

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Dorothy M. Cansler,	:	
Petitioner	:	
	:	
v.	:	No. 1188 C.D. 2010
	:	SUBMITTED: October 29, 2010
Unemployment Compensation	:	
Board of Review,	:	
Respondent	:	

BEFORE: HONORABLE BONNIE BRIGANCE LEADBETTER, President Judge
HONORABLE DAN PELLEGRINI, Judge
HONORABLE ROCHELLE S. FRIEDMAN, Senior Judge

OPINION NOT REPORTED

MEMORANDUM OPINION BY
PRESIDENT JUDGE LEADBETTER

FILED: December 22, 2010

Dorothy M. Cansler petitions, *pro se*, for review of the order of the Unemployment Compensation Board of Review (Board), which denied her unemployment compensation benefits on the ground that she was discharged for willful misconduct. We affirm.

Cansler was employed as an escort/dispatcher/environmental staff member by UPMC Health System (Employer) until November 2009, when she was discharged following a verbal altercation with her supervisor. The referee found that in this dispute, Cansler raised her voice to the supervisor in an indignant manner, for 10 to 15 minutes, in the presence of other employees. The referee also found that Employer had a reasonable policy, which provides for discharge after insubordination including “publicly displaying disrespect towards a supervisor.” Referee’s Decision/Order at 1. The Referee concluded Cansler’s actions

constituted willful misconduct, precluding the grant of benefits. On appeal, the Board affirmed. An appeal to this court followed.

In her brief, Cansler argues that the Board should be reversed based on her version of the facts. We are bound by the Board's factual findings when they are supported by substantial evidence of record. *Graham v. Unemployment Comp. Bd. of Review*, 840 A.2d 1054 (Pa. Cmwlth. 2004). Cansler asserts that the altercation that led to her dismissal was merely a discussion, and that no misconduct took place. However, the Board's findings as to the incident leading to Claimant's dismissal are based on its decision to credit the testimony of other witnesses to the incident over that of Cansler's, and such credited testimony constitutes substantial evidence which supports the Board's findings. Because credibility determinations rest with the Board, we can not disturb these findings. *Id.*

Cansler next argues that there was no willful misconduct. To show willful misconduct based on a violation of the employer's rules, the employer must show that a reasonable rule existed and that the claimant knowingly violated it. *Roberts v. Unemployment Comp. Bd. of Review*, 977 A.2d 12 (Pa. Cmwlth. 2009). In this case, the findings of the Board make it clear that Employer had a reasonable rule against insubordination, of which Cansler knew or should have known, and that she violated it. For this reason, we cannot reverse the Board's conclusion of willful misconduct.

For all the foregoing reasons, we affirm.

BONNIE BRIGANCE LEADBETTER,
President Judge

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	:	
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ORDER

AND NOW, this 22nd day of December 2010, the order of the Unemployment Compensation Board of Review in the above-captioned matter is hereby AFFIRMED.

BONNIE BRIGANCE LEADBETTER,
President Judge