IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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| Patrice Castellano, Petitioner | : | |
| v. | : | |
| Unemployment Compensation Board of Review, Respondent | : | No. 1232 C.D. 2025 |
| | : | Submitted: September 14, 2026 |

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

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE TSAI FILED: October 27, 2026

Petitioner Patrice Castellano (Claimant) petitions, *pro se*, for a review of an order of the Unemployment Compensation Board of Review (Board) that affirmed a Referee's decision that held Claimant ineligible for benefits pursuant to Section 402(b) of the Unemployment Compensation Law (Law), relating to voluntary resignation without cause of a necessitous and compelling nature.[1] After careful review, we affirm.

Claimant filed a claim for unemployment compensation benefits effective April 6, 2025, following her separation from employment with Community Services Group, Inc. (Employer). Certified Record (C.R.) at CR34. The Department of Labor

[1] Act of December 5, 1936, Second Ex. Sess., P.L. (1937) 2897, *as amended*, 43 P.S. § 802(b). Section 402(b) of the Law provides, in part, that "an employe[e] shall be ineligible for compensation for any week . . . in which his unemployment was due to voluntarily leaving work without cause of a necessitous and compelling nature."

and Industry's Office of Unemployment Compensation Benefits issued a Disqualifying Separation Determination (Determination), concluding that Claimant was ineligible for benefits under Section 402(b) of the Law. *Id*. Claimant appealed the Determination. *Id.* at CR50.

A Referee conducted a hearing. *Id*. at CR95. Claimant testified on her own behalf, and Employer did not present any evidence or have a representative present.

Claimant testified that she was employed by Employer as a project manager and had "a lot of clients under [her] . . . [and] a lot of people who looked up to [her]." *Id*. at CR100. Claimant had been working at Employer for nearly four years before separating on March 21, 2025. *Id*. at CR99.

Claimant testified extensively to the situation that led to her voluntary separation. *Id*. at CR99-107. She explained that the day after a new CEO began working, there was a massive data breach that resulted in 3.4 million lines of personal health information (PHI) being "wiped" off Employer's systems. *Id*. at CR100 ("3.4 million . . . lines of data . . . [clients'] PHI was missing."); CR105 ("[The new CEO] took over on Wednesday, we had the data breach Thursday."). Claimant testified that the result of the data breach/data exposure was that "people could see other people's [PHI]." *Id*. at CR104. According to Claimant, after the breach, she asked Employer's new CEO what his "plan" was to deal with the breach, to which the new CEO stated he had no plan "yet." *Id*. at CR105. Claimant testified that she expressed dissatisfaction with that conversation, because she and her colleagues "were kind of left on our own." *Id*. at CR106. Claimant further explained that she particularly took umbrage with Employer's directive not to inform clients that their PHI data had been exposed. *Id*.

Claimant additionally testified that at least a dozen staff members resigned or were fired. *Id*. at CR103. In deciding to leave, Claimant stated that "[t]he only person [she] seemed to kind of have a problem with was . . . [the new CEO]," because he would not "acknowledge [Claimant] at all." *Id*. In her resignation letter, Claimant set forth "some reasons why 'she knew' it [was] time for [her] to move forward." *Id.* at CR031. She cited the "thoughtless[] remov[al] of [Employer's] leadership team along with many others;" her belief that "a hostile takeover like this . . . should not be unethical or perhaps illegal, [and] secretive[,]which is the direction [the] company [was] headed;" the lack of "a plan" for the data breach; her inability to tell her clients about the data breach; the departure of all but three of her coworkers; and the lack of institutional knowledge precipitated by the departure of knowledgeable employees. *Id.* at CR031-CR032. She wrote:

> No one seems to notice or care for any of us that have been carrying this load since the initial firing of our CEO and COO, when the daily downward spiral began as [the new CEO] told us all in that call that he planned to buy this company and now we know his plans to sell it and we will all be losing our jobs. We have heard that we are being bought out, being broken down[,] and ultimately being phased out when we are no longer needed. That is a horrible and shaming thought to swallow.
>
> My spirit is broken . . . .

*Id.* at CR032.

Following the hearing, the Referee affirmed the Determination, having found that Claimant "quit due to her dissatisfaction with the work conditions after the management change," which did not rise to the level of a necessitous and compelling cause to quit. *Id*. at CR121. The Referee made the following findings of fact:

> 1. Claimant was employed full time by [Employer] from May 24, 2021, through March 21, 2025, last working as a Solutions Support Lead.

2. On January 22, 2025, Employer came under new management/[CEO].
3. From January 23, 2025, through January 28, 2025, a database incident occurred where client [PHI] was deleted and other issues.
4. [The] CEO would not discuss the data incident with Claimant.
5. Claimant did not agree with [the] CEO's instructions for her not to relay information regarding the data issue to her clients until on or about February 21, 2025.
6. Claimant was upset that many of her coworkers either voluntarily or involuntarily left the organization.
7. On February 21, 2025, Claimant provided written notice to Employer that she would be resigning effective March 21, 2025, and listed several grievances related to [the] CEO.

*Id*. at CR120. The Referee found that "[w]hile Claimant may have had reasonable concerns regarding [the] CEO's response to the database incident, she has not sufficiently shown that [the] CEO's response was dishonest or unlawful." *Id*. at CR121. Finding that "Claimant['s] working conditions . . . were not so onerous," the Referee concluded that "Claimant voluntarily quit her employment for reasons which are not necessitous and compelling." *Id*. Claimant appealed to the Board. *Id*. at CR131.

