

COMMONWEALTH COURT OF PENNSYLVANIA

Deborah A. Koch v. State Civil Service Commission (The Housing Authority of Northumberland County)

No. 402 C.D. 2018 (Pa. Commw. Ct. Dec. 7 2018) (mem.) (Commonwealth Court of Pennsylvania 2018) · No. 402 C.D. 2018 · Decided December 7, 2018

SUMMARY

The Pennsylvania Commonwealth Court affirmed a State Civil Service Commission order requiring the Northumberland County Housing Authority to pay Deborah A. Koch \$24,254.04 in back pay and employment benefits. The court held that Koch's claims for additional damages, discrimination remedies, position reclassification, and challenges to the unemployment-benefit offset were barred by the law-of-the-case doctrine or unsupported under the Civil Service Act. The court denied the Authority's application to quash the appeal.

CASE DETAILS

COURT	Commonwealth Court of Pennsylvania
WRITING FOR THE COURT	James Gardner Colins, Senior Judge; P. Kevin Brobson, Judge; Patricia A. McCullough, Judge
JURISDICTION	Pennsylvania
DECIDED	December 7, 2018
DOCKET	402 C.D. 2018
DISPOSITION	affirmed
PROCEDURAL POSTURE	Koch petitioned for review of the Pennsylvania State Civil Service Commission's February 16, 2018 compliance adjudication awarding her \$24,254.04 in back pay and benefits. The Commonwealth Court affirmed the Commission's order and denied the Housing Authority's application to quash the appeal.
STANDARD OF REVIEW	Review is limited to whether constitutional rights were violated, an error of law was committed, or the agency's findings are supported by substantial evidence.
PRECEDENTIAL VALUE	Unpublished, nonprecedential memorandum opinion
PARTIES	Deborah A. Koch v. State Civil Service Commission, The Housing Authority of Northumberland County

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QUESTIONS PRESENTED

1. Whether Koch could relitigate claims for discrimination, reclassification, emotional-distress damages, additional financial losses, and the unemployment-benefit offset in a subsequent appeal from the Commission's compliance order.
2. Whether the Commission's authority under Section 952(c) of the Civil Service Act permitted an award limited to back pay and lost employee benefits.
3. Whether the Commission properly offset unemployment benefits received during the back-pay period against the back-pay award.
4. Whether the Housing Authority's application to quash the appeal should be granted.

HOLDINGS

1. The doctrine of law of the case barred Koch from relitigating her discrimination, reclassification, additional-damages, and unemployment-benefit arguments because those issues had been raised and finally decided in the prior appeal.
2. The Commission's monetary relief authority under Section 952(c) is limited to back pay and lost employee benefits; it did not err by denying compensation for emotional distress and other financial losses beyond those amounts.
3. The Commission properly reduced Koch's back-pay award by the unemployment compensation she received during the relevant period.
4. The application to quash was denied because it asserted merits arguments rather than a jurisdictional or other defect in the appeal.

KEY QUOTATIONS

“Under the doctrine of law of the case, when an issue has been raised in an appellate court and has been finally decided in a prior appeal, the appellate court should not entertain re-litigation of the issue or revisit that ruling in a subsequent appeal in the case.” (4)

“The law is clear that income or funds received by the removed employee as a result of the improper removal must be offset against the income from the civil service position in calculating a back pay award.” (5)

FACTUAL BACKGROUND

Koch had been employed by the Northumberland County Housing Authority and was determined by the Commission not to have voluntarily resigned. The Commission awarded back pay and employment benefits for

the period from March 31, 2014, through January 10, 2015, offset by wages earned and unemployment benefits received. In calculating the award, the Commission used \$24,665.65 in gross wages, deducted \$8,112.00 in unemployment benefits, and added \$7,700.39 for pension contributions, accrued vacation, and medical insurance, resulting in an award of \$24,254.04.

PROCEDURAL HISTORY

The Commission previously determined that Koch had not voluntarily resigned and ordered the Housing Authority to reimburse her lost wages and employment benefits for March 31, 2014, through January 10, 2015, less wages earned and public benefits received. In Koch I, the Commonwealth Court affirmed that adjudication and rejected Koch's claims for discrimination, reclassification, additional damages, and a broader remedy. After the Authority failed to comply, the Commission held a compliance hearing and ordered payment of \$24,254.04. Koch appealed, and the Commonwealth Court held that her renewed claims were barred by law of the case and affirmed.

DISPOSITION

affirmed

CASES CITED

- Florian v. State Civil Service Commission, 832 A.2d 1171, 1175-76 n.7 (Pa. Cmwlth. 2003)
- Peden v. Gambone Brothers Development Co., 798 A.2d 305, 310-11 (Pa. Cmwlth. 2002)
- Pope & Talbot, Inc. v. Unemployment Compensation Board of Review, 719 A.2d 1125, 1130 (Pa. Cmwlth. 1998)
- True Railroad Associates, L.P. v. Ames True Temper, Inc., 152 A.3d 324, 336-37 (Pa. Super. 2016)
- Mountain View Condominium Association v. Bomersbach, 734 A.2d 468, 471 (Pa. Cmwlth. 1999), appeal dismissed as improvidently granted, 768 A.2d 1104 (Pa. 2001)
- Szablowski v. State Civil Service Commission (Pennsylvania Liquor Control Board), 111 A.3d 256, 267 n.13 (Pa. Cmwlth. 2015)
- Elias v. Department of Public Welfare, Polk Center, 511 A.2d 887, 893 (Pa. Cmwlth. 1986)
- Northumberland County Housing Authority v. State Civil Service Commission (Koch), Nos. 1142 C.D. 2015 and 1404 C.D. 2015 (Pa. Cmwlth. May 19, 2016)

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