

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Helen Carter,	:	
Petitioner	:	
	:	
v.	:	
	:	
Unemployment Compensation	:	
Board of Review,	:	No. 485 C.D. 2025
Respondent	:	Submitted: July 24, 2026

BEFORE: HONORABLE RENÉE COHN JUBELIRER, President Judge
HONORABLE MICHAEL H. WOJCIK, Judge
HONORABLE STELLA M. TSAI, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE TSAI

FILED: August 31, 2026

Petitioner Helen Carter (Claimant) petitions, *pro se*, for review of an order of the Unemployment Compensation Board of Review (Board), dated March 14, 2025, which affirmed a decision by an unemployment compensation referee (Referee), denying Claimant benefits pursuant to Section 402(e) of the Unemployment Compensation Law (Law),¹ relating to willful misconduct. For the reasons below, we affirm.

I. BACKGROUND AND PROCEDURAL HISTORY

Claimant was employed as a full-time family development specialist by Urban League of Greater Pittsburgh (Employer) until her separation from employment on February 13, 2024. Claimant applied for unemployment compensation benefits.

¹ Act of December 5, 1936, Second Ex. Sess., P.L. (1937) 2897, *as amended*, 43 P.S. § 802(e).

Certified Record (C.R.) at CR006-CR013. The Department of Labor and Industry, Office of Unemployment Compensation Benefits, issued a Qualifying Separation Determination from which Employer appealed. C.R. at CR025, CR040-CR048. A Referee conducted a hearing on August 13, 2024. C.R. at CR082-CR-118. Juan Perez, Employer's Director of Family Growth and Child Services (Program Director), and Denise Eyler, Employer's Director of Human Resources (HR Director), testified on behalf of Employer.² *Id.* Claimant testified on her own behalf. *Id.*

At the outset of the hearing, the Referee addressed several preliminary and procedural matters.³ The Referee confirmed that the Notice of Hearing had been mailed to the parties on July 29, 2024. C.R. at CR085. Claimant raised a preliminary issue regarding the timing of her receipt of the notice, stating she did not receive it until the preceding Friday due to ongoing mail delivery issues in her area. *Id.* However, when the Referee asked Claimant if she was prepared to go forward with the hearing, Claimant responded yes. *Id.* Additionally, the Referee inquired whether the parties had been afforded a sufficient opportunity to review the official case file packet prior to the start of the hearing. C.R. at CR086. Claimant stated that she had reviewed the file “[q]uickly, because I wasn’t given enough time,” adding that much of the enclosed information was incorrect. *Id.* The Referee explicitly advised the parties that he could permit further time to look through the file if either side required it. *Id.* Claimant did not request additional time or a continuance but instead

² Stuart Green appeared on behalf of Employer as Employer's Tax Consultant Representative. C.R. at CR082.

³ We wish to acknowledge the exceptional performance of the Referee, James O'Dell, throughout the entire proceedings, including his attention to detail in the findings of fact, even-handed treatment of the parties, and thorough consideration of the issues, thus furnishing this Court with a comprehensive record upon which we could rely in making our decisions.

attempted to assert factual objections regarding the number of disciplinary warnings documented in the file. C.R. at CR086-CR087. After the Referee clarified the distinction between a legal objection to exclude a document and a factual disagreement to be addressed during testimony, Claimant offered no legal objections, and the Referee admitted Referee Exhibits 1 through 10 and Bureau Exhibits UC 1 through 51 into the record. C.R. at CR087-CR088.

