

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Abby L. Fisher,	:	
Petitioner	:	
	:	
v.	:	No. 765 C.D. 2025
	:	
Unemployment Compensation	:	Submitted: July 24, 2026
Board of Review,	:	
Respondent	:	

BEFORE: HONORABLE PATRICIA A. McCULLOUGH, Judge
HONORABLE CHRISTINE FIZZANO CANNON, Judge
HONORABLE MATTHEW S. WOLF, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE McCULLOUGH

FILED: October 13, 2026

Abby L. Fisher (Claimant), proceeding *pro se*, petitions for review of the June 13, 2025 order of the Unemployment Compensation Board of Review (Board) which affirmed the Referee's decision denying Claimant unemployment compensation (UC) benefits under Section 402(b) of the UC Law (Law).¹ The single issue before this Court is whether Claimant voluntarily quit her employment for a necessitous and

¹ Act of December 5, 1936, Second Ex. Sess., P.L. (1937) 2897, *as amended*, 43 P.S. § 802(b) (relating to voluntary separation without cause of a necessitous and compelling nature).

compelling reason. Both the Referee and the Board concluded that she did not. Upon review, we affirm.

I. Facts and Procedural History

Claimant was employed as a part-time cashier for Millenium Business Group, Inc., d/b/a Smoker's Outlet (Employer) from February 1, 2024 until July 8, 2024. Claimant earned \$15.00 per hour working 13.5 hours per week. Claimant's employment ended when she voluntarily resigned by sending a text message to Employer indicating that she was locating other employment. (Referee's Findings of Fact (F.F.) Nos. 1, 2, 3; Certified Record (C.R.) at 135.)

On December 16, 2024, Claimant applied for UC benefits and was found eligible for such benefits by a local UC Service Center. The UC Service Center determined that Claimant voluntarily quit her job due to unsafe working conditions and that Employer did not take sufficient measures to address her safety concerns. (C.R. at 49.) On December 18, 2024, Employer timely appealed the UC Service Center's determination to a UC Referee. *Id.* at 64-65.

On March 4, 2025, the Referee held a telephonic hearing to consider Employer's appeal, at which Claimant and two witnesses for Employer testified. *Id.* at 81, 99. At the hearing, Claimant was asked what reasons she gave Employer for leaving her employment, to which she answered "[s]afety concerns, harassment, bullying, not feeling safe of the environment that I was working in and closing by myself." (Notes of Testimony (N.T.) at 8.) The Referee then asked Claimant why she did not feel safe. Claimant responded that her biggest safety concern, which she expressed to her manager, Sherry Massey, involved the presence of a safe in the store which contained large amounts of money and the fact that store customers could see that there was a safe. She testified that her manager told her that the store had never been robbed and that she should not be scared. She further testified that the "clutter"

in the back room of the store was another safety concern because Claimant used a cane. *Id.* at 8-11.

Claimant also testified that she felt bullied and harassed when she received a letter from Mary Lehman, H.R. Operations Manager, stating that she could possibly be terminated if she did not provide doctor's notes for the days she was given off to attend medical appointments. Claimant said that she told Lehman that she was confused by this demand because she was given the day off. Subsequently, Lehman texted Claimant on a day she had scheduled a medical appointment and asked to speak to her on the telephone, either that day or at another time. *Id.* at 10. She made this request despite the fact that Claimant previously told Lehman that she wanted only to communicate in writing with her and did not wish to speak with her on the telephone about work matters. Lehman then texted Claimant to say that if Claimant was not available to speak on the phone, she would need to provide Lehman with doctor's notes. *Id.* When the Referee inquired why that situation made Claimant feel harassed and bullied, she testified that it was because Lehman was requiring information about a day that Claimant had already been granted off. Claimant also stated that she did not understand why Lehman was reluctant to submit in writing any questions she had for Claimant about a problem involving work. *Id.*

The Referee then asked Claimant what happened on the day Claimant submitted her resignation. Claimant testified that on that day, she received a text from Lehman asking to speak to her on the telephone after Claimant expressed a desire to communicate only in writing regarding work-related issues. *Id.* at 11. The Referee then asked whether Claimant spoke to her Employer about having to navigate the back room of the store while using a cane. Claimant responded that she did mention her concerns to Massey about the "clutter" sitting around which caused her concerns for her safety. Massey responded by telling Claimant that Employer was trying to clean up the area. *Id.* Claimant stated that on the day she resigned, Lehman emailed her and

texted her asking to speak to her on the phone about providing new accommodations for her now that she was disabled. *Id.* Claimant testified that she felt this statement “was kind of [a] hit at me for being disabled” and made her feel “like I was being bullied.” *Id.* at 12. Massey explained at the hearing that she and Lehman wished to discuss accommodations for Claimant with her over the phone because “we needed to physically hear what accommodations she needed because we were not aware of the accommodations that she needed.” *Id.* at 12-13. Massey further testified that Lehman offered to work with Claimant on workplace accommodations, but that Claimant did not want to discuss available options by telephone and continued to insist that any communications with her be in writing. Massey also testified that Claimant never approached her about being bullied or harassed by Lehman, although Claimant mentioned her safety concerns to her. *Id.* at 13-14.

