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**Subject:** [External] Follow-up to meeting on UC appeals regs

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On behalf of the advocacy groups, I want to again thank you for giving us an opportunity to speak with you on November 12<sup>th</sup> about the final regs to be published on the UC appeals process.

I am attaching a follow-up letter from the groups, meant to summarize our positions on the issues that are most important to us. Let us know if any further information or discussion would be helpful.

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Pronouns: she/her

Pronunciation: "Share-un Dee-trick"

December 4, 2025

Via Email

Re: Appeals regulations package (#12-120)

Members of the Board and staff:

Thank you for continuing to accept feedback on the appeals regulations package, including the November 12<sup>th</sup> zoom meeting. We write here to emphasize the topics on which we are particularly concerned. Given your reluctance to be responsive at this juncture, we want to be sure that we have been heard on the issues that are critical to whether we can support or will have to oppose the package when it returns to the Independent Regulatory Review Commission (the IRRC) for an “up or down” vote.

Let us emphasize here again that the IRRC’s comments on the proposed package were unusually supportive of our community’s feedback on that proposal. Rarely does the IRRC specifically ask for the amendments suggested by commentators, subject only to the agency’s explanation of why such amendments are not reasonable. But for this package, the IRRC did so repeatedly, and with strong language.

#### Telephone hearings

As you know, we have long fought the move from in-person hearings to telephone hearings. The advantages of in-person hearings far outweigh those of telephone hearings except for one single aspect: the convenience of not having to travel. Hybrid hearings, in which one party is present with the referee but the other appears by phone, mostly have the same calculus, except that one party gets the benefit of an in-person appearance.

But despite the fact that hybrid hearings are not of optimal quality, we are prepared to support a regime where each party gets to choose their method of participation. We anticipate that rule would substantially increase participation by telephone. But despite this concession, we are adamant that strong in-person features must be retained and that the language of the regulations must make them clear.

- In-person hearings must remain the default. We ask that the Board restore the policy statement from Section 101.127(a) that in-person testimony is normally preferable.
- Parties must have the right to attend the hearing in person without unreasonable delays in scheduling.
- When one party requests a telephone hearing, the other must be scheduled for in-person, although with notice of how they can choose to opt out of in-person attendance.

We note that the IRRC requested clarification on how persons can exercise their participation in person in light of the proposed language of Sections 101.128(a) and (f). (IRRC comments, at 6). They also say that the language of the draft was not consistent with these principles.

We need these principles to be clear in the regulations in order to be able to live with them.

### Video hearings

Thank you for informing us that the Board's thought on video hearings is to use the programming of Geographic Solutions Inc. (GSI), which incorporates a Zoom platform. We understand that the Board has not so much as looked at this product yet. Of course, GSI does not enjoy the highest of regard here, given the chaos of the rollout of its product for the UC Service Centers in 2021. Nor are we satisfied by knowing that Nebraska is using GSI's appeals system, given that that state pays out a sliver of the claims paid in Pennsylvania.

Despite the fact that there has been no operationalization of video hearings to date, the proposed package would bootstrap them into the regulations by replacing the term "telephone hearings" with "remote hearings." We simply cannot support a regulatory package that authorizes a form of hearing that has yet to be planned, much less prepared.

We recognize that video hearings are probably coming to UC someday. But that does not mean that we will support them before there is a well-developed protocol with support in place for persons lacking access to or capability with technology. When a video hearing system has been created, then regulations governing it are appropriate. Otherwise, the Board is heading down the same path that led to early telephone hearings being found to be unconstitutional in the absence of structure and safeguards. *Knisley v. Unemployment Compensation Board of Review*, 501 A.2d 1180, 1182 (Pa. Commw. 1985)(finding telephone hearing regulations to be required to safeguard due process rights and to insure uniform administration of the hearings).

IRRC was very clearly troubled by the video hearing proposal and made some strong recommendations on the subject.

- It “strongly urge[d] the Board to continue evaluation of the impacts of using video technology for remote hearings.”
- It “encourage[d] the Board to consider suggestions from commentators such as a pilot project and providing resources to assist claimants in participating by video....”
- Most notably, “[W]e ask the Board to provide details of these efforts to reach consensus on how and when to implement video hearings. We will evaluate the Board’s responses in determining whether the final regulation is in the public interest.”

(IRRC comments, at 2-3).

We have not reached any consensus on implementation of video hearings through this rulemaking. We will oppose the package if the efforts to bootstrap video hearings into the term “remote hearings” remain.

#### Mailing notices and records

We have related in detail in our IRRC submissions the challenges of hearing participation if notices and documents are not provided by mail as well as email. In particular, claimants’ struggles to access their online accounts often present an absolute barrier to hearing participation. But additionally, claimants lacking printers cannot reasonably look at the documents on their phones during the hearings.

Throughout its comments, the IRRC recommended providing hard copies by mail as well as email, particularly as to Sections 101.54 (records), 101.82(a.1) (notices of appeal) and 101.130 (records in telephone hearings) (IRRC comments, 4, 6). Most notably:

We agree with commentators’ overarching concerns related to potential technological challenges and the need to ensure that parties have due process for proceedings. We ask the Board to revise the final regulation to provide hard copies through the U.S. Postal Service and email if provided, or to explain the reasonableness of not [doing so].”

*Id.* at 4.

Given the constitutional issues, we need to be sure that claimants receive their hearing notices and the documents that will be used in the hearings.



Should you wish to respond, you can provide your response to the group to Sharon Dietrich at [sdietrich@clsphila.org](mailto:sdietrich@clsphila.org). Thanks again for your consideration of this feedback.

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