IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Shaniquia McCall,	:	
Petitioner	:	
	:	
v.	:	No. 1217 C.D. 2025
	:	Submitted: September 14, 2026
Unemployment Compensation	:	
Board of Review,	:	
Respondent	:	

BEFORE: HONORABLE PATRICIA A. McCULLOUGH, Judge
HONORABLE STACY WALLACE, Judge
HONORABLE STELLA M. TSAI, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE WALLACE FILED: November 16, 2026

Shaniquia McCall (McCall), who represented herself in the proceedings below and continues to represent herself on appeal, petitions for review of the Unemployment Compensation (UC) Board of Review (Board) order mailed September 3, 2025 (Reconsideration Order), denying her request for reconsideration from the Board's August 26, 2025 decision (Merits Order) denying her request to backdate her claim under Section 401(c) of the Unemployment Compensation Law (UC Law).[1] After review, we affirm.

[1] Act of December 5, 1936, Second Ex. Sess., P.L. (1937) 2897, *as amended*, 43 P.S. § 801(c).

BACKGROUND

McCall filed an application for UC benefits on August 4, 2022. Certified Record (C.R.) at 3. On December 20, 2024, McCall sought to backdate her claim to include the period for weeks ending April 9, 2022 through July 9, 2022. *Id.* at 16-18. McCall alleged, despite her efforts on multiple occasions, she was unable to file her claim because it was "locked." *Id.* at 16-17.

In a Notice of Determination dated December 23, 2024, the Department of Labor and Industry (Department) denied Claimant's request to backdate claims under Section 401(c) of the Law.[2] *Id.* at 20-21. McCall timely appealed the Department's denial to the UC Referee (Referee). *Id.* at 38-40.

The Referee held a hearing on May 5, 2025, at which McCall participated telephonically as the sole witness. *Id.* at 69-76. On the same date, the Referee issued a decision (Decision) affirming the Department's denial of McCall's request for backdating. *Id.* at 78-82. The Referee acknowledged "though [McCall] testified she was not able to file and her weeks were locked, there is no evidence that [McCall] requested backdating until December 2024, over two years after the weeks she did not file for." *Id.* at 80. Additionally, the Referee found, "the documentary evidence shows that the week was offered, but not filed for." *Id.* The Referee noted "[t]he Department may not extend the time for filing a claim for compensation more than 52 weeks as explained in the UC regulations, and there is no evidence [McCall] requested backdating previously." *Id.* Thus, the Referee concluded McCall was ineligible for backdating. *Id.*

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[2] Section 401(c) of the Law provides that UC "shall be payable to any employe who is or becomes unemployed" when the person "[h]as made a valid application for benefits with respect to the benefit year for which compensation is claimed and has made a claim for compensation in the proper manner and on the form prescribed by the [D]epartment." 43 P.S. § 801(c).

McCall appealed the Referee's Decision to the Board. *Id.* at 92-95. On August 26, 2025, the Board issued its Merits Order, adopting the Referee's findings and conclusions, and affirming the denial of backdating. *Id.* at 105-06. In doing so, the Board explained "[McCall] argues she was 'locked out' and unable to file for the weeks at issue, but even if that were the case, the Board cannot grant backdating for a period stretching back nearly two years. There is no credible evidence that [McCall] sought backdating earlier than December of 2024." *Id.* at 105.

On August 26, 2025, McCall filed for reconsideration of the Board's Merits Order, stating:

> I'm confused if . . . [you] heard the testimony the [R]eferee clear as day stated [M]ay of 2022 I start to file a weekly claim online? That's not evidence he stated it didn't go . . . [through] online August 2023 when I was paid a [one] year and a half later multiple time[s] I call in about this claim regarding a back date no one appointed me into the right direction[.] [T]here calls are record and I state again the claim was locked the week was even transferred I'm not sure what's going on here[.] I'm just here to try and receive ear[n]ings [i]f [I]'m entitled to them or not[.] I just really don't understand [i]f I'm entitle and the weeks are available and I explain this it's noted this called record and made for record for available why wouldn't I ask nobody had an explanation for the claim.

Id. at 128. On September 3, 2025, the Board mailed its Reconsideration Order denying McCall's request for reconsideration. *Id.* at 132.

On September 8, 2025, this Court received a letter from McCall evidencing her intention to appeal from the Board's Reconsideration Order. McCall included a copy of the Reconsideration Order with her letter. Thereafter, we issued a notice directing McCall to file a petition for review within 30 days, and she timely complied. McCall again attached the Reconsideration Order to her petition for

review.[3] In her petition for review, McCall handwrote "September 10, 2025"[4] as the mailing date of Board order from which she was appealing. Pet. for Rev., ¶ 2.

In her brief, McCall raises three issues related to the Merits Order, and not the Reconsideration Order.[5] McCall's Br. at 2.[6] McCall's brief does not include the "[o]rder or other determination in question" as required by the rule governing the requirements for an appellant's brief, Pa.R.A.P. 2111.[7] Consequently, the Board asserts McCall "only appealed the Board's . . . [Reconsideration Order], but she presents no argument or discussion as to how the Board abused its discretion by

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[3] Pennsylvania Rule of Appellate Procedure (Pa.R.A.P.) 1513(d) identifies the required content of a petition for review to include, among other things, "reference to the order . . . sought to be reviewed, including the date the order . . . was entered," and "a copy of the order . . . to be reviewed, which shall be attached to the petition for review as an exhibit[.]" Pa.R.A.P. 1513(d)(4), (7).

[4] This date is not the mailing date of either the Reconsideration Order or the Merits Order.

