

COMMONWEALTH COURT OF PENNSYLVANIA

Kayla Humphries v. Unemployment Compensation Board of Review

Humphries · No. 1729 C.D. 2016 · Decided March 17, 2017

SUMMARY

The Pennsylvania Commonwealth Court affirmed the Unemployment Compensation Board of Review's denial of benefits to Kayla Humphries under Section 402(e) of the Pennsylvania Unemployment Compensation Law. The court held that substantial evidence supported the finding that Humphries's repeated tardiness, after progressive discipline, constituted willful misconduct, and that any error in counting earlier tardiness incidents was harmless.

CASE DETAILS

COURT	Commonwealth Court of Pennsylvania
WRITING FOR THE COURT	Dan Pellegrini, Senior Judge; Renée Cohn Jubelirer, Judge; Julia K. Hearthway, Judge
JURISDICTION	Pennsylvania
DECIDED	March 17, 2017
DOCKET	1729 C.D. 2016
DISPOSITION	affirmed
PROCEDURAL POSTURE	Claimant petitioned for review of the Unemployment Compensation Board of Review's order affirming a referee's determination that she was ineligible for benefits because she was discharged for willful misconduct.
STANDARD OF REVIEW	Review is limited to whether an error of law was committed, constitutional rights were violated, or necessary findings of fact are supported by substantial evidence.
PRECEDENTIAL VALUE	Unpublished, nonprecedential memorandum opinion
PARTIES	Kayla Humphries v. Unemployment Compensation Board of Review

TOPICS

- unemployment benefits
- administrative law
- appellate procedure
- standard of review
- employment law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether substantial evidence supported the Board's finding that Humphries committed willful misconduct by repeatedly violating the employer's attendance and tardiness policy.
2. Whether an alleged error in the Board's calculation of the number of prior tardiness incidents required reversal.
3. Whether the employer followed its progressive discipline policy when it imposed a one-day suspension.
4. Whether the Commonwealth Court had jurisdiction to review the Board's final order.

HOLDINGS

1. Substantial evidence supported the Board's determination that Humphries committed willful misconduct by repeatedly reporting late for work after receiving warnings and progressive discipline, making her ineligible for unemployment compensation benefits.
2. Any error in the Board's calculation of the number of tardiness incidents was harmless because Humphries was still late more than the six incidents required to trigger the employer's written-warning threshold.
3. Substantial evidence supported the Board's finding that the employer imposed a one-day suspension in accordance with its progressive discipline policy.
4. The Commonwealth Court had exclusive jurisdiction to review the final order of the Unemployment Compensation Board of Review.

KEY QUOTATIONS

“(1) wanton or willful disregard for an employer’s interests; (2) deliberate violation of an employer’s rules; (3) a disregard for the standards of behavior which an employer can rightfully expect of an employee; or (4) negligence indicating an intentional disregard of the employer’s interest or an employee’s duties or obligations.” (5)

FACTUAL BACKGROUND

Kayla Humphries worked as a residential assistant for Passavant Memorial Home and was discharged after repeated violations of the employer's written attendance and tardiness policy. The employer used progressive discipline, issuing a written warning, a one-day suspension, and a three-day suspension before terminating Humphries after another tardiness offense. Humphries admitted that she was late on the final occasion but initially gave no reason and later testified that traffic caused the delay.

PROCEDURAL HISTORY

The Lancaster UC Service Center denied benefits under Section 402(e) of the Pennsylvania Unemployment Compensation Law. The referee affirmed, finding that Claimant's repeated tardiness constituted willful

misconduct, and the Board affirmed the referee's decision. Claimant petitioned the Commonwealth Court for review, which affirmed the Board's order and denied Claimant's jurisdictional challenge.

DISPOSITION

affirmed

CASES CITED

- Fritz v. Unemployment Compensation Board of Review, 446 A.2d 330, 333 (Pa. Cmwlth. 1982)
- Bowers v. Unemployment Compensation Board of Review, 392 A.2d 890, 892 (Pa. Cmwlth. 1978)
- Philadelphia Parking Authority v. Unemployment Compensation Board of Review, 1 A.3d 965, 968 (Pa. Cmwlth. 2010)
- Frazier v. Unemployment Compensation Board of Review, 833 A.2d 1181, 1183 n.4 (Pa. Cmwlth. 2003)
- Sturpe v. Unemployment Compensation Board of Review, 823 A.2d 239, 242 (Pa. Cmwlth. 2003)

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