

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Daniel C. Ruffner,	:
Petitioner	:
	:
v.	: No. 1566 C.D. 2016
	:
Unemployment Compensation	:
Board of Review,	:
Respondent	:

ORDER

AND NOW, this 30th day of October, 2017, the opinion in the above matter, filed June 22, 2017, is amended to reflect the following corrections.

Page 6, first line should read as follows: **determination in May 2016** finding him liable for a fault overpayment **and imposing a penalty.**

Page 7, second full paragraph, third sentence should read as follows: The issue of delay has not been waived **but, rather, preserved.**

Page 9, first full paragraph, should read as follows: The Board never informed Claimant that its action was based upon Employer’s request for relief from charges or **of** the factual basis for Employer’s request. Claimant asserts that he was denied the opportunity to prepare a response so long after the fact and without advance notice of the reasons asserted by Employer. Likewise, Claimant repeatedly questiond the delay, **so the issue is not waived. Because the record does not explain Employer’s 18-month delay in responding to Clamant’s application for unemployment compensation benefits, a remand is necessary to address that issue.**

In all other respects, the opinion and order shall remain in effect.

Petitioners’ Application to Report Opinion is GRANTED and it is hereby ORDERED that the above-captioned opinion shall be designated OPINION rather than MEMORANDUM OPINION, and it shall be reported.

MARY HANNAH LEAVITT, President Judge