

COMMONWEALTH COURT OF PENNSYLVANIA

Phuong Pham v. Unemployment Compensation Board of Review

No. 384 C.D. 2024 (Pa. Commw. Ct. June 18 2025) · No. 384 C.D. 2024 · Decided June 18, 2025

SUMMARY

The Commonwealth Court of Pennsylvania reversed the Unemployment Compensation Board of Review’s denial of Phuong Pham’s Pandemic Unemployment Assistance benefits and its assessment of non-fraud PUA and Federal Pandemic Unemployment Compensation overpayments. The court held that the record did not establish when Pennsylvania implemented identity-verification procedures, whether those procedures applied to claimants already receiving benefits, or how Pham was notified of any requirement. Because the record did not support the Board’s conclusion that Pham failed to authenticate her identity, the court reversed the Board’s order.

CASE DETAILS

COURT	Commonwealth Court of Pennsylvania
WRITING FOR THE COURT	Anne E. Covey; Matthew S. Wolf; Bonnie Brigance Leadbetter, Senior Judge
JURISDICTION	Commonwealth Court of Pennsylvania
DECIDED	June 18, 2025
DOCKET	384 C.D. 2024
DISPOSITION	reversed
PROCEDURAL POSTURE	Petition for review of the Unemployment Compensation Board of Review's order affirming a referee's determination that Phuong Pham was ineligible for Pandemic Unemployment Assistance and had received non-fraud overpayments of PUA and Federal Pandemic Unemployment Compensation benefits.
STANDARD OF REVIEW	Under Section 704 of the Administrative Agency Law, the Court reviews whether constitutional rights were violated, an error of law was committed, or the agency's findings are supported by substantial evidence. The Board is the ultimate fact-finder in unemployment compensation cases, and its supported credibility determinations and findings are binding on appellate review.
PRECEDENTIAL VALUE	published and precedential

PARTIES

Phuong Pham v. Unemployment Compensation Board of Review

TOPICS

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judicial review of agency action

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Unemployment Compensation Board of Review erred in finding Pham ineligible for PUA benefits based on failure to authenticate her identity.
2. Whether equitable considerations supported waiving repayment of the non-fraud PUA and FPUC overpayments.

HOLDINGS

1. The Board erred in denying Pham PUA benefits on that basis because the record did not establish that she was legally required to verify her identity, when Pennsylvania implemented the identity-verification process, whether the process applied to existing PUA recipients, or when Pham received notice of the requirement.
2. The Court did not reach the equitable-waiver issue because reversal of the denial and overpayment assessments on the identity-verification issue resolved the appeal.

KEY QUOTATIONS

“Importantly, both the CARES Act amendment and UIPL 16-20 impose a duty on the Department - not a claimant - to act by January 26, 2021.” (9)

“Because this Court cannot determine based on the UCBR’s findings of fact and conclusions of law when the Department implemented a PUA claimant identity verification process pursuant to the CARES Act amendment, whether and when such process was applied to individuals like Claimant who were already receiving PUA benefits, and how and when Claimant was notified thereof, there is no record evidence to support the UCBR’s conclusion that Claimant failed to authenticate her identity.” (10)

FACTUAL BACKGROUND

Pham, a self-employed salon owner, applied for PUA benefits effective March 15, 2020, because the COVID-19 pandemic allegedly reduced available work. She received \$6,428 in PUA benefits and \$10,200 in FPUC benefits for weeks ending April 4, 2020, through September 4, 2021. In January 2022, after her benefits had ended, the UC Service Center retroactively denied her claim for failure to authenticate her identity and assessed non-fraud overpayments. The record did not establish when Pennsylvania implemented an identity-verification process,

whether it applied to claimants already receiving PUA benefits, or when Pham was notified of any verification requirement.

PROCEDURAL HISTORY

Pham applied for PUA benefits in April 2020 and received PUA and FPUC benefits. The UC Service Center later denied her PUA claim retroactively for failure to provide information to authenticate her identity and assessed non-fraud overpayments. A referee affirmed the denial and overpayments, and the Unemployment Compensation Board of Review adopted the referee's findings and conclusions. The Commonwealth Court reversed the Board's February 29, 2024 order.

DISPOSITION

reversed

CASES CITED

- Paluch v. Pennsylvania Department of Corrections, 175 A.3d 433 (Pa. Commw. Ct. 2017)
- Hill v. Department of Corrections, 64 A.3d 1159 (Pa. Commw. Ct. 2013)
- Hope v. Unemployment Compensation Board of Review, 308 A.3d 944, 947 (Pa. Commw. Ct. 2024)
- Cunningham v. Unemployment Compensation Board of Review, 330 A.3d 20, 26 n.9 (Pa. Commw. Ct. 2025)
- Seader v. Unemployment Compensation Board of Review, Pa. Commw. Ct. No. 1328 C.D. 2022 (Nov. 17, 2023)
- Sindoni v. Unemployment Compensation Board of Review, Pa. Commw. Ct. No. 621 C.D. 2021 (Mar. 14, 2022)
- Rivera v. Unemployment Compensation Board of Review, 310 A.3d 348, 352 n.4 (Pa. Commw. Ct. 2024)