[5] Specifically, McCall's brief contains the following issues:

1. Whether the Board error in determining that Petitioner financially eligibility for benefits.

2. Whether the evidence supports the finding that the Petitioner Shaniquia McCall file in a timely manner work.

3. Whether the Petitioner claim was lock due to a representative locking the claim.

McCall's Br. at 2.

[6] Electronic pagination supplied for ease of reference.

[7] Incidentally, this is just one example of the nonconformity of McCall's brief with the Pennsylvania Rules of Appellate Procedure. Pa.R.A.P. 2115(a) specifically requires "[t]he text of the order . . . from which an appeal has been taken or which is otherwise sought to be reviewed shall be set forth verbatim immediately following the statement of jurisdiction" in the appellant's brief.

denying her request for reconsideration. Therefore, she has waived the only issue on appeal before this Court." Board's Br. at 4.

DISCUSSION

It is well settled that "[i]ssues not raised in the petition for review to this [C]ourt are considered waived and will not be addressed on appeal." *Robbins v. Ins. Dep't*, 11 A.3d 1048, 1054 (Pa. Cmwlth. 2010) (citation omitted). We have also cautioned that "[t]he judicial role must be to adjudicate coherent claims, not to assume the burdens of the advocate or litigant." *Hohensee v. Luger*, 412 A.2d 1111, 1112 (Pa. Cmwlth. 2012). "Any lay person who chooses to represent [herself] in a legal proceeding must assume the risk that [her] lack of expertise and legal training may prove to be [her] undoing." *Daly v. Unemployment Comp. Bd. of Rev.*, 631 A.2d 720, 722 (Pa. Cmwlth. 1993) (citation omitted).

We have previously discerned an appeal from an agency's final order on the merits as separate and distinct from an appeal from a denial of a request for reconsideration. *See Voynow v. Unemployment Comp. Bd. of Rev.* (Pa. Cmwlth., No. 613 C.D. 2019, filed Sept. 25, 2020); *Paulus v. Unemployment Comp. Bd. of Rev.* (Pa. Cmwlth., No. 257 C.D. 2012, filed Dec. 28, 2012).[8] In *Voynow*, we declined to review the denial of a claimant's request for reconsideration when she omitted that decision from her petition for review. *Voynow*, slip. op. at 2. Here, McCall seeks to challenge the underlying merits of her case before this Court. However, she did not raise these issues in her petition for review or attach the Merits Order to her petition. Because McCall's petition for review only appealed the Reconsideration Order, our review is confined to that order.

[8] These unreported opinions are cited for their persuasive value pursuant to Section 414(a) of this Court's Internal Operating Procedures, 210 Pa. Code § 69.414(a).

As the Board contends, McCall's brief does not address "the sole issue before this Court-whether the Board erred by denying reconsideration." Board's Br. at 7. Thus, the Board proposes "this Court should deem any argument waived on appeal." *Id.* We agree with the Board. Pa.R.A.P. 2116(a) pertinently provides "[n]o question [in an appellant's brief] will be considered unless it is stated in the statement of questions involved or is fairly suggested thereby." Because McCall's brief did not address reconsideration, we cannot conduct appellate review of the Reconsideration Order.

Nevertheless, even if we were to review McCall's challenge to the denial of reconsideration, she would not prevail. A request for reconsideration will be granted only for good cause in the interest of justice and in the absence of prejudice to any party. 34 Pa. Code § 101.111(b). A denial of a request for reconsideration may be reversed only for clear abuse of discretion. *Laster v. Unemployment Comp. Bd. of Rev.*, 80 A.3d 831, 834 n.5 (Pa. Cmwlth. 2013). "An abuse of discretion is not present where evidence which the petitioner proposes to adduce at the rehearing was available at the time of the initial hearing . . . or is the evidence already offered." *Bushofsky v. Unemployment Comp. Bd. of Rev.*, 626 A.2d 687, 690 (Pa. Cmwlth. 1993) (citations omitted).

In her request for reconsideration, McCall argued she attempted to file for the weeks at issue sooner but could not do so because her claim was "locked." C.R. at 128. Additionally, she stated the Department did not point her in the right direction. *Id.* These are the same arguments McCall unsuccessfully advanced to the Referee and the Board. *See id.* at 74-75.

The Board concluded it could not grant backdating for a period stretching back almost two years when McCall did not present credible evidence that she sought

backdating earlier than December of 2024. *Id.* at 105. "In general, 'a claimant who files late is ineligible, unless misled by unemployment compensation officials.'" *Egreczky v. Unemployment Comp. Bd. of Rev.*, 183 A.3d 1102, 1106 (Pa. Cmwlth. 2017) (quotation omitted), and 34 Pa. Code § 65.43a(i) ("Notwithstanding any provision of this section, the Department may not extend the time for filing a claim for compensation more than 52 weeks . . . [.]"). Thus, consistent with the Board's decision, even if McCall was "locked out" of her account, or the Department "did not point her in the right direction," she would not be entitled to backdating. Overall, because McCall seeks to relitigate the same contentions she made to the Referee and to the Board, she has not proven an abuse of discretion sufficient to reverse the Board's denial of reconsideration. *Bushofsky*, 626 A.2d at 690.

CONCLUSION

For the foregoing reasons, we affirm the Board's Reconsideration Order.

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STACY WALLACE, Judge

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O R D E R

AND NOW, this 16th day of November 2026, the September 3, 2025 order of the Unemployment Compensation Board of Review is **AFFIRMED**.

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STACY WALLACE, Judge