Massey acknowledged that on the day that Claimant resigned, Claimant came to her expressing safety concerns about the store’s safe and asked to be scheduled to work only during the day, rather than at night. Claimant told Massey that she was unable to work nights due to babysitting issues, and Claimant also stated she could no longer work weekends. Massey explained to Claimant that “unfortunately that does not [work] in a retail environment. Upon hire you were informed that you would be working day shift, night shift, evenings, weekends, a mix of everything.” *Id.* at 13. Massey then told Claimant that she could not accommodate her request. Massey further testified that on the day Claimant resigned by text messaging her, the reason she gave for resigning was to locate other employment. *Id.* 12-13.

On March 5, 2024, the Referee issued a decision finding Claimant ineligible for UC benefits, in which the Referee made the following findings of fact:

1. [Claimant] was working part time as a Cashier for Millennium Business Group Inc. d/b/a Smoker’s Outlet since February 1, 2024, earning \$15 per hour averaging 13.5 hours per week.

2. [Claimant] last worked on July 8, 2024.
3. [Claimant] voluntarily resigned indicating that she was locating other employment.

(C.R. at 134-35.) Based on the testimony and other evidence presented at the hearing, the Referee concluded:

Here, [Claimant] accepted the position with [Employer] knowing the conditions of the job. There was no testimony or evidence to show that the position was misrepresented or that the job duties changed upon [Claimant's] hire. [Claimant] did not make [Employer] aware of any limitations to allow them the opportunity to offer modified work. As such, the Referee finds that [Claimant] has not shown good cause for resigning her position and did not seek out solutions to remain employed.

Id. For these reasons, the Referee determined that Claimant failed to demonstrate that she had a necessitous and compelling reason to leave her employment and, accordingly, denied Claimant benefits under Section 402(b) of the Law.

Claimant timely appealed the Referee's decision to the Board. On June 13, 2025, the Board affirmed the decision of the Referee, adopting and incorporating the Referee's findings. *Id.* at 178-79. The Board began its analysis by explicitly resolving conflicts in evidence and testimony in favor of Employer. It stated that while Claimant argued that she felt bullied and harassed, the examples she gave of such conduct centered on her being upset that she was being asked to provide doctor's notes and documentation for days and times she requested to be off of work. On this issue, the Board stated that it "does not consider [Employer] asking for a doctor's note for requested time off to be improper." *Id.* at 178.

With respect to Claimant's concerns about being robbed because of the presence of a safe on the premises, the Board stated that "the safe was always in the

same spot and the Board is not convinced that the safe being ‘visible’ in the store made the store inherently unsafe, especially as it would be logical to conclude that a retail establishment would have a safe on its premises.” *Id.* With respect to Claimant’s concerns about the back of the store being “cluttered” and therefore unsafe for her due to her use of a cane, the Board noted that Employer testified that the area “would sometimes be messy due to an incoming shipment but was not consistently messy.” *Id.* at 178-79. After reviewing the record, including the pictures submitted into evidence and the parties’ testimony, the Board found that the condition of the store was not in such a poor state that Claimant reasonably needed to quit her employment for safety reasons. The Board then concluded that Claimant quit due to job dissatisfaction and did not meet her burden to show that she had a necessitous and compelling reason to quit, such as bullying, harassment, or safety. The Board therefore found her ineligible for benefits. *Id.* at 179.

On June 13, 2025, Claimant filed a Request for Reconsideration of the Board’s decision for the purpose of allowing her to offer additional testimony and/or evidence. On June 18, 2025, the Board denied Claimant’s request. *Id.* at 199-200, 204. Claimant timely appealed the Board’s June 13, 2025 order to this Court. (Petition for Review).