The Board adopted and incorporated the Referee's findings of fact and conclusions of law and affirmed the Referee's decision, concluding that "[C]laimant has not met her burden of proof to show she had a necessitous and compelling reason to quit." *Id*. at CR145. The Board reasoned:

> [C]laimant has not met her burden of proof to show she had a necessitous and compelling reason to quit. A personality conflict with management is not enough to meet the burden when there is no evidence of an intolerable situation. . . . [C]laimant admitted in her testimony that she only had a problem with the CEO. She felt he did not acknowledge her. . . . [C]laimant states she quit because it was a toxic work environment, however, her testimony did not establish such. She testified to not liking the new CEO and disagreeing with the

> decisions and changes he was making. . . . [C]laimant did not testify to any negative or disrespectful behaviors directed at her or anyone for that matter.

*Id*. at CR145-CR146.

On appeal to this Court,[2] Claimant essentially argues that the Board erred in concluding that she lacked a necessitous and compelling reason to quit her employment.[3]

Section 402(b) of the Law provides that an employee is ineligible for benefits when the employee's "unemployment is due to voluntarily leaving work without cause of a necessitous and compelling nature." 43 P.S. § 802(b). A claimant bears the burden to establish a "necessitous and compelling reason" for terminating employment. *Brunswick Hotel & Conf. Ctr., LLC v. Unemployment Comp. Bd. of Rev.*, 906 A.2d 657, 660 (Pa. Cmwlth. 2006). To do so, a claimant must prove (1) that circumstances existed which have produced real and substantial pressure to terminate employment; (2) such circumstances would compel a reasonable person

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[2] This Court's review of a Board order is limited to determining whether the findings of fact are supported by substantial evidence, whether errors of law were committed, or whether constitutional rights were violated. 2 Pa. C.S. § 704. Substantial evidence is "evidence upon which a reasonable mind could base a conclusion." *Henderson v. Unemployment Comp. Bd. of Rev.*, 77 A.3d 699, 718 (Pa. Cmwlth. 2013).

[3] We note that Claimant attempts to bolster her argument that the Board erred as a matter of law by presenting in her brief additional facts, most of which constitute additional explanation of facts to which she previously testified. She argues that these additional facts demonstrate that her working conditions were intolerable and constituted a toxic work environment, such that the Board erred in concluding that she lacked a necessitous and compelling reason to quit her employment. As noted above, we review a decision of the Board for substantial evidence, error of law, and constitutional violation. 2 Pa. C.S. § 704. In doing so, our review is limited to evidence within the certified record; we cannot consider additional facts presented in a brief. *Kozicki v. Unemployment Comp. Bd. of Rev.*, 299 A.3d 1055, 1063 (Pa. Cmwlth. 2023). Claimant does not argue that the Board's findings of fact are not supported by substantial evidence of record nor does she argue the Board violated her constitutional rights. Our review, therefore, must be limited to whether the Board erred as a matter of law based on the record before it. *Weaver v. Pa. Bd. of Prob. & Parole*, 688 A.2d 766, 773-74 (Pa. Cmwlth. 1997).

to act in the same manner; (3) the claimant acted with ordinary common sense; and (4) the claimant made a reasonable effort to preserve the claimant's employment. *Id*. Whether a claimant had a necessitous and compelling reason to resign is a question of law that is subject to appellate review. *Truitt v. Unemployment Comp. Bd. of Rev.*, 589 A.2d 208, 210 (Pa. 1991).

Initially, we note that this Court has held that dissatisfaction with working conditions "centered on differences with an employer's management style is not a compelling enough cause to voluntarily quit one's job." *See Gioia v. Unemployment Comp. Bd. of Rev.*, 661 A.2d 34, 37 (Pa. Cmwlth. 1995). In *Gioia*, we affirmed the Board's denial of benefits to a claimant who quit after he earned low marks in a performance review and whose relationship with his employer had "deteriorated." *Id*. at 35-36. In *Gioia*, the Board found that the "[c]laimant was not mistreated, harassed[,] or otherwise discriminated against by [the] employer" and the employer attempted to resolve the matter. *Id*. at 36. There, we found no error of law in the Board's conclusion that the claimant did not have a necessitous and compelling reason to quit. We find *Gioia* to be instructive in analyzing the instant matter.

The Board ultimately found that Claimant's concerns stemmed from her dislike of Employer's new CEO and her dissatisfaction with his management style. C.R. at CR145. Specifically, the Board found that Claimant "did not agree" with the new CEO's response to a "database incident." *Id*. at CR155. Further, the Board found that the CEO would "not discuss the data incident with Claimant" and that Claimant's "several grievances" in her resignation letter were "related to [the] CEO." *Id*. The Board also found that there were no allegations of "negative or disrespectful behaviors directed at [Claimant]" from management. *Id*. at CR146.

As such, in accordance with the long-standing rule that dissatisfaction with management alone does not constitute a necessitous and compelling reason to quit, we discern no error in the Board's conclusions that Claimant failed to prove that she had a necessitous and compelling reason to terminate employment.[4] *See Gioia*, 661 A.2d at 37.

Accordingly, we affirm the order of the Board.

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STELLA M. TSAI, Judge

[4] We have held that "workplace harassment may be a circumstance that produces real and substantial pressure to terminate employment." *Mazur v. Unemployment Comp. Bd. of Rev.*, 193 A.3d 1132, 1135 (Pa. Cmwlth. 2018). Here, however, the Board found that Claimant "did not testify to any negative or disrespectful behaviors directed at her" from management. C.R. at CR146. As such, Claimant did not establish conduct by Employer that could constitute workplace harassment.

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**O R D E R**

AND NOW, this 27th day of October, 2026, the order of the Unemployment Compensation Board of Review is AFFIRMED.

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STELLA M. TSAI, Judge