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**WYOMISSING-READING-BERKS COUNTY UNEMPLOYMENT COMPENSATION  
ATTORNEY**

Attorney Jana R. Barnett regularly represents clients in unemployment compensation matters.

Unemployment compensation benefits are intended to provide a safety net for deserving people who are unemployed. Persons who are fired, as well as persons who quit, can receive unemployment compensation ranging from \$35 to \$547 per week. Benefits, which are taxable income, are made by debit card or direct deposit.

Generally, persons who are fired or laid off are eligible for unemployment compensation unless they engaged in “wilful misconduct.” This term is defined by the Courts through case law (decisions) and not by any specific language in the Pennsylvania Unemployment Compensation statute.

To establish that an employee engaged in “wilful misconduct,” an employer must prove that the former employee’s behavior demonstrated a serious disregard of the employer’s interests, and that the misconduct was directly connected to his or her work. If the employer meets its initial burden, the employee has the opportunity to prove good cause or establish justification for his or her actions. Put another way, employees may be denied unemployment compensation benefits where the employer proves that it has a reasonable work rule of which the employee is aware, the employer consistently enforces the work rule, the employee was fired because he or she violated the rule, and the employee did not have adequate justification for violating the rule.

Another general rule is that persons who quit are not eligible for unemployment compensation unless they quit for a “necessitous and compelling reason.” Again, this phrase is defined by case law, rather than by statute. To establish a necessitous and compelling reason for quitting, an employee must prove that he or she experienced so much pressure that he or she was compelled to quit. In addition, the employee must show that he or she has made a reasonable effort to preserve the employment, which is often interpreted as requiring the employee to explain the problem to the employer and give the employer a reasonable amount of time to make appropriate changes to the workplace. The question

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then becomes whether a reasonable person in the same situation would have acted as the employee acted.

When a person files for unemployment compensation benefits in Pennsylvania, the employer will be given an opportunity to respond to the employee's claim. A claims examiner will issue a notice of determination, which explains whether the person is eligible or ineligible for unemployment compensation benefits, and the bases for the conclusion. Both the employer and employee can appeal the claims examiner's determination within 15 days of the date that the determination was mailed. The deadline for appealing will appear on the determination. If either party files an appeal, a hearing will be held before an Unemployment Compensation Referee. The Referee's decision will be written, and the losing side has the right to file an appeal to the Unemployment Compensation Board of Review (UCBR). The side may choose to request a transcript of the hearing, and the right to file a brief.

The UCBR may reverse a Referee without taking new evidence. The losing party may request that the UCBR reconsider its decision, but has only fifteen days after the issuance of the decision to make this request. The losing party also may appeal to the Commonwealth Court within thirty (30) days of the mailing of UCBR's decision.

Because of the high unemployment rate, unemployment compensation benefits have been extended for many claimants.

To read statutes and related materials, please visit [www.janarbarnettesq.com](http://www.janarbarnettesq.com)

If you would like to speak with Attorney Jana R. Barnett about an unemployment compensation claim and learn how she can assist you, call her at 610-478-1860, or click here to send her an e-mail, and she will reply as quickly as possible.

Attorney Jana R. Barnett's offices are located at 525 Kenhorst Boulevard, Reading, PA 19611 and 1238 Cleveland Avenue, Wyomissing, PA 19610-2102. Attorney Jana R. Barnett practices family law, employment law, and employment discrimination law in Reading, Wyomissing and the surrounding cities and towns, as well as in Berks County, Bucks County, Chester County, Delaware County, Lancaster County, Lehigh County, Montgomery County, Northampton County, Philadelphia County and in the United States District Court for the Eastern District of Pennsylvania and the United States District Court for the Middle District of Pennsylvania.