Employer's HR Director testified that Employer hired Claimant as a Family Development Specialist on March 1, 2019, and that Claimant last worked for Employer on February 12, 2024. C.R. at CR089-CD090. The HR Director testified that Employer terminated Claimant's employment effective February 13, 2024, following an in-person meeting held on February 12, 2024. C.R. at CR090. She stated that she personally discharged Claimant and that the specific reason for the termination was insubordination. C.R. at CR090, CR092. The HR Director explicitly denied telling Claimant that she would be fired if she did not sign certain papers, though she noted that Exhibit UC 22, the termination letter, described the final incident as a failure to follow directives. C.R. at CR091-CR092. The HR Director further identified Employer Exhibit 1 as Employer's employee conduct and work rules policy, confirming that insubordination is defined therein as refusing to work overtime or failing to follow any reasonable instructions given by a manager or a manager's designee. C.R. at CR092-CR093. She verified that under this policy an employee could be terminated for a single act of insubordination. C.R. at CR093. Additionally, she identified Employer Exhibit 2 as the handbook acknowledgment form signed and dated by Claimant on March 18, 2019, proving Claimant's awareness of the policy. *Id.*

Regarding the February 12, 2024 meeting, the HR Director testified that she, the Program Director, and supervisor Maurice Lucas met with Claimant to review Claimant's performance improvement plan (PIP). C.R. at CR094. She stated that the meeting did not run its intended course because Claimant became very defensive. *Id.* Despite management's efforts to afford Claimant ample time to explain her perspective, Claimant's actions cut the meeting short. *Id.* The HR Director testified that due to this insubordinate conduct, Claimant was immediately suspended and instructed to go home, with the final decision to terminate her employment made the following day. C.R. at CR095. On cross-examination, the HR Director testified that Claimant did not return to her workstation at the end of the meeting but was instead immediately suspended and directed to go home. C.R. at CR095-CR096.

Thereafter, Employer's Program Director testified that he held supervisory authority over Claimant and met with her on February 12, 2024, to review her PIP. C.R. at CR096-CR097. He stated that the meeting failed to run its intended course because Claimant became defiant and refused his requests to hand over an agency document. C.R. at CR097. Specifically, the Program Director testified that he instructed Claimant to return a sheet of paper containing client information, which was part of her case notes, but Claimant refused and placed the paper on her desk. *Id.* He explained that, because the meeting was not going according to plan, Claimant was instructed to go home, but she then grabbed a case folder containing client information and attempted to take it with her. *Id.* The Program Director further testified that he issued at least two separate directives to Claimant instructing her that she could not take the file home as it belonged to the agency and contained confidential client database information, including social security numbers, financial records, household member details, and service logs. C.R. at CR097-CR098. He

stated that Claimant initially refused to comply and placed the folder into her bag, prompting the HR Director to ask Claimant if she realized she was being insubordinate. C.R. at CR097. Although Claimant eventually removed the folder from her bag and placed it on a desk before leaving the workplace, the Program Director characterized her demeanor throughout the episode as defensive and defiant, despite management's repeated assurances that the meeting was intended to help her succeed rather than to reprimand her. C.R. at CR097-CR098. On cross-examination, the Program Director testified that he did not know the specific names of the clients whose files were inside the folder Claimant attempted to take home. C.R. at CR099. He stated that, because he works with thousands of clients, he could not recall or identify any individual names from the record. *Id.*

Finally, Claimant testified that she did not attempt to take any client information home. C.R. at CR100. She stated that the document in question was a sheet of paper provided by her supervisor, Maurice Lucas, which listed 10-digit numbers for her to use to retrieve client profiles from the Synergy database. *Id.* Claimant testified that the 10-digit numbers were invalid and rejected by the system, as Synergy required a 7-digit number to access client profiles. *Id.* She stated that she kept the document solely as personal proof that her supervisor had supplied incorrect information, which had unfairly caused management to accuse her of failing to complete her assigned research tasks. C.R. at CR100-CR101. Claimant further testified that she was not defiant during the meeting and accused the HR Director, the Program Director, and her supervisor of making false accusations, threatening her, and surrounding her. C.R. at CR101. She stated that she was told she would be terminated immediately if she did not relinquish the paper or sign the evaluation forms. *Id.* Additionally, Claimant noted that she had previously

complained to the HR Director multiple times regarding how the Program Director and her supervisor treated her, citing an incident approximately one to two weeks prior where they loudly and rudely accused her of stealing and hiding toys at the center. C.R. at CR101-CR102.

