

SUPERIOR COURT OF PENNSYLVANIA

Gabriella Liberatore v. iSolutions Payments

2026 Pa. Super. 111 · No. 1509 EDA 2025 · Decided May 29, 2026

SUMMARY

The Pennsylvania Superior Court affirmed the dismissal with prejudice of Gabriella Liberatore’s claims under the Philadelphia Fair Practices Ordinance. The court held that Liberatore failed to exhaust administrative remedies because she filed with the Pennsylvania Human Relations Commission, which lacked jurisdiction over her employer, rather than with the Philadelphia Commission on Human Relations, which had jurisdiction. The opinion distinguishes a prior case permitting administrative exhaustion through the PHRC where both agencies had jurisdiction.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Lane, J.; Stabile, J.; Stevens, P.J.E.
JURISDICTION	Pennsylvania Superior Court
DECIDED	May 29, 2026
DOCKET	1509 EDA 2025
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order sustaining preliminary objections and dismissing with prejudice a complaint asserting sexual harassment, sex discrimination, and retaliation claims under the Philadelphia Fair Practices Ordinance for failure to exhaust administrative remedies.
STANDARD OF REVIEW	The Superior Court reviews an order sustaining preliminary objections for error of law and applies the same standard as the trial court. All material facts pleaded and reasonable inferences are accepted as true; dismissal is proper only when it is clear and free from doubt that the pleader cannot prove facts legally sufficient to establish a right to relief.
PRECEDENTIAL VALUE	Published and precedential Pennsylvania Superior Court opinion
PARTIES	Gabriella Liberatore v. iSolutions Payments

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QUESTIONS PRESENTED

1. Whether filing an administrative complaint with the PHRC, which lacked jurisdiction over the employer because it employed fewer than four persons in Pennsylvania, exhausted administrative remedies for claims under the Philadelphia Fair Practices Ordinance.
2. Whether a claimant may proceed in court under the Philadelphia Ordinance without first submitting the discrimination claims to the Philadelphia Commission, the only agency with jurisdiction to investigate and administer them.

HOLDINGS

1. Merely filing a discrimination complaint with the PHRC does not exhaust administrative remedies when the PHRC lacks jurisdiction over the employer and therefore cannot fully investigate, review, and administer the claims.
2. Where both the PHRA and Philadelphia Ordinance apply and both the PHRC and Philadelphia Commission have jurisdiction, a claimant may satisfy exhaustion by filing with either agency, provided the agency fully investigates, reviews, and processes the claim and the later civil claims concern the same discriminatory conduct.

KEY QUOTATIONS

“The doctrine of exhaustion of administrative remedies requires a party to exhaust all adequate and available administrative remedies before the right of judicial review arises.” (5)

“Accordingly, we conclude that the merely filing of an administrative complaint with the PHRC, where the PHRC lacks jurisdiction over the complaint and is precluded from fully investigating the merits of the claim, cannot be regarded as submitting a discrimination claim for proper administrative review for purposes of the exhaustion doctrine.” (21-22)

FACTUAL BACKGROUND

iSolutions, an Indiana company with fewer than ten employees, hired Liberatore in 2020 to work remotely from Philadelphia. She was the company's only Pennsylvania resident employee. After iSolutions terminated her employment in April 2024, she filed an administrative complaint with the PHRC and cross-filed it with the EEOC, but did not file with the Philadelphia Commission. Both the PHRC and EEOC dismissed the complaint for lack of jurisdiction based on the number of employees, after which Liberatore filed claims under the Philadelphia Fair Practices Ordinance in the Philadelphia County Court of Common Pleas.

PROCEDURAL HISTORY

Liberatore filed a discrimination complaint with the Pennsylvania Human Relations Commission and cross-filed it with the EEOC, but did not file with the Philadelphia Commission on Human Relations. The PHRC and EEOC dismissed the administrative complaint for lack of jurisdiction based on iSolutions' employee counts. Liberatore then filed suit in the Philadelphia County Court of Common Pleas, which sustained iSolutions' preliminary objections and dismissed the complaint with prejudice. The Superior Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Feingold v. Hendrzak, 15 A.3d 937, 941 (Pa. Super. 2011)
- Empire Sanitary Landfill v. Department of Environmental Resources, 684 A.2d 1047, 1053 (Pa. 1996)
- Lehman v. Pennsylvania State Police, 839 A.2d 265, 275 (Pa. 2003)
- Fye v. Central Transportation, Inc., 409 A.2d 2, 4 (Pa. 1979)
- Clay v. Advanced Computer Applications, 559 A.2d 917, 919-921 (Pa. 1989)
- Lukus v. Westinghouse Electric Corp., 419 A.2d 431, 454-455 (Pa. Super. 1980)
- Harrison v. Health Network Laboratories Ltd. Partnership, 232 A.3d 674, 683 (Pa. 2020)
- Jones v. Foods on First III Inc., 345 A.3d 231, 242 (Pa. Super. 2025)
- Dietz v. Chase Home Finance, LLC, 41 A.3d 882, 886 n.3 (Pa. Super. 2012)
- Schweitzer v. Rockwell International, 586 A.2d 383, 387 (Pa. Super. 1990)
- Snyder v. Pennsylvania Association of School Retirees, 566 A.2d 1235 (Pa. Super. 1989)
- Kenne v. SEPTA, 2014 U.S. Dist. LEXIS 129951, at *5 (E.D. Pa. 2014)
- Richards v. Foulke Associates, 151 F. Supp. 2d 610, 613 (E.D. Pa. 2001)
- Rhoades v. Young Women's Christian Association of Greater Pittsburgh, 2010 U.S. Dist. LEXIS 119008 (W.D. Pa. 2010)
- Ellis v. Mohenis Services, Inc., 1997 U.S. Dist. LEXIS 8934 (E.D. Pa. 1997)

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