

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Gar Vacchiano,	:	
Petitioner	:	
	:	No. 540 C.D. 2025
v.	:	
	:	Submitted: July 24, 2026
Unemployment Compensation Board of	:	
Review,	:	
Respondent	:	

BEFORE: HONORABLE ANNE E. COVEY, Judge
HONORABLE LORI A. DUMAS, Judge
HONORABLE STACY WALLACE, Judge

OPINION NOT REPORTED

**MEMORANDUM OPINION BY
JUDGE DUMAS**

FILED: August 31, 2026

Gar Vacchiano (Claimant), *pro se*, has petitioned this Court to review an adjudication issued by the Unemployment Compensation Board of Review (Board) on February 21, 2025, which affirmed the Referee's decision denying benefits to Claimant because he had not registered for employment search services as required by Section 401(b)(1)(i) of the Unemployment Compensation (UC) Law.¹ Additionally, the Board has filed an application for relief, asking that this Court dismiss the appeal because Claimant never filed weekly certifications for benefits. Upon review, we affirm the Board's adjudication and dismiss the application for relief as moot.

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

I. BACKGROUND²

Claimant applied for UC benefits on September 20, 2024. In his application, Claimant electronically acknowledged that he was required to register for employment search services with the Pennsylvania CareerLink System within 30 days of filing for benefits. He also acknowledged that failure to register could result in a denial of benefits.

On October 11, 2024, the Department of Labor and Industry (Department) sent a letter reminding Claimant of his registration requirements. The letter provided Claimant with specific information missing from his application, as well as instructions to facilitate its completion (Reminder Letter). Nevertheless, despite this reminder, Claimant failed to complete his registration within the 30-day period, or October 20, 2024.

The Department denied Claimant benefits, and he timely appealed to the Referee, who then conducted a hearing. At the hearing, Claimant testified that he began his registration but conceded that he must have “missed some part of it” and “didn’t realize it was not completed.” Hr’g Tr., 12/10/2024, at 2. Claimant also testified that he did not receive the Reminder Letter until after the registration deadline and that it arrived on the same day as the Department’s denial of benefits. *Id.* According to Claimant, he completed the registration as soon as he received the Reminder Letter. *Id.* at 2-3. Upon request, however, Claimant was unable to demonstrate when he had completed the work registration. *Id.*

Finding no evidence that his registration was complete and concluding that Claimant was unable to establish an exemption from this requirement, the

² Except as stated otherwise, we adopt this background from the Board’s order and the Referee’s decision, which was adopted by the Board, and which is supported by substantial evidence of record. *See* Bd.’s Order, 2/21/25; Referee’s Decision, 12/12/24.

Referee determined that Claimant was ineligible for benefits. Claimant timely appealed to the Board, which adopted and incorporated the Referee’s findings and conclusions as its own. Additionally, the Board noted that Claimant attempted to supplement the record with additional evidence that he had not presented to the Referee, but the Board declined to consider it as “extra-record evidence.” Bd.’s Order, 2/21/2025.³

Claimant timely appealed to this Court. Additionally, the Board has filed an application to dismiss, asserting that the appeal is moot because Claimant never filed weekly certifications for benefits.⁴

II. ISSUE

Claimant has challenged the Board’s decision that he was ineligible for UC benefits because he failed to register for employment search services. *See generally* Claimant’s Br.

III. DISCUSSION⁵

Claimant does not dispute the untimely completion of his registration.

³ *See Umedman v. Unemployment Comp. Bd. of Rev.*, 52 A.3d 558, 564 (Pa. Cmwlth. 2012) (“The [Board] cannot review evidence that was not submitted to the [r]eferee, unless it directs the taking of additional evidence.”).

⁴ The Board asserts that Claimant did not file claims for benefits for weeks ending September 21, 2024, through February 1, 2025. The assertion is supported by a document that does not appear in the agency record certified to this Court. *See* Appl. for Relief, 6/9/25, Attach. B. Claimant has not conceded the facts asserted therein. Thus, we will not consider the document. *See Brown v. Unemployment Comp. Bd. of Rev.*, 276 A.3d 322, 331 n.13 (Pa. Cmwlth. 2022); 2 Pa.C.S. § 704; Pa.R.A.P. 1951. In response to the Board’s application, Claimant has suggested that he would concede to the dismissal of his appeal, provided this Court confirms his current eligibility for benefits. *See* Claimant’s Br. at 15. Claimant’s request is beyond the scope of this appeal.