On cross-examination, Claimant testified that she was not disciplined or issued a signed write-up for the prior incident involving the alleged hiding of toys. C.R. at CR103. Regarding the final incident, Claimant admitted that the sheet of paper she attempted to keep was not her personal property and conceded that it was company property. C.R. at CR103-CR104. She further acknowledged that the Program Director held supervisory authority over her. C.R. at CR104. Claimant testified that she refused to relinquish the document when instructed because she believed it was the only physical proof she possessed to demonstrate that her supervisor had supplied her with incorrect information. C.R. at CR104-CR105. She admitted that she intended to retain possession of the company document for the purpose of making a personal copy of it because she felt threatened with immediate termination by management during the meeting. C.R. at CR105.

Following the hearing, the Referee issued a decision, denying Claimant benefits under Section 402(e) of the Law. C.R. at CR123-CR126. In so doing, the Referee made comprehensive findings of fact regarding Claimant's separation from employment on February 13, 2024, which provided, in part:

3. On February 12, 2024, the Employer conducted a meeting with the Claimant for purposes of presenting . . . Claimant a . . . PIP[] for work performance issues.
4. . . . [E]mployer had prepared the PIP to advise . . . Claimant of work performance issues that the Employer had noted and to assist . . . Claimant in improving in the required areas.
5. In attendance at the meeting was . . . Claimant's supervisor, as well as the [HR Director] and [the Program Director].

6. Upon . . . Employer's representatives advising . . . Claimant of the purpose [sic] the meeting and beginning to present and discuss the PIP with . . . Claimant, . . . Claimant became uncooperative.

7. . . . Claimant was upset due to previously being provided a document by her supervisor which included a list of 10-digit numbers which . . . Claimant's supervisor had directed . . . Claimant to use in order to obtain client information from one of the computerized systems utilized by . . . Employer.

8. . . . Claimant was unable to access or obtain the requested information, and . . . Claimant believed she was being unfairly blamed for this failure.

9. . . . Claimant also believed that inaccurate allegations had been made against her previously by her supervisor and the [Program D]irector.

10. Due to . . . Claimant not being cooperative during the PIP presentation, . . . Employer decided to end the meeting and . . . Employer directed . . . Claimant to go home.

11. Upon . . . Claimant beginning to exit the meeting, . . . Claimant took the document provided to her by her supervisor with the 10-digit numbers and also placed an Employer file containing various client information in her bag.

12. The [Program D]irector advised . . . Claimant that they could not take these documents home and directed . . . Claimant to return them.

13. . . . Claimant initially refused the directives of the [Program Director] after multiple requests.

14. At one point, the [HR D]irector advised . . . Claimant that she was being insubordinate.

15. The Claimant did eventually remove the files and paper from her bag, but instead of providing them to the [Program D]irector, placed them on her desk prior to leaving the workplace.

16. . . . Claimant was upset as she had initially believed that the meeting was being conducted for purposes of discussing the issues she had raised previously with the human resources department.

17. . . . Claimant did not initially want to turn over the document containing the 10-digit numbers as she believed it to be the only proof she had to support her assertion that she could not utilize the numbers to access the requested client information.

18. Although . . . Employer had initially intended to suspend . . . Claimant from employment due to being uncooperative during the PIP

presentation, after reviewing . . . Claimant's behavior regarding her failure to comply with directives made by the [Program D]irector, determined [sic] to discharge . . . Claimant due to insubordination.

19. . . . Employer discharged . . . Claimant from work on February 13, 2024, due to her insubordinate conduct during the incident described above.

C.R. at CR124-CR125.