II. Issues

Claimant now petitions this Court for review of the Board’s order,² arguing that her reasons for terminating her employment were necessitous and compelling, and that, therefore, she is not ineligible for UC benefits under Section 402(b) of the Law. First, she asserts that Lehman “harassed” her by calling and texting

² Our review of the Board’s order “is limited to determining whether the necessary findings of fact were supported by substantial evidence, whether errors of law were committed, or whether constitutional rights were violated.” *Johns v. Unemployment Compensation Board of Review*, 87 A.3d 1006, 1009 n.2 (Pa. Cmwlth. 2014).

her on her approved day off and while she was attending her medical appointments to request that Claimant speak about Lehman's concerns on the telephone. Claimant states that Lehman was persistent in insisting that they speak on the telephone, despite Claimant's request that all conversations relating to her employment be "in writing." Claimant asserts that the "harassment" and constant texting caused her to feel extreme anxiety and overwhelmed. According to Claimant, she resigned her employment because she felt she "could not focus on [her medical] care." (Claimant's Br. at 8, 9, 12.)

Second, Claimant maintains that her safety concerns regarding the presence of the safe on the store's premises were not taken seriously by Employer. *Id.* at 9. She noted that Employer did not make regular drops of money to the bank, and there were often large amounts of money in the safe which caused her anxiety, especially when she was scheduled to close the store in the evening. *Id.* at 12. She also argues that she considered the accumulated "clutter" in the store's back room, consisting of "supplies, new orders, sodas, etc.," to be a danger to her because she used a cane. *Id.* at 10.

Third, she claims that the Referee and the Board failed to notify her that there were issues with the information she submitted to them before the hearing. She alleges that when she received her case file from the Referee's office, it was out of order and hard to follow during her appeal hearing. In addition, some of the information was hard to read. An employee of the Referee's office told Claimant it was her responsibility to make sure the files that she uploaded were readable. *Id.* at 11. Claimant further alleges that the Referee also "seemed to side with" Employer and that during the hearing the Referee became impatient with her and would not allow her to complete her statements. *Id.* at 10-11, 15. Finally, she argues that she also informed "Unemployment Compensation" that she had "child care" issues, but that these were not addressed. *Id.* at 14.

In response, Respondents assert that Claimant failed to meet her burden to show that she quit her employment for a necessitous and compelling reason. They point out that the Board did not credit her allegations that she was harassed and bullied or her claims of an unsafe work environment. Thus, they maintain that the Board properly concluded that she left her employment due to job dissatisfaction. (Respondent's Br. at 1, 4, 5.)

III. Discussion

Claimant first argues that she felt she had to leave her employment because she was subjected to harassment and bullying.

Under Section 402(b) of the Law, “[a]n employee shall be ineligible for compensation for any week . . . [i]n which [the employee’s] unemployment is due to voluntarily leaving work without cause of a necessitous and compelling nature” 43 P.S. § 802(b). Here, it is undisputed that Claimant voluntarily left her employment. Thus, the burden is on Claimant to show that she had a necessitous and compelling reason to do so. *Latzky v. Unemployment Compensation Board of Review*, 487 A.2d 121, 123 (Pa. Cmwlth. 1985). To satisfy this burden, Claimant must demonstrate that: “(1) circumstances existed which produced real and substantial pressure to terminate employment; (2) such circumstances would compel a reasonable person to act in the same manner; (3) the claimant acted with ordinary common sense; and (4) the claimant made a reasonable effort to preserve [her] employment.” *Brunswick Hotel & Conference Center, LLC v. Unemployment Compensation Board of Review*, 906 A.2d 657, 660 (Pa. Cmwlth. 2006). Whether a claimant had necessitous and compelling reasons for terminating his employment is a question of law subject to review by this Court. *Wise v. Unemployment Compensation Board of Review*, 111 A.3d 1256, 1261 (Pa. Cmwlth. 2015).

Likewise, it is well settled that “[a] disagreement with an employer’s policies or 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." *Gioia v. Unemployment Compensation Board of Review*, 661 A.2d 34, 37 (Pa. Cmwlth. 1995). Additionally, "[w]here [a] claimant has failed to take all necessary and reasonable steps to preserve the employment relationship, [s]he cannot demonstrate a necessitous and compelling reason for leaving [her] job and is ineligible for benefits." *Hohl v. Unemployment Compensation Board of Review*, 261 A.3d 622, 627 (Pa. Cmwlth. 2021); *see also Stiffler v. Unemployment Compensation Board of Review*, 438 A.2d 1058, 1060 (Pa. Cmwlth. 1982). "In essence, a claimant who willingly resigns from [her] job must show that [s]he had no real choice but to leave." *Stiffler*, 438 A.2d at 1060.