⁵ This Court’s 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. *Rivera v. Unemployment Comp. Bd. of Rev.*, 310 A.3d 348, 352 n.4 (Pa. Cmwlth. 2024). In UC cases, the Board is the ultimate factfinder and resolves issues of credibility and conflicting evidence. *Id.* We are bound by those findings, provided they are supported by substantial evidence. *Id.*

See generally id. Rather, he contends that the registration process lacked clear instructions. *See id.* at 12-14. This claim was not raised before the Referee. *See* Hr’g Tr., 12/10/2024, at 2-3 (testifying to his belief that he had completed the registration). Therefore, we deem this contention waived. *See Watkins v. Unemployment Comp. Bd. of Rev.*, 751 A.2d 1224, 1226 (Pa. Cmwlth. 2000) (“An employment compensation claimant waives review of an issue by neglecting to raise and preserve it before the referee.” (citation omitted)); *Wing v. Unemployment Comp. Bd. of Rev.*, 436 A.2d 179, 180 (Pa. 1981) (explaining the Commonwealth Court’s usage of the waiver rule in unemployment proceedings); Pa.R.A.P. 1551.

Nevertheless, even if we were to construe Claimant’s testimony and subsequent arguments to this Court to mean that he believed he had registered and that there was good cause for his mistaken belief, Claimant is due no relief.⁶ Under Section 401(b)(1)(i) of the UC Law, a claimant must register “for employment search services offered by the Pennsylvania CareerLink system or its successor agency within thirty (30) days after initial application for benefits.” 43 P.S. § 801(b)(1)(i). The failure to register timely “is not a *per se* violation that automatically disqualifies a claimant from unemployment compensation.” *Dep’t of*

⁶ In his brief to this Court, Claimant has attached numerous documents that appear to be images of mail, screenshots, and the decisions filed by the Referee and the Board. *See* Pet’r’s Br., Apps. 1-11. This Court “is limited to considering only those facts that have been duly certified in the record on appeal.” *Kozicki v. Unemployment Comp. Bd. of Rev.*, 299 A.3d 1055, 1063 (Pa. Cmwlth. 2023) (citation omitted); *id.* (“For purposes of appellate review, that which is not part of the certified record does not exist. Documents attached to a brief as an appendix or reproduced record may not be considered by an appellate court when they are not part of the certified record.” (citation omitted)). “It is the responsibility of the petitioner to supply this Court with a complete record for purposes of review. The failure by a petitioner to ensure that the original record certified for appeal contains sufficient information to conduct a proper review constitutes waiver of the issues sought to be examined.” *Id.* at 1064 (citation modified). This Court “cannot consider new evidence, and instead, must rely upon the evidence contained in the record certified by the agency.” *Weaver v. Pa. Bd. of Prob. & Parole*, 688 A.2d 766, 773 (Pa. Cmwlth. 1997).

Lab. & Indus. v. Unemployment Comp. Bd. of Rev., 131 A.3d 597, 600 (Pa. Cmwlth. 2016). The Department may waive this requirement if the claimant demonstrates good cause, which is determined on a case-by-case basis. *Id.* at 600-02; 43 P.S. § 801(b)(6); *Barclay White Co. v. Unemployment Comp. Bd. of Rev.*, 50 A.2d 336, 340 (Pa. 1947) (observing that “the Law does not define ‘good cause,’ and our Supreme Court has established that it must be determined in each case from the facts of that case” (citation modified)). However, “in each case, good cause must be so interpreted that the fundamental purpose of the Law shall not be destroyed.” *Dep’t of Lab. & Indus.*, 131 A.3d at 601 (citing *Barclay White Co.*, 50 A.2d at 340). The main purpose of Section 401(b) of the UC Law is to require claimants to make “an active search for suitable employment.” *See* 43 P.S. § 801(b) (defining “active search”).

