



From: [Barney Oursler](#)
To: [LI, UCBR-RegComm](#)
Cc: [Sharon Dietrich](#); [Julia Simon-Mishel](#); [Aaron Sommer](#); [Melissa Evans](#); ["Helen Gerhardt"](#); [Rosilynn.MVUC@gmail.com](#); [agoldman@philaup.org](#); [David Huang](#)
Subject: [External] Comments on UCBR proposed regulations
Date: Monday, June 9, 2025 4:19:59 PM
Attachments: [June 2025 MVUC comments on UCBR regulations-3.pdf](#)
[June 2025 MVUC comments on UCBR regulations-3.pdf](#)

ATTENTION: *This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the [Report Phishing button in Outlook](#).*

Board Members

Please consider the attached comments on the proposed new regulations for the PA UC appeal system.

Barney Oursler
Director
Mon Valley Unemployed Committee
841 California Ave, Pittsburgh PA 15212
Cell: 412-370-8567
Email: boursler@msn.com

June 2025 Mon Valley Unemployed Committee comments on Proposed UCBR Regulations

1. Code § 101.128. Scheduling of remote hearings or testimony

MVUC strongly objects to any revision of the regulations which permits the tribunal to schedule remote hearings as a default. This addition significantly undermines a claimant's statutory right to an in-person hearing. Claimants should not lose that right due to administrative challenges. Default remote hearings should only be scheduled during very limited periods of extraordinary ongoing circumstances such as a pandemic, weather conditions, infrastructure damage, etc.

And we again express our strong agreement with the following comments that were provided by Community Legal Services and Philadelphia Legal Assistance in the first round of 2024 comments.

- *Changing “telephone” to “remote” throughout the subchapter seems to be laying a path for video hearings. We strongly oppose this critical change, especially that it is done merely through nomenclature. There are significant technological barriers for claimants, in equipment, broadband, and prowess. Moreover, the draft regulations provide no guidelines or guardrails for this new type of hearing.*
- *There also needs to be an additional subsection that states: When a party has been granted the ability to participate by remote means, the non-requesting party shall still testify in-person unless they separately request remote participation.*

The primary justification by the UCBR in supporting these regulatory changes appears to the Mon Valley Unemployed Committee to make participation better for everyone but the workers. Employers don't have to spend as much time to participate, lawyers and nonlegal 3rd party representatives can do more cases per day and the UC appeals system can

move more quickly through their appeals. There is no argument by the UCBR that “remote” leads to better quality appeal hearing results. The interests of the claimants is at best “accommodated”, not given equal weight compared to all the other parties to the appeal system.

When claimants are not represented, they are simply disadvantaged by a lack of experience in the appeal process. And our organization’s experience is that they present their case defending or winning their benefits much better if they are in the room, face to face with the referee (tribunal).

We agree with Community Legal Services that ***“The Board should return to the rule that the party not requesting a remote hearing should be scheduled to participate in person, with instructions about their right to opt out and how to do so.”***

2. Sec 101.82(a.1); 101.83(b); 101.89; 101.101; 101.103(b); 101.110) Method of Notification:

MVUC again strongly urges that all notifications and rulings must be sent both by the claimant email AND U.S. Postal Mail. The department currently discourages claimants from choosing postal mail, noting that it may delay notices. Most claimants, while they are actively doing their weekly certifications, can stay connected to whatever their choice has been for getting notifications. And, if they change email addresses, they notify the UC staff and keep in touch with their claim notices.

But when claimants are no longer collecting benefits, they don’t have a reason to look at their online UC dashboard messages. And many either change their email address or just stop carefully reviewing such messages. When benefit notices are sent weeks, months or years later, they are not seen by claimants, certainly not in any timeframe that would allow them to file timely appeals.

We also support the adoption of texting as an additional method of communication that is often the most effective notice to our clients, especially those with limited internet access or skills. However texting should not replace postal mail.

3. § 101.51. Absence of party: Dismissal upon appellant no-show

Regarding this Department's suggested revision "If the appellant fails to appear for the hearing, the tribunal may take action it deems appropriate, including dismissal of the appeal," MVUC recommends the following amendment: "If the appellant fails to appear for the hearing, the tribunal *shall* dismiss the appeal."

MVUC also suggests that there be clear communication of the possibility to communicate the reason for inability to attend the hearing and request reopening of the hearing before a ruling. If the ruling has already been made the appellant should be informed of their right to request reconsideration with the referee and not force claimants to wait for the much delayed Board of Review consideration that would be sent back to the referee on remand anyway.

- As regards "competent" evidence to make decisions, any documents submitted by claimant or appellant must not be considered by the referee if they have not been properly authenticated as required by the Rules of Evidence.
- MVUC also requests that data be shared about hearing participation, in terms of appellants showing up to hearings, as well as outcomes of such hearings.

4. § 101.85. Notice of appeal hearing

MVUC again recommends that notice of hearings be sent to claimants 14 business days before the hearing (currently 10 days), to help ensure timely

receipt of the notice if sent by postal mail, and to allow claimants to schedule time off from any current employer(s) to attend the hearing.

5. § 101.130 and 101.54(b) Documents provided in advance of hearing

We urge that for all referee (tribunal) hearings, in person or remote, copies of the appeal file and uploaded documents for that hearing be sent both by email and U.S. Postal Mail to claimants, employers, and their representatives, legal or non legal, at least five calendar days in advance of the hearing.

The idea that the long standing directions to arrive at the hearing “15 minutes early to review your file” is ludicrous. A speed reader would barely make it through the document files that are routinely 50 to 100 pages long with no designation of which pages are most critical to the issues before the referee. The UC dashboard currently does not provide clear instructions on how to find, view, and download the appeal document, and is often subject to technical malfunctions which make the document completely inaccessible.

Third party representatives for employers are usually experienced attorneys who know how they can get copies of the documents. Claimants are usually unrepresented and don't have any idea what they will be dealing with in terms of documents for the hearing. If claimants have the documents in advance of the hearing, they have the opportunity to seek advice or counsel in order to prepare for the hearing.

6. Additional scheduling times for appeal hearings:

Many claimants encounter significant barriers after they are reemployed and are unable to schedule attendance at appeal hearings. MVUC suggests that additional hours be provided for appeal hearings, such as weekday evenings and weekends.