Whether actions rise to the level of bullying is a matter for the Board, as it is the ultimate fact-finder, to determine. *Cambria County Transit Authority v. Unemployment Compensation Board of Review*, 201 A.3d 941 (Pa. Cmwlth. 2019); *Ductmate Industries, Inc. v. Unemployment Compensation Board of Review*, 949 A.2d 338, 342 (Pa. Cmwlth. 2008).³ Generally, for a claimant to successfully demonstrate harassment that constitutes good cause for terminating employment, the claimant must show he informed his supervisor of the existence of such harassment. *Colduvell v. Unemployment Compensation Board of Review*, 408 A.2d 1207 (Pa. Cmwlth. 1979). However, circumstances exist where an employee need not show he reported the

³ The Board's findings of fact must be supported by "[s]ubstantial evidence [which] is defined as 'such relevant evidence which a reasonable mind would accept as adequate to support a conclusion.'" *Cambria County*, 201 A.3d at 947 (quoting *Western & Southern Life Insurance Company v. Unemployment Compensation Board of Review*, 913 A.2d 331, 335 (Pa. Cmwlth. 2006)). The Board has the prerogative to evaluate the weight and credibility of testimony and we are bound to examine the testimony of record in the light most favorable to the party in whose favor the Board has found, giving that party the benefit of all inferences that can logically and reasonably be drawn from the testimony. Moreover, the Board's findings are conclusive on appeal so long as the record, when viewed in its entirety, contains substantial evidence to support its findings. *Cambria County*, 201 A.3d at 947.

harassment to his supervisor if it is clear the employer knew of the conduct and had an opportunity to address the situation yet failed to do so. For example, in *Danner v. Unemployment Compensation Board of Review*, 443 A.2d 1211 (Pa. Cmwlth. 1982), this Court reversed the Board's decision where the Board found an employee proved harassment sufficient to constitute a necessitous cause for quitting, but denied unemployment compensation benefits because the employee did not attempt to maintain the employment relationship by asking his supervisor to address the conduct. Notably, in that case, the employee alleged the supervisor had engaged in taunting and verbally abusing him. *Id.* at 1213. While the supervisor denied any abusive conduct on his part, he admitted he was aware of what the employee's co-workers were doing to him. *Id.* This Court concluded the employer was aware of the existence of the harassment and had a duty to address the situation. *Id.* Reversing the Board's decision, this Court noted the employee "was faced with an unbearable work environment which his supervisor did not correct," and by quitting, the employee acted as a reasonable person would under those circumstances. *Id.*

The record here does not demonstrate Employer's conduct "produced real and substantial pressure" such that a reasonable person would quit. *Brunswick Hotel*, 906 A.2d at 660. Employer reasonably requested notes from doctors when Claimant took off for medical appointments. We discern no error in the Board's conclusion that it did not "consider the employer asking for a doctor's note for requested time off to be improper." (C.R. at 178.) Employer also reasonably attempted to have telephone conversations with Claimant to explore options to accommodate Claimant's disability. Claimant testified that Lehman texted and emailed her on the days she had scheduled off. However, this does not establish that Claimant was "harassed" or "bullied" or that the work environment was intolerable.

Moreover, a claimant must act in a common sense manner to eliminate a problem such as perceived bullying or harassment so as to avoid quitting. *Western &*

Southern Life Insurance, 913 A.2d at 337. Here, Claimant’s supervisor testified that Claimant never reported to her that she felt she was being harassed and bullied by Lehman in H.R. Not complaining to management can constitute a failure to exhaust all possible alternatives before quitting. *Id.*; *see also First Federal Savings Bank v. Unemployment Compensation Board of Review*, 957 A.2d 811, 817 (Pa. Cmwlth. 2008) (holding that to meet her burden of establishing that she had a necessitous and compelling reason for quitting her employment, a claimant “must take common sense action to obviate the problem . . . and this is accomplished by informing one’s superiors of the harassing, humiliating or abusive conduct”). The Board concluded that Claimant did not act in a common sense manner to avoid quitting because she never reported her alleged bullying to anyone in management. This finding is supported by substantial evidence in the record and therefore it is conclusive on appeal.

