



CAPTION

Donald Lowman, Appellee

v.

Unemployment Compensation Board of Review, Appellant

CASE INFORMATION

Initiating Document: Order Granting Petition for Allowance of Appeal

Case Status: Closed

Journal Number: J-73-2019 September 11, 2019

Case Category: Administrative Agency Case Type(s): Unemployment Compensation Board of Review

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

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 Pro Se: No
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 Pro Se: No
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 Pro Se: No
 IFP Status:

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 Pro Se: No
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 IFP Status:



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 Pro Se: No
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 Pro Se: No
 IFP Status:
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 Pro Se: No
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 Pro Se: No
 IFP Status:
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 Pro Se: No
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 Pro Se: No
 IFP Status:
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 Pro Se: No
 IFP Status:
 Representing: Western Pennsylvania Employment Lawyers Association, Amicus Curiae
 Pro Se: No
 IFP Status:

SUPREME COURT INFORMATION

Appeal From: the order of Commonwealth Court entered on 01/24/2018 at No. 686 CD 2016 reversing and remanding the order entered on 04/22/2016 by the Unemployment Compensation Board of Review at Nos. B-15-09-H-3978 and B-586362-A.

Probable Jurisdiction Noted: Docketed Date: December 26, 2018
 Allocatur/Miscellaneous Granted: December 26, 2018 Allocatur/Miscellaneous Docket No.: 102 EAL 2018
 Allocatur/Miscellaneous Grant Order: AND NOW, this 26th day of December, 2018, the Petition for Allowance of Appeal is GRANTED. The issues, as stated by petitioner are:

(1) Whether the Commonwealth Court's departure from a half a century of UC jurisprudence and substitution of a new common law test in derogation of statutory law calls for the exercise of the Pennsylvania Supreme Court's supervisory authority.

(2) Whether the Commonwealth Court's departure from precedent, which creates uncertainty as to eligibility for benefits, raises an issue of such substantial importance as to require prompt and definite resolution by the Pennsylvania Supreme Court.

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
08/07/2020	Petition for Reargument	15.00	08/07/2020	2020-SUP-E-002051	15.00


INTERMEDIATE APPELLATE COURT INFORMATION

Court Name: Commonwealth
 Date of Order: January 24, 2018
 Judge(s): Leavitt, Mary Hannah
 Cohn Jubelirer, Renee
 Brobson, P. Kevin
 McCullough, Patricia A.
 Covey, Anne E.
 Wojcik, Michael H.
 Hearthway, Julia K.
 Intermediate Appellate Court Action: Reversed/Remanded
 Referring Court:

Docket Number: 686 CD 2016
 Rearg/Recon Disp Date:
 Rearg/Recon Disposition:

AGENCY/TRIAL COURT INFORMATION

Court Below: Unemployment Compensation Board of Review
 County: Division: Unemployment Compensation Board of Review
 Date of Agency/Trial Court Order: April 22, 2016
 Docket Number: B-15-09-H-3978
 Judge(s): OTN:
 Order Type: Order

Court Below: Unemployment Compensation Board of Review
 County: Division: Unemployment Compensation Board of Review
 Date of Agency/Trial Court Order: April 22, 2016
 Docket Number: B-586362-A
 Judge(s): OTN:
 Order Type: Order

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
Original Record	January 28, 2019	2 Parts
Record Remittal:	October 1, 2020	

BRIEFING SCHEDULE

Amicus Curiae	Appellee
Community Legal Services, Inc.	Lowman, Donald
Brief	Brief
Due: May 13, 2019 Filed: May 13, 2019	Due: May 13, 2019 Filed: May 13, 2019
Mon Valley Unemployment Committee	Uber Technologies, Inc.
Brief	Brief
Due: May 13, 2019 Filed: May 13, 2019	Due: March 13, 2019 Filed: March 13, 2019
National Employment Law Project	Reply Brief



BRIEFING SCHEDULE

Amicus Curiae

**National Employment Law Project
Brief**

Due: May 13, 2019 Filed: May 13, 2019

**National Employment Lawyers Association - Eastern
Pennsylvania
Brief**

Due: May 13, 2019 Filed: May 13, 2019

**Pennsylvania Association for Justice
Brief**

Due: May 13, 2019 Filed: May 13, 2019

**Unemployment Compensation Clinic of the Duquesne
University Law School
Brief**

Due: May 13, 2019 Filed: May 13, 2019

**Western Pennsylvania Employment Lawyers
Association
Brief**

Due: May 13, 2019 Filed: May 13, 2019

Appellant

**Unemployment Compensation Board of Review
Brief**

Due: March 13, 2019 Filed: March 13, 2019

Reply Brief

Due: May 30, 2019 Filed:

Reproduced Record

Due: April 19, 2019 Filed: April 15, 2019

Appellant Amicus Curiae

**Pennsylvania Department of Labor and Industry
Brief**

Due: March 13, 2019 Filed: March 13, 2019

REARGUMENT / RECONSIDERATION / REMITTAL

Filed Date: August 7, 2020
Disposition: Order Denying Application for Reconsideration/Reargument Date: September 4, 2020
Reargument Order: AND NOW, this 4th day of September, 2020, Uber Technologies, Inc.'s Application for Reargument is hereby DENIED.
Record Remittal: October 1, 2020



SESSION INFORMATION

Journal Number: J-73-2019
 Listed/Submitted Date: September 11, 2019
 Consideration Type: Oral Argument Supreme Ct.

DISPOSITION INFORMATION

Related Journal No:	J-73-2019	Judgment Date:	July 24, 2020
Category:	Decided	Disposition Author:	Donohue, Christine
Disposition:	Affirmed/Remanded	Disposition Date:	July 24, 2020
Dispositional Filing:	Majority Opinion	Author:	Donohue, Christine
Filed Date:	July 24, 2020		
Justice:	Baer, Max	Vote:	Join Majority Opinion
Justice:	Todd, Debra	Vote:	Join Majority Opinion
Justice:	Dougherty, Kevin M.	Vote:	Join Majority Opinion
Justice:	Wecht, David N.	Vote:	Join Majority Opinion
Dispositional Filing:	Dissenting Opinion	Author:	Saylor, Thomas G.
Filed Date:	July 24, 2020		
Justice:	Mundy, Sallie	Vote:	Join Dissenting Opinion

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
December 26, 2018	Allocatur Granted		Per Curiam
Comments:			
AND NOW, this 26th day of December, 2018, the Petition for Allowance of