IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Janice Shelburne Haagensen, Petitioner	:	
v.	:	No. 866 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: October 28, 2026

Janice Shelburne Haagensen (Haagensen), who represented herself in the proceedings below and continues to represent herself on appeal,[1] filed an initial written communication (Communication) with this Court evidencing her intention to appeal from the order mailed April 29, 2025 (Order) by the Unemployment Compensation (UC) Board of Review (Board). In this matter, we consider whether Haagensen timely appealed from the Order since we did not receive her

[1] In the proceedings below, Haagensen testified she is "a fully retired ex-lawyer." Certified Record (C.R.) at 67, 110.

Communication until after the expiration of the 30-day appeal period. After careful review, we quash Haagensen's appeal as untimely.

BACKGROUND

This Court received Haagensen's Communication by way of United States Postal Service (USPS) mail on June 10, 2025, explaining she would like to appeal the decision in her UC matter. In its Order, the Board affirmed the decision of the referee, concluding Haagensen financially ineligible for UC benefits. Certified Record (C.R.) at 261. As provided within the Order, the final day to appeal the decision was May 29, 2025. *Id.*

In her Communication, entitled "Petition to the Commonwealth Court for Review of [UC] Board Denial of Request for Reconsideration[2] of Affirmance on April 29, 2025, of Referee Decision of March 17, 2025[,]" Haagensen alleged the Board's actions violated her constitutional rights because they "were not in accordance with its own internal rules of procedure, and . . . were not based on substantial evidence." Corresp., 6/10/25, ¶ 1. Haagensen's Communication arrived in an envelope with a USPS postmark dated May 23, 2025. Corresp., 6/10/25. Additionally, the Communication included a hand-written date of May 23, 2025. Corresp., 6/10/25, at 6.

We issued a notice (Notice) directing Haagensen to file a petition for review within 30 days, *see* Notice, 6/10/25, and she timely complied, *see* Pet. for Review, 7/2/25. Haagensen attached the Order to her petition for review and confirmed it

[2] Haagensen filed a request for reconsideration with the Board on May 10, 2025. C.R. at 282-90. On May 20, 2025, the Board denied Haagensen's request for reconsideration. *Id.* at 292. Thus, the title of Haagensen's initial communication created uncertainty regarding which Board decision Haagensen was purporting to appeal.

was the subject of her appeal.[3] *See* Pet. for Review, 7/2/25, ¶ 2. Haagensen also stated "[t]he filing date . . . [of her Communication was] May 23, 2025. Form 3817 attached.[4] The filing date [of June 10, 2025] enclosed in the [N]otice is erroneous." *Id.* at 1.

On September 5, 2025, noting the potential untimeliness of Haagensen's appeal, we directed the parties to address the issue in either their principal briefs on the merits or in an appropriate application for relief. *See* Order, 9/5/25. Thereafter, Haagensen filed an application for reconsideration/reargument (Application) with this Court, wherein she reiterated the timeliness of her appeal based upon its filing date of May 23, 2025, the mailing date. *See generally*, Appl. for Reconsid., 9/15/25. In response, citing Pennsylvania Rule of Appellate Procedure (Pa.R.A.P.) 1514(a), the Board asserted that we correctly identified June 10, 2025, as the filing date because, absent specified proof of deposit in the USPS mail system, the filing date is the date the filing is received. *See* Answer, 9/30/25, ¶ 7.[5]

On appeal, Haagensen's "Statement[] of Question(s) Involved" section of her brief includes one issue regarding the underlying merit of her case and does not address the timeliness of her appeal. Haagensen's Br. at 4. However, Haagensen briefly discusses timeliness in the "Argument" section of her brief, reiterating the

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[3] Haagensen's appellate brief also identifies the Order as the "Order in Question." Haagensen's Br. at 2.

[4] As will be later explained, "Form 3817" is a USPS form used to verify the date of deposit in the United States mail. Contrary to Haagensen's assertion, Haagensen's Petition for Review does not contain a 3817 Form evidencing a mailing date of May 23, 2025. *See* Pet. for Review, 7/2/25.

[5] By operation of Pa.R.A.P. 1113(a)(2), Haagensen's Application was deemed denied. *See* Order, 1/8/26. This rule, in conjunction with Pa.R.A.P. 1113(a)(4), pertinently provides that unless the Commonwealth Court acts on an application for reargument within 60 days after it is filed, the application shall be deemed denied, and the prothonotary shall immediately enter an order denying the application.

same contentions as in her Application, and disputing a filing date of June 10, 2025. *Id.* at 16-17. Additionally, Haagensen contends the "certificates of mailing" that support her assertions are attached as an exhibit to her brief. *Id.* at 17.

The Board maintains "Haagensen's appeal should be deemed untimely filed on June 10, 2025, when the prothonotary's office received . . . [her Communication]." Board's Br. at 7. Further, the Board questions the reliability of Haagensen's exhibit, noting several differences between its USPS postmark and the USPS postmark on the envelope filed along with Haagensen's Communication. *Id.* at 6-7, 12-13. Thus, the Board argues this Court cannot deem Haagensen's appeal filed on May 23, 2025, pursuant to Pa.R.A.P. 1514(a)(2). *Id.* at 6-7. Finally, the Board asserts Haagensen has not proven entitlement to *nunc pro tunc* relief. *Id.* at 7, 14.

