

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Bessie M. Keefer, :
 :
 Petitioner :
 :
 v. : No. 570 C.D. 2011
 : Submitted: October 28, 2011
 Unemployment Compensation :
 Board of Review, :
 Respondent :

BEFORE: HONORABLE BERNARD L. MCGINLEY, Judge
 HONORABLE ROBERT SIMPSON, Judge
 HONORABLE ROCHELLE S. FRIEDMAN, Senior Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
 BY SENIOR JUDGE FRIEDMAN

FILED: December 1, 2011

Bessie M. Keefer (Claimant) petitions for review of the March 2, 2011, order of the Unemployment Compensation Board of Review (UCBR), which affirmed the referee's decision to deny Claimant unemployment compensation benefits under section 402(b) of the Unemployment Compensation Law (Law).¹ We affirm.

Claimant was employed as a part-time housekeeper for Comfort Inn (Employer). On October 25, 2010, Employer asked Claimant to take her laundry to the laundry room. Claimant responded, "I know, I know." (UCBR's Findings of

¹ Act of December 5, 1936, Second Ex. Sess., P.L. (1937) 2897, *as amended*, 43 P.S. §802(b). Under section 402(b) of the Law, an employee is ineligible for compensation for any week in which his or her unemployment is due to voluntarily leaving work without cause of a necessitous and compelling nature.

Fact, No. 3.) Claimant believed that Employer was “getting on her case.” (UCBR’s Findings of Fact, No. 4.) Claimant “got worked up” and said, “Do you want me to quit?” (UCBR’s Findings of Fact, No. 5.) Employer said, “[N]o, but the laundry needs to go to the laundry room because [Claimant] was the only housekeeper whose laundry was not yet in the laundry room.” (UCBR’s Findings of Fact, No. 6.) Claimant became increasingly agitated about the conversation, walked to the front desk, announced “I quit,” and walked out the door. (UCBR’s Findings of Fact, No. 7.)

Claimant applied for unemployment benefits, but her application was denied. Claimant filed an appeal, and, after a hearing, the referee also denied Claimant benefits. Claimant appealed to the UCBR, which affirmed the referee. Claimant now petitions this court for review.²

Claimant argues that the UCBR erred in concluding that she lacked a necessitous and compelling reason to quit. Claimant asserts that she quit because of Employer’s constant badgering from August 2010, the time of a bed bug incident,³ to the day she quit. However, the UCBR made no such finding. Moreover, Claimant testified that she quit because Employer suggested that Claimant was a liar.

² Our scope of review is limited to determining whether constitutional rights were violated, whether the adjudication is in accordance with the law and whether the necessary findings of fact are supported by substantial evidence. Section 704 of the Administrative Agency Law, 2 Pa. C.S. §704.

³ Claimant testified that she found bed bugs in August, and Employer “got on my case” because Claimant did not put them in big plastic bags. (N.T., 1/4/11, at 4, R.R. at 9.) Claimant stated that she disposed of the bed bugs as she was told by the “bug man.” (*Id.*)

C I said, I have my laundry ready to throw down the hold. And I said, the other housekeepers don't get their laundry all done by 10:30. She said, yes, they do, she said, because I watch them. Now, how could she watch them if she's in her office or out back, having a smoke? And if she would have watched them that day, she would have known the laundry room was left open overnight and the sweeper out in the floor, overnight.

R Okay.

C So that was assuming that I was a liar.

R Okay, then what happened?

C Then, well I was – the more I stayed there, and the longer I would think, I thought, well, I'm no liar. I know what I'm talking about. And then, I decided, well, I'm going to quit now, because she is trying to make me a liar.

(N.T., 1/4/11, at 3, R.R. at 8.) Because the record does not support a finding that Claimant quit due to constant badgering since August 2010, Claimant cannot prevail on this issue.

Accordingly, we affirm.⁴

ROCHELLE S. FRIEDMAN, Senior Judge

⁴ Claimant also argues that the referee failed to assist Claimant as required by the UCBR's regulations. However, Claimant failed to raise this issue in her petition for review. Thus, the issue is waived.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Bessie M. Keefer,	:	
	:	
Petitioner	:	
	:	
v.	:	No. 570 C.D. 2011
	:	
Unemployment Compensation	:	
Board of Review,	:	
	:	
Respondent	:	

ORDER

AND NOW, this 1st day of December, 2011, the order of the Unemployment Compensation Board of Review, dated March 2, 2011, is hereby affirmed.

ROCHELLE S. FRIEDMAN, Senior Judge