

UNEMPLOYMENT COMPENSATION IN PENNSYLVANIA

APPEALS TO THE UNEMPLOYMENT COMPENSATION REFEREE

If you disagree with the initial determination of the Unemployment Compensation Service Center, you may appeal within 15 days from the date the ruling is mailed to you. If you are a claimant appealing an ineligible determination, the benefit weeks involved will be paid only if the decision is reversed. If you are eligible for benefits but appealing for a higher weekly benefit rate, the benefit weeks will be paid at the current rate. If the appeal is decided in your favor, you will be issued supplemental benefits for the difference between the two rates.

If you are a claimant who is still totally or partially unemployed, continue to file your claims for benefits. 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. You must continue to file your biweekly claims as instructed by the UCSC. The fact that your case is under appeal does not change your responsibility to continue to file your biweekly claims for benefits.

If you are a claimant and your employer is appealing a determination that made you eligible for benefits, you will continue to be paid your benefits while the appeal is in progress.

THE UC REFEREE HEARING

Your appeal will be assigned a number and forwarded to a UC referee. The referee will send you a Notice of Hearing with the date, time and location. You should have an experienced attorney represent you at the hearing to make an appropriate record through cross examination of your employer, and then can use that record when drafting an appeal to the Unemployment Compensation Board of Review (UCBR) or the appellate courts if necessary.

The referee's decision will be based on the evidence and testimony provided at the hearing. Although the hearings are informal, they do involve testifying under oath, cross-examination, rebuttals and witnesses. The testimony will be recorded. Following the hearing, the referee will consider the facts presented at the hearing and issue a decision. Copies of the decision will be mailed to the interested parties.

Either party may request a reopening of an appeal hearing by contacting the referee's office. A request received before the referee's decision has been issued will be reviewed by the referee. A reopening may be granted for good cause. A request received after the referee's decision has been issued will be treated as a request for further appeal to the UC Board of Review from the referee's decision.

[This brochure is meant to give you general information and is NOT legal advice.]

APPEALS TO THE UC BOARD OF REVIEW

You may file an appeal of the referee's decision to the UC Board of Review. Appeals must be filed within 15 days from the date the decision was mailed.

The record of the referee's hearing is transcribed only when a referee decision is appealed to the UC Board of Review. Copies of such testimony are available to you (to be used for UC purposes only) at no charge, upon a written request to the Appeals System Administrator.

The Board's review of a further appeal does not include a hearing like the referee's hearing. However, if the Board determines that the record is not adequate, then it will remand (return) the case to a referee for another hearing.

If the existing testimony is insufficient and new evidence should be introduced, you should submit a written request for a remand to the Appeals System Administrator, stating why the testimony is incomplete. Such a written request should not be made without the assistance of an experienced attorney. At a remand hearing, the referee will serve as a hearing officer for the Board, to gather from the parties any additional information needed in order for the Board to arrive at a proper conclusion of the case. This testimony will be recorded. Then the entire file and record of evidence will be returned to the Board members for their consideration and appropriate further action.

If the attendance of certain witnesses and/or the producing of certain documents at the remand hearing are essential to provide the Board with complete information concerning the claim, you may submit a written request to the hearing officer that subpoenas be issued to produce these.

You should request, in writing, permission to file a brief and to be scheduled for oral argument before the Board in Harrisburg. You should always file a brief when appealing to the Board. The brief shows that you are serious, alerts the Board that you will file further appeals to the higher appellate courts if necessary, and highlights the specific areas where the Referee erred. Under no circumstance should you attempt to file a brief or oral argument without the assistance of an experienced attorney. The Board will issue a decision, usually within 30 to 75 days from the filing of the further appeal.

A request for the Board to reconsider its decision must be filed within 15 days after the decision mailing date. The parties will be notified of the Board's ruling on the request for reconsideration.

APPEALS TO THE COMMONWEALTH COURT

If you disagree with the UC Board of Review's decision, you have the right of appeal to the Commonwealth Court of Pennsylvania. An appeal to the Commonwealth Court must be filed within 30 days of the mailing date of the Board's decision. Under no circumstance should you attempt to file an appeal without the assistance of an experience attorney.

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