DISCUSSION

Before this Court can address the merits of Haagensen's appeal, we must first address its timeliness because it is well settled that "[t]he timeliness of an appeal goes to the subject matter jurisdiction of this Court to hear and decide the appeal, which issue we may raise *sua sponte* at any time." *In re Hawknet Props., LLC*, 320 A.3d 849, 856 (Pa. Cmwlth. 2024) (citations omitted). A petition for review must be filed in our Prothonotary's Office within 30 days after entry of the order on appeal, unless otherwise provided. Pa.R.A.P. 1512(a)(1). As a general matter, the entry date of an order by a government unit "shall be the day . . . the government unit mails or delivers copies of the order to the parties." *See* Pa.R.A.P. 108(a)(1). Failure to file a petition for review within 30 days is a jurisdictional defect requiring that we quash the appeal. *G.R.S. v. Dep't of Hum. Servs.*, 329 A.3d 770, 773-774 (Pa. Cmwlth.

2025). We may not extend the deadline "as a matter of grace or mere indulgence."[6] *Id.* at 773 (quoting *V.S. v. Dep't of Pub. Welfare*, 131 A.3d 523, 527 (Pa. Cmwlth. 2015)).

The Board maintains Haagensen's Communication was untimely based on Pa.R.A.P. 1514(a), which provides:

> **(a) Filing with the Prothonotary.**
>
> (1) The petition for review, with proof of the service that is required by subdivision (c), shall be filed with the prothonotary of the appellate court in person or by first class, express, or priority [USPS] mail.
>
> (2) If the petition for review is filed by first class, express, or priority [USPS] mail, the petition shall be deemed received by the prothonotary for the purposes of Pa.R.A.P. 121(a) **on the date deposited in the United States mail, as shown on a [USPS] Form 3817 Certificate of Mailing, Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail, or other similar [USPS] form from which the date of deposit can be verified**. The certificate of mailing or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service and shall show the docket number of the matter in the government unit, and shall be either enclosed with the petition or separately mailed to the prothonotary.
>
> (3) Upon actual receipt of the petition for review, the prothonotary shall immediately:
>
> (i) stamp it with the date of actual receipt. That date, **or the date of earlier deposit in the United States mail as prescribed in this subdivision**, shall constitute the date of filing;
>
> (ii) assign a docket number to the petition for review; and
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> (iii) give written notice of the docket number assignment in person or by first class mail to the government unit that made the determination sought to be reviewed, to the petitioner, and to the

[6] *Nunc pro tunc* relief is available in the event of fraud or a breakdown in the court's operations. *Carr v. First Commonwealth Bank*, 363 A.3d 1283, 1291 (Pa. 2026).

> other persons named in the proof of service accompanying the petition.

Pa.R.A.P. 1514(a) (some emphasis added).

The Comment to Rule 1514 directs readers to the Comment to Pa.R.A.P. 1112 (appeals by allowance) for an explanation of the procedure that applies when a USPS form, such as Form 3817, Form 3800, or Form 3806, can be used to verify the date of deposit. Pa.R.A.P. 1514, Cmt. In addition to providing a sample USPS form, the Comment to Pa.R.A.P. 1112 explains:

> The transmittal should be taken *unsealed* to the Post Office, the Form 3817 Certificate of Mailing, Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail, or other similar [USPS] form from which the date of deposit can be verified should be obtained, cancelled, and attached to the petition, and the envelope should only then be sealed. Alternatively, the cancelled Form 3817, Form 3800, Form 3806, or other similar [USPS] form from which the date of deposit can be verified can be submitted to the Prothonotary under separate cover with clear identification of the filing to which it relates.

Pa.R.A.P. 1112, Cmt. (emphasis in original).

In addition, Commonwealth Court Internal Operating Procedure 211 specifies the following procedure that this Court must utilize when it receives a written communication evidencing an intention to appeal:

> (a) When the Prothonotary receives a written communication that evidences an intention to appeal an adjudication of a state administrative agency but does not conform to the rules for an appellate petition for review, the Prothonotary shall time-stamp the written communication with the date of actual receipt. The Prothonotary shall advise the party by letter (1) of the procedures necessary to perfect the appeal and (2) that the date of receipt of the communication or the date of earlier deposit in the United States mail as prescribed in paragraph (b) will be preserved as the date of filing of the appeal if that party files a fully conforming petition for review within 30 days of the date of the

> Prothonotary's letter. If the party fails to file a fully conforming petition for review within that period, the Prothonotary shall advise the party by letter that the Court will take no further action in the matter.
>
> (b) If the communication is sent by first class, express, or priority [USPS] mail, the communication shall be deemed received by the Prothonotary for the purposes of Pa.R.A.P. 121(a) on the date deposited in the United States mail, as shown on a [USPS] Form 3817 Certificate of Mailing, Form 3800 Receipt for Certified Mail, Form 3806 Receipt for Registered Mail, or other similar [USPS] form from which the date of deposit can be verified. The certificate of mailing or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service and shall show the docket number of the matter in the government unit, and shall be either enclosed with the communication or separately mailed to the Prothonotary.