Good cause to waive the 30-day online registration deadline has been upheld where a claimant credibly testified that he believed he had properly registered, was not trying to avoid registration, and complied with the real purpose of the law by making an active search for suitable employment supported by evidence such as receiving job referrals. *Dep’t of Lab. & Indus.*, 131 A.3d at 598-99, 601-02; *but see Gajewski v. Unemployment Comp. Bd. of Rev.* (Pa. Cmwlth., No. 1936 C.D. 2016, filed June 5, 2017), 2017 WL 2415232.⁷

In *Department of Labor and Industry*, the claimant failed to register on the required government website (CareerLink/Job Gateway) within 30 days of applying for UC benefits. 131 A.3d at 598. The claimant testified to his belief that he had registered properly because he was receiving job referrals from an employment search service that he mistakenly thought was affiliated with the

⁷ We may rely on unreported decisions of this Court for their persuasive value. *See* Pa.R.A.P. 126(b).

required system. *Id.* at 599. The Board found the claimant’s testimony credible and determined that good cause existed to waive the 30-day registration deadline because the claimant was actively searching for employment. *Id.* at 600-02; *see also id.* at 602 (“Plainly, claimant was not ducking registration. As soon as he learned from the [r]eferee that he was not registered, he responded that very day. Because claimant was receiving job referrals, it is clear that he was complying with the real purpose of Section 401(b), which is to ensure that a claimant ‘is making an active search for suitable employment’” (citation modified)). Upon further review in this Court, we affirmed, emphasizing a case-by-case approach to the good cause inquiry. *Id.* at 602.

Gajewski similarly involved a case in which a claimant failed to complete her registration within 30 days of her initial application. *Gajewski*, slip op. at 2, 2017 WL 2415232, at *1. Despite receiving notice that she had not yet completed her registration and instructions from the Department, she failed to complete the required steps. *Id.* at 2, 2017 WL 2415232, at *1-2. Ultimately, the claimant completed her registration with assistance from the UC service center, but the Board determined that she was ineligible for benefits until the week in which her registration was complete.⁸ *Id.* at 3-4, 2017 WL 2415232, at *2.

In her appeal to this Court, the claimant argued that technical issues with the website and personal circumstances⁹ constituted good cause for her late registration. *Id.* at 6-8, 2017 WL 2415232, at *3. However, this Court concluded

⁸ The Board did not expressly consider whether the *Gajewski* claimant had established good cause. *See id.* at 7, 2017 WL 2415232, at *3.

⁹ Claimant suggested that she had repeatedly called the Department’s helpline but could not wait 45 minutes on hold for assistance because she was caring for a newborn baby. *See id.* at 8, 2017 WL 2415232, at *3. The Court did not find this argument persuasive. *Id.* (implying that it was at odds with her testimony, in which she described the assistance as “very, very helpful”).

that the claimant's efforts were unreasonable. *Id.* at 8, 2017 WL 2415232, at *3. For example, we reasoned, even if she had difficulty with the website, the claimant did not promptly seek assistance. *Id.* at 7, 2017 WL 2415232, at *3. Additionally, there was no evidence that she had complied with the "central purpose" of Section 401(b) by making an active search for employment. *Id.* at 8, 2017 WL 2415232, at *3.

In this case, Claimant's efforts do not warrant a good cause waiver. Unlike the claimant in *Department of Labor and Industry*, Claimant offered no evidence to support his claim of confusion and no evidence that he was actively engaged in searching for suitable employment. *Cf. Dep't of Lab. & Indus.*, 131 A.3d at 602. Further, similar to the claimant in *Gajewski*, Claimant was unable to explain why he failed to seek assistance promptly upon learning that his registration was incomplete. *Gajewski*, slip op. at 7, 2017 WL 2415232, at *3. Therefore, as in *Gajewski*, we conclude that Claimant's efforts were unreasonable and did not comply with the central purpose of Section 401(b).

IV. CONCLUSION

Claimant did not complete the required work registration in a timely fashion; therefore, he was ineligible for benefits. Section 401(b)(1)(i) of the UC Law, 43 P.S. § 801(b)(1)(i). Further, based on the record, Claimant failed to establish that he was entitled to the "good cause" exemption. *See Gajewski*, slip op. at 8, 2017 WL 2415232, at *3; *cf. Dep't of Labor & Indus.*, 131 A.3d at 600-01. Accordingly, we affirm the Board's Order. Additionally, we deny as moot the Board's application for relief.

LORI A. DUMAS, Judge

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Petitioner	:	
	:	No. 540 C.D. 2025
v.	:	
	:	
Unemployment Compensation Board of	:	
Review,	:	
	:	
Respondent	:	

ORDER

AND NOW, this 31st day of August, 2026, the order of the Unemployment Compensation Board of Review (Board), entered February 21, 2025, is AFFIRMED. Additionally, the application for relief filed by the Board on June 9, 2025, is DISMISSED as moot.

LORI A. DUMAS, Judge