Claimant appealed to the Board, and the Board affirmed. C.R. at CR170-171. The Board adopted the Referee's findings of fact and conclusions of law. C.R. at CR171. In so doing, the Board explained, in part:

In the case at hand, [E]mployer established [C]laimant was insubordinate when she refused to return documents to [E]mployer that were used to access client information and refused to return a file with client information. [E]mployer established that it had a rule against refusing to follow reasonable orders given by a manager and that violating the rule could lead to termination. . . . [E]mployer's request was reasonable[,] and [C]laimant's refusal was insubordinate. As such, [E]mployer established [C]laimant's actions amounted to willful misconduct.

. . . . [T]he Board does not credit [C]laimant['s] testimony [regarding why she needed the document] and finds that she did not have good cause for refusing to return the document with the client's identification information. [C]laimant did not rebut [E]mployer's testimony and evidence that [C]laimant was insubordinate.

Id. at 170-171. Petitioner then petitioned this Court for review.

II. ISSUES

On appeal,⁴ Claimant raises numerous arguments, which we have restated and reordered for ease of disposition. First, Claimant contends that she was denied due process because she received inadequate notice of the hearing and was given insufficient time to review the record. Second, Claimant challenges the Board's

⁴ This Court's standard of review is limited to determining whether constitutional rights were violated, whether an error of law was committed, or whether necessary findings of fact are supported by substantial evidence. 2 Pa. C.S. § 704.

findings of fact, asserting that substantial evidence of record does not exist to establish (1) that the document and file she placed in her bag contained or could be used to access confidential client information and (2) that she refused Employer's directives to return the document. She also argues the Board, in making its findings of fact, improperly relied on hearsay. Third, Claimant argues that the Board erred as a matter of law in concluding that her conduct constituted willful misconduct under Section 402(e) of the Law, contending that she acted with good cause and that her conduct was provoked by a hostile work environment.

III. DISCUSSION

A. Due Process

Claimant first contends that she was denied due process because she received inadequate notice of the Referee's hearing and was given insufficient time to review the administrative record. "Notice should be reasonably calculated to inform interested parties of the pending action[] and the information necessary to provide an opportunity to present objections. The form of the notice required depends on what is reasonable, considering the interests at stake and the burdens of providing notice." *Pa. Coal Min. Ass'n v. Ins. Dep't*, 370 A.2d 685, 692-93 (Pa. 1977). However, "this Court has consistently held that the failure to request a continuance results in a waiver of any due process violation argument on appeal." *Elizabeth Borough v. Kolodziej*, 356 A.3d 934, 942 (Pa. Cmwlth. 2026); *see also Phila. Parking Auth. v. Unemployment Comp. Bd. of Rev.*, 309 A.3d 1092, 1102 (Pa. Cmwlth. 2024) (holding that the employer could not argue on appeal that its procedural due process rights were violated where it failed to ask the trial court for a continuance when it realized the claimant was not at second hearing).

Here, the record belies Claimant's contention that her procedural rights were violated. At the inception of the hearing, Claimant noted that due to local postal delays, she did not receive the Notice of Hearing until the preceding Friday. C.R. at CR085. The Referee asked Claimant whether she was prepared to proceed with the hearing despite this delay, and Claimant responded unequivocally in the affirmative. *Id.* Furthermore, when Claimant remarked that she had only reviewed the case file packet "quickly" due to a perceived lack of time, the Referee explicitly offered to pause the proceedings and grant her additional time to examine the documents. C.R. at CR086. Claimant declined to request additional time and instead proceeded to her claim. C.R. at CR086-CR087. Because the Referee explicitly gave Claimant the opportunity to seek additional time to prepare her case but Claimant voluntarily chose to move forward, she has waived any due process challenge predicated on inadequate notice or insufficient review time. *See Elizabeth Borough*, 356 A.3d at 943 ("[B]ecause Appellants failed to request a continuance, they cannot now be heard to complain that they were denied due process. They have waived that issue."). Accordingly, Claimant's due process argument failed.

