employer’s account, if applicable.

7. Q. Does a base-year employer have the right to file an appeal from the Employer Services Section determination regarding relief from charges?

A. Under the provisions of Section 302.1(e)(2) of the PA UC Law, a base-year contributory employer has the right to file such an appeal. The employer must include the following information in the appeal: 1) Claimant’s name and Social Security Number, 2) Employer’s name and PA UC account number, 3) Date and type of determination, 4) Reason for appeal, and 5) Signature of employer or authorized representative.

All appeals from relief from charges determinations are processed by the Employer Services Section. All appeals should be mailed to Employers’ Charge Appeals, P.O. Box 60155, Harrisburg, PA 17106-0155, or faxed to Employers’ Charge Appeals at 717-772-0398. Sending an appeal to a UC Service Center may cause a delay in processing the appeal.

8. Q. Will an Employer Services representative participate in the UC Referee hearing on relief from charges cases?

A. In most cases, an Employer Services representative will not attend UC Referee hearings on relief from charges cases. If, in a specific case, the Employer Services manager is of the opinion that the presence and participation of an Employer Services representative is essential to the appeal hearing, the Employer Services manager will arrange for a representative to participate in the proceedings.

9. Q. Under what conditions does a base-year employer receive credit for benefit charges made to their account?

A. Benefit charges to a base-year contributory employer’s reserve account are credited and the employer is notified on a supplemental Form UC-640, Monthly Notice of Compensation Charged, under the following conditions: 1) Relief from charges granted, 2) Overpayment established against the claimant, 3) Revision of financial determination and percent of charge, 4) Redeposit of benefit checks, and 5) Erroneous charges. Reimbursable employers are notified of the credit on Form UC-150, Notice to Reimbursable Employers of Compensation Charged.

Due to processing procedures, there is frequently a delay (30 to 60 days) between the date on which an account is credited and the date on which the employer is notified of such credits on the UC-640.

10. Q. When a base-year employer files an appeal to a UC Service Center determination, is the employer considered to have automatically filed a request for relief from charges?

A. No. Although a base-year employer has appealed the UC Service Center determination issued on a former employee, the employer must still submit Form UC-44FR requesting relief from changes.

11. Q. Can a claimant’s last employer (the separating employer) request relief from charges after a discharge, if the UC Service Center has already determined the claimant eligible, and the employer has not appealed the UC Service Center determination?

A. Yes. However, the employer should be aware that any determination on the request for relief from charges is based upon the UC Service Center determination on the claimant’s separation. If the UC Service Center has determined the claimant was discharged for reasons other than willful misconduct, relief from charges will not be granted.

In discharge cases, the UC Law provides that relief from charges may be granted if the department finds that the claimant was separated from the most recent work for an employer due to being discharged for willful misconduct. An employer who wants relief from charges in a discharge separation must also pursue an appeal and reversal of the UC Service Center determination, as the determination on the request for relief from charges is contingent upon the determination on separation.

To be timely filed, appeals to the UC Service Center determination must be filed before the expiration of the 15-day appeal period. The final date to appeal is listed on all UC Service Center determinations.

12. Q. Who can be contacted about further questions regarding relief from charges for employers?

A. Further inquiries should be directed to the Employer Services Section, P.O. Box 67504, Harrisburg, PA 17106-7504, telephone number 717-787-4677.

Auxiliary aids and services are available upon request to individuals with disabilities.

Equal Opportunity Employer/Program
1. Q. What circumstances govern determinations regarding employers requesting relief from benefit charges?

A. Section 302.1(a) of the PA UC Law provides that employers may request relief from certain benefit charges. Upon receipt of a timely request, the Department of Labor & Industry can grant relief from charges for UC benefits that are paid to a claimant who

1) left work for the employer without good cause attributable to the employment,
2) was discharged by the employer for willful misconduct, or
3) was separated from the employer for reasons that involve fault on the part of the claimant,
4) was discharged by the employer for failure to submit and/or pass a drug or alcohol test conducted pursuant to an established substance abuse policy, or
5) is still working for the employer in a part-time job that is continuing without material change or, if
6) was separated from the employer due to a cessation of business of 18 months or less caused by a disaster.