Claimant next argues that she had a necessitous and compelling reason to quit because she felt unsafe in the store due, in part, to what she described as “clutter” in the back room of the store because she used a cane. (Claimant’s Br. at 10.) However, Claimant also testified that Employer informed her that “they were trying to clean up because there was—I don’t know if a shipment came in.” (N.T. at 11.) On this issue, the Board stated that after reviewing the record, which included pictures submitted into evidence, it did not find the condition of the store to be such that Claimant reasonably needed to quit for safety reasons. (C.R. at 179.) Moreover, as discussed above, Claimant **refused** to speak to Employer so that it could attempt to accommodate the problem. She explained that she did not have those conversations because Employer refused to conduct them in writing, but she never explained at the hearing why that condition was necessary in order for her to inform Employer of her workplace concerns. Claimant might have saved her employment if she just had a conversation with Employer. Her concerns may well have been rectified. Because she refused to speak with Employer and placed arbitrary demands as a precursor to the dialog,

however, Claimant did not meet her burden of demonstrating that she acted as a reasonable person would under those circumstances, or that she did everything she could to maintain the employment relationship.

Claimant also argues that she felt unsafe having a safe on the store premises because she was afraid that the store would be robbed. (Claimant's Br. at 9.) However, we have held that a claimant must establish that she left employment for a necessitous or compelling reason that existed at the time she took the job by demonstrating either "a change in [her] job conditions or a deception by the employer making [her] unaware, when [she] entered the employment relationship, of conditions which [she] later alleges to be onerous." *Karwowski v. Unemployment Compensation Board of Review*, 74 A.3d 1179, 1184 (Pa. Cmwlth. 2013) (quoting *Shaw v. Unemployment Compensation Board of Review*, 406 A.2d 608, 609 (Pa. Cmwlth. 1979)). Here, Claimant has made no showing that she was unaware of the presence of the safe on the premises when she took the position with Employer. In addition, as the Board stated in its determination, "it would be logical to conclude that a retail establishment would have a safe on its premises." (C.R. at 178.) It was the Board's prerogative to evaluate the weight and credibility of testimony and, in this case, the Board resolved conflicts in the evidence and testimony in favor of Employer. *Id.* Claimant has provided no reason why this Court should find the presence of a safe on the property to constitute a necessitous and compelling reason to quit, other than her own unconfirmed beliefs that having a safe on the premises constituted a danger to her.

Claimant's third argument is that the Referee appeared to be biased against her, citing the fact that when she received her case file, it was out of order and hard to follow during her appeal hearing. (Claimant's Br. at 10-11.) However, the hearing transcript indicates that both Claimant and Employer's witnesses remarked that their hearing exhibits were not in order and that the Referee explained that they may have been renumbered. (N.T. at 3-4, 9.) Claimant initially indicated to the Referee

that she had the opportunity to review the documents that were sent to her before the hearing and that she did not object to any of the documents being entered into the record. *Id.* at 3, 6. A bit later in the hearing, Claimant objected to one document she had not previously seen. This document was identified by Massey as an associate counseling form, which Massey explained was a file note documenting an oral communication Massey had with Claimant. The Referee overruled Claimant's objection and indicated that Claimant's objection was noted on the record, to which Claimant responded "that's fine." *Id.* at 7. Therefore, Claimant has not demonstrated that the Referee was biased against her based on the documents made available to her before the hearing.

Finally, Claimant alleges that during the hearing the Referee became impatient with her and would not allow her to complete her statements. (Claimant's Br. at 11, 15.) However, a thorough review of the notes of testimony from the Referee's hearing does not support this argument. The record reveals that the Referee occasionally provided appropriate direction to both parties about the conduct of the hearing. The Referee considered each witness's testimony, including Claimant's testimony, and offered Claimant the opportunity to provide testimony, make comments, ask questions and present evidence. (N.T. at 7, 12, 14-19.) Based on the record evidence, we do not agree that the Referee's treatment of Claimant during the course of the hearing demonstrated bias.

Ultimately, the Board determined Employer's testimony and evidence were more credible than Claimant's testimony and evidence. As previously noted, "the Board is the ultimate fact-finder in unemployment compensation matters and is empowered to resolve all conflicts in evidence, witness credibility, and weight accorded the evidence," *Ductmate Industries*, 949 A.2d at 342, and the "prevailing party below [] is entitled to the benefit of all reasonable inferences drawn from the evidence." *Id.*

IV. Conclusion

Accordingly, in light of the above, because the record reflects the Board's decision was supported by substantial evidence and that there were not any errors of law, we affirm the Board's determination.

PATRICIA A. McCULLOUGH, Judge

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Abby L. Fisher,	:	
Petitioner	:	
	:	
v.	:	No. 765 C.D. 2025
	:	
Unemployment Compensation	:	
Board of Review,	:	
Respondent	:	

ORDER

AND NOW, this 13th day of October, 2026, the order of the Unemployment Compensation Board of Review, dated June 13, 2025, is hereby AFFIRMED.

PATRICIA A. McCULLOUGH, Judge