210 Pa. Code § 69.211.[7]

The Board contends by not complying with the requirements of Pa.R.A.P. 1514(a)(2) "to enclose with the [p]etition for [r]eview, or mail[ing] to the prothonotary separately, the certificate of mailing or other similar [USPS] form, such as a Form 3817 Certificate of Mailing[,]" the filing date of Haagensen's appeal is June 10, 2025, the date the Court actually received her Communication. Board's Br. at 10-11.[8]

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[7] Internal Operating Procedure 211 was amended effective April 26, 2025. The prior version only provided for preservation of the date of receipt as the date of filing. This version includes a second option, upon proper verification; namely, the earlier date of deposit in the United States mail.

[8] In response, Haagensen criticizes this Court's September 5, 2025 Order, arguing that we prematurely made a finding of fact that she filed her appeal on June 10, 2025. Haagensen's Br. at 16. This argument is misplaced, as this Court's Order is not the subject of Haagensen's purported appeal, and thus, is not under review. Nonetheless, our Order merely acknowledged the **potential** untimeliness of Haagensen's appeal, and afforded her the opportunity to address the issue of timeliness in either her principal brief or an appropriate application for relief. *See* Order, 9/5/25. Thereafter, Haagensen filed the Application. Additionally, Haagensen filed a brief, to which she affixed an exhibit she contends satisfies the requirements of Pa.R.A.P. 1514(a)(2). Thus, because Haagensen was afforded an opportunity to prove the timeliness of her appeal, her arguments regarding error by this Court must fail.

Regarding Haagensen's exhibit,[9] the Board questions "***the reliability and applicability of the photocopy*** . . . based on a comparison of that document with the envelope attached to . . . [Haagensen's Communication]." Board's Br. at 12 (emphasis in original). First, the Board notes that while the stickers on both envelopes bear a postmark date of May 23, 2025, the sticker on the latter envelope indicates a cost of mailing of $2.59, while the sticker on the envelope on the exhibit states a mailing cost of $2.20. *Id.* Second, the Board points out a difference in the writing on the two stickers, including the appearance of "FCM LG ENV" on one sticker, but not the other; and a difference in alignment, namely, justification on one sticker as compared to right indentation on the other. *Id.* at 12-13. Moreover, the Board emphasizes Haagensen's Form 3817 does not contain a postmark in the space labeled "Postmark Here." *Id.* at 13. Thus, the Board contends "these inconsistencies . . . call into question (1) the reliability of the Form 3817, and (2) this Court's ability, based on this Form 3817, to conclude that . . . [Haagensen's Communication] can be deemed filed on May 23, 2025, under Pa.R.A.P. 1514(a)(2). *Id.*

We agree with the Board that a comparison of the envelopes yields inconsistencies from which we cannot discern that Haagensen mailed her Communication on May 23, 2025. Additionally, despite her representations to the contrary, at no other time did Haagensen submit to this Court, pursuant to Pa.R.A.P. 1514, a USPS form from which the date of deposit of her Communication can be verified. Therefore, pursuant to Pa.R.A.P. 1514(a)(3)(i), June 10, 2025, the date of actual receipt by the prothonotary, shall constitute the filing date of Haagensen's appeal. As such, it is untimely.

[9] Haagensen relies on Form 3817, rather than the date of the postmark, to establish the date of filing. Thus, the sufficiency of the postmark alone is for another day as Haagensen did not argue or brief this issue.

Finally, Haagensen has not proven entitlement to *nunc pro tunc* relief. Haagensen has not offered any argument to prove that her late appeal resulted from fraud or a breakdown in the Court's operations. *See Carr*, 363 A.3d at 1291. Accordingly, we are constrained to quash Haagensen's appeal as untimely.[10]

CONCLUSION

For the foregoing reasons, Haagensen's petition for review, filed on June 10, 2025, is untimely and must be quashed, which precludes our review of the merits.

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STACY WALLACE, Judge

[10] We contrast our decision in *Pelletier v. Unemployment Compensation Board of Review*, wherein we held "when this Court receives a petition for review or written communication evidencing an intention to appeal via USPS mail only one business day after the appeal period has expired, the petition for review or written communication has been timely filed in substantial compliance with the Pennsylvania Rules of Appellate Procedure." 344 A.3d 879, 884 (Pa. Cmwlth. 2025). In *Pelletier*, because we received the petitioner's initial communication only one business day after the deadline, we inferred she mailed her initial communication at least one business day prior to its arrival. *Id.* Here, we did not receive Haagensen's Communication until 12 days beyond the deadline. Thus, we cannot extend the same mailing inference as in *Pelletier*.

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O R D E R

AND NOW, this 28th day of October 2026, the petition for review filed by Janice Shelburne Haagensen on June 10, 2025 is **QUASHED** as untimely.

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STACY WALLACE, Judge