B. Substantial Evidence

Claimant next challenges the Board's findings of fact, asserting that substantial evidence does not exist to establish that the folder and paper she placed in her bag contained or could be used to access confidential client information or that she refused Employer's directives to return them. "Substantial evidence has been defined as such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Republic Steel Corp. v. Workmen's Comp. Appeal Bd.*, 421 A.2d 1060, 1062 (Pa. 1980). In unemployment compensation proceedings, "the Board [is] the ultimate finder of fact with power to substitute its

judgment for that of its referees on disputed facts.” *Peak v. Unemployment Comp. Bd. of Rev.*, 501 A.2d 1383, 1385 (Pa. 1985). “Questions of resolving conflicts in the evidence, witness credibility, and evidentiary weight are properly within the exclusive discretion of the factfinding agency, and are not usually matters for a reviewing court.” *Herzog v. Dep’t of Env’t Res.*, 645 A.2d 1381, 1387 (Pa. Cmwlth. 1994) (quoting *Chapman v. Pa. Bd. of Prob. & Parole*, 484 A.2d 413, 416 (Pa. Cmwlth. 1984)). “It is irrelevant whether the record contains evidence to support findings other than those made by the fact-finder; the critical inquiry is whether there is evidence to support the findings actually made.” *Ductmate Indus., Inc. v. Unemployment Comp. Bd. of Rev.*, 949 A.2d 338, 342 (Pa. Cmwlth. 2008).

The record here contains substantial evidence to support the Board’s findings. Employer’s Program director testified that during the February 12, 2024 meeting, Claimant became defiant, refused at least two explicit directives to return an agency document used to access client records, and subsequently placed a case folder belonging to Employer into her bag. C.R. at CR097-CR98. The Program Director further testified that this folder contained highly confidential database information, including social security numbers and financial records of multiple clients. C.R. at CR098, CR106. Employer’s HR Director confirmed that she personally witnessed Claimant conceal the folder in her purse and refuse management’s commands to return it until she was explicitly warned that her actions constituted insubordination. C.R. at CR095, CR110. Although Claimant offered conflicting testimony asserting that the paper contained only invalid data and that she never attempted to misappropriate confidential client files, the Board explicitly chose to credit Employer’s witnesses over Claimant. C.R. at CR171. Because this Court cannot disturb the Board’s exclusive credibility determinations where they are based on

competent, firsthand testimony, we conclude that the Board’s findings are supported by substantial evidence.⁵

C. Error of Law

Finally, Claimant argues that the Board erred as a matter of law in concluding that her conduct constituted willful misconduct under Section 402(e) of the Law.

Although not defined in the Law, the courts have established that [willful misconduct] means the following: (1) an act of wanton or willful disregard of the employer’s interest; (2) a deliberate violation of the employer’s rules; (3) a disregard of standards of behavior which the employer has a right to expect of an employee; [or] (4) negligence indicating an intentional disregard of the employer’s interest or of the employee’s duties and obligations to the employer.

Scott v. Unemployment Comp. Bd. of Rev., 105 A.3d 839, 844 (Pa. Cmwlth. 2014) (quoting *Altemus v. Unemployment Comp. Bd. of Rev.*, 681 A.2d 866, 869 (Pa. Cmwlth. 1996)). “It is well settled that the refusal of an employee, without good cause, to obey the reasonable directive of his employer constitutes willful misconduct.” *Jimenez v. Unemployment Comp. Bd. of Rev.*, 417 A.2d 870, 871-72

