pa. Code regarding the Board's efforts to update and modernize its rules of process and procedure. First and foremost, we commend the Board for the proposed amendments, which appear to be well-considered and reflective of the valuable input received over the past two years.

Naturally, remote hearings remain a central issue, and we are encouraged by the Board's stated intent to allow parties to participate by their preferred method, whether in-person or by remote means. (See Section 101.127, Purpose and Scope.) With that said, we respectfully submit the following minor recommendations and questions for further consideration:

Section 101.51 – Absence of Party:

The proposed language concerning the tribunal's discretion to dismiss an appeal if the appellant fails to appear is not as clear as the explanation provided in the Regulatory Analysis Form. The analysis suggests that dismissal is intended upon a non-appearance by the appellant, yet the proposed regulation affords discretion. Should the regulation not be clarified to explicitly require dismissal in such cases, to avoid inconsistent application?

Section 101.54(c) – Audio or Video Recordings as Evidence:

If a hearing is conducted by remote means, will the Department be equipped and willing to open and manage files containing audio or video recordings within its IT systems?

Section 101.61 – Scheduling of Hearings Where Timeliness Is at Issue:

The current draft permits discretion to schedule a hearing solely on timeliness or on both timeliness and the merits. This discretion could result in inconsistent procedures. To promote uniformity and fairness, should the language not mandate that the hearing be initially scheduled solely on the issue of timeliness?

Section 101.85 – Notice of Appeal Hearing:

The proposed amendment increases the notice period for in-person hearings from seven to ten days. We recommend instead extending the notice requirement to fourteen days to match the notice period for remote hearings under Section 101.130. A uniform fourteen-day notice for all hearings would eliminate potential confusion and streamline processes for tribunal staff. We recommend that this adjustment also be made to Section 101.105, relating to remand hearings.

Implementation Timeline:

Given the thoroughness of the proposed amendments and the Department's extensive experience

with remote hearings (in unemployment compensation, workers' compensation, and other forums), could the Board share its anticipated timeline for final approval and publication of the rulemaking?

In closing, we thank the Board for the opportunity to provide feedback on the proposed amendments and express our appreciation for the thoughtful work that has gone into this effort. We look forward to the final regulations being published. We have attached the above comments and questions in letter form as well.

Sincerely,

Geoffrey D. Moomaw, President

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Geoffrey D. Moomaw, President

Dominic D'Agostino

Ned A. Hoffmeister, Jr.

April 29, 2025

Mrs. Melissa Trambley, UC Appeals System Administrator
UC Board of Review
Attention: Proposed Rulemaking
651 Boas Street, Room 1114
Harrisburg, PA 17121

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A handwritten signature in blue ink, appearing to read 'GDM', with a long horizontal flourish extending to the right.

Geoffrey D. Moomaw
President