When a base-year employer requests relief from charges, the Employer Services Section of the department evaluates the claimant’s separation from the claimant’s most recent work for the employer. A base year is the first four of the last five completed calendar quarters prior to the quarter in which the claim was filed. All determinations to grant or deny relief from charges are under the jurisdiction of the Employer Services Section.

2. Q. How does a base-year employer request relief from charges?

A. When a former employee files an application for benefits (AB) and is determined financially eligible, each base-year contributory employer is sent Form UC-44FR, Request for Relief From Charges, with the attached Form UC-44F(3), Notice of Financial Determination. To request relief from charges, the employer should complete Form UC-44FR.

Note: Permanent lack of work separations do not qualify an employer for relief from charges, and it is not necessary to submit the UC-44FR in such cases.

Requests for relief from charges may also be made in writing with the following information included: 1) the employer’s name and PA UC account number, 2) the claimant’s name and Social Security Number, 3) the claimant’s last day of work, 4) the reason for the claimant’s separation and any supporting documentation, and 5) the signature of the employer or authorized representative.

Employers should mail their request for relief from charges to the Employer Services Section, P. O. Box 67504, Harrisburg, PA 17106-7504, or fax to 717-772-0398. Such requests are considered filed as of the date postmarked. If the employer submits the UC-44FR to the Employer Services Section by fax, the request will be considered filed on the date it is sent to the Employer Services Section. Employers do not need to mail a request if a request was faxed.

3. Q. How much time is the employer allowed to file for relief from charges?

A. When the claimant’s separation occurs from a base-year employer on or before the claimant applied for benefits, a timely request for relief from charges must be filed within 15 days from the date the first eligible financial determination is issued. The last date to file a timely request for relief from charges is shown on the face of Form UC-44FR.

When the claimant’s separation from a base-year employer occurs after the claimant applied for benefits, a request for relief from charges must be filed within 15 days from the date of the earliest notice issued by the department indicating that the individual is claiming benefits. (A claimant’s benefit year consists of the 52-week period beginning with the application for benefits date. The application for benefits date, or AB date, is always the previous Sunday regardless of what day during the week the claimant applied for benefits.)

In the above instances, if the last day to file a request for relief from charges falls on a Saturday, Sunday or holiday, the period for timely filing a request for relief from charges is extended to the first business day thereafter. Forms UC-44FR and UC-44F(3) reflect the extended period to file a timely request for relief from charges due to the period ending on a Saturday, Sunday or holiday.

A request for relief from charges filed after the time limitations prescribed above is considered “late.” If the employer qualifies for relief from charges, “late” requests will be approved with an effective date of relief for weeks ending 15 days after the date the request was postmarked, or if faxed, the date it is faxed to the Employer Services Section.

4. Q. What does the Employer Services Section do when a request for relief from charges is received?

A. The Employer Services Section is responsible for reviewing requests for relief from charges under Section 302.1(a) of the PA UC Law to determine whether relief from charges may be granted to the employer(s). All circumstances surrounding the claimant’s separation from, or employment with, the requesting employer are considered in accordance with the applicable provisions of the law. Upon expiration of all appeal periods, relief from charge determinations are final and effective through the end of the benefit year, unless limited relief is specified on the determination or the claimant is reemployed by the requesting employer during that benefit year.

When the employer requesting relief from charges is the separating employer or has indicated that the claimant is employed in continuing part-time work, the Employer Services Section must verify that the claimant’s separation or employment information is consistent with the UC Service Center information to avoid conflicting determinations.

Employer Services representatives may request information from the UC Service Center, and once received, that information becomes part of the case file used in making the determination to grant or deny relief from charges.

5. Q. Is the UC Service Center informed when a determination is made by the Employer Services Section on the employer’s request for relief from charges?

A. The UC Service Center is not informed when relief from charges is granted or denied. In these cases, only the employer will receive notification by way of Form UC-560, Notice of Determination on Request for Relief From Charges.

Information is provided on the reverse of Form UC-560 to notify employers of their rights and the procedure to appeal the determination.

6. Q. What if relief from charges is approved and contradictory evidence is received afterwards?

A. The approval of relief from charges is subject to revision if evidence is discovered within 15 days after the original determination and reveals that the claimant’s employment status with the employer has changed subsequent to the approval of relief from charges.

When relief from charges is rescinded, the Employer Services Section issues a cancellation letter to the employer and reinstates benefit charges against the