⁵ To the extent that Claimant suggests that the Board improperly relied on hearsay, we reject that argument. Claimant’s supervisor, who issued Claimant a warning regarding conduct that occurred prior to Claimant’s February 12, 2024 meeting with the HR Director and Program Director, did not appear at the hearing. Claimant contends that the record contains statements of her supervisor, presumably contained in the warning. According to Claimant, her supervisor’s statements were read or referenced by Employer’s witnesses during the hearing. Claimant describes this evidence as “key evidence” and asserts that it was inadmissible hearsay. Claimant, however, fails to identify any specific statement that she contends constitutes hearsay. Nor does Claimant identify any specific finding of fact that she contends is based on the allegedly inadmissible hearsay. A review of the findings of fact reveals that the Board did not make any findings based on Claimant’s conduct prior to the February 12, 2024 meeting, although it did make findings that the purpose of the February 12, 2024 meeting was to address with Claimant the PIP prepared by Employer. Both of Employer’s witnesses—the HR Director and the Program Director—had first-hand knowledge of the PIP. Moreover, the Board’s finding of insubordination was based on Claimant’s conduct during the February 12, 2024 meeting and not based on any incidents that occurred prior to the February 12, 2024 meeting that would have been the subject of any warning issued to Claimant.

(Pa. Cmwlth. 1980). Willful misconduct includes insubordination, which has been defined to include a willful disregard of an employer's instructions. *Scott v. Unemployment Comp. Bd. of Rev.*, 105 A.3d 839, 846 (Pa. Cmwlth. 2014), *appeal denied*, 125 A.3d 779 (Pa. 2015). "Once it is determined that an employee has committed willful misconduct the burden is on the employee to prove that good cause existed for that conduct." *Brady v. Unemployment Comp. Bd. of Rev.*, 727 A.2d 1199, 1201 (Pa. Cmwlth. 1999).

In the present case, Employer established that it maintains an explicit work rule declaring that a failure to follow reasonable instructions from a manager constitutes insubordination punishable by immediate termination and that Claimant acknowledged receipt of this policy. The directives issued by the Program Director instructing Claimant to return client-related documents and files before leaving the office were reasonable. C.R. at CR097-CR098. The Program Director testified that Claimant, despite directives to the contrary, initially refused to return the documents and files. C.R. at CR097-CR098. Claimant's own testimony on cross-examination established that she consciously disobeyed these directives, at least with regard to one document that she explicitly admitted she intentionally withheld because she wanted to keep it as personal "proof" against her managers. C.R. at CR104-CR105.

Claimant's subjective desire to retain employer property as leverage or evidence for a personnel dispute does not constitute "good cause" for insubordination under Pennsylvania law. The good cause standard is an objective one. "'Good cause' has been described as requiring a 'balanc[ing of] the reasonableness of the supervisor's directive against the reasonableness of [the claimant's] refusal.'" *Connelly v. Unemployment Comp. Bd. of Rev.*, 450 A.2d 245, 246 (Pa. Cmwlth. 1982) (quoting *Patterson v. Unemployment Comp. Bd. of Rev.*,

430 A.2d 1011, 1014 (Pa. Cmwlth. 1981)). “[A] claimant’s subjective beliefs alone do not establish good cause for failing to comply with an employer’s directive.” *Bowen v. Unemployment Comp. Bd. of Rev.*, 311 A.3d 641, 647 (Pa. Cmwlth. 2024). Furthermore, Claimant’s assertion that her conduct should be excused because it was provoked by a “hostile work environment” is unpersuasive; the Board rejected her allegations of prior harassment, and Claimant admitted on cross-examination that she had faced no formal disciplinary action or write-ups resulting from those alleged prior disputes. C.R. at CR103, CR171. Because Employer met its burden and Claimant failed to demonstrate good cause, the Board did not err in denying benefits under Section 402(e) of the Law.

IV. CONCLUSION

Accordingly, the order of the Board is affirmed.

STELLA M. TSAI, Judge

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Helen Carter,	:	
Petitioner	:	
	:	
v.	:	
	:	
Unemployment Compensation	:	
Board of Review,	:	No. 485 C.D. 2025
Respondent	:	

ORDER

AND NOW, this 31st day of August, 2026, the order of the Unemployment Compensation Board of Review is AFFIRMED.

STELLA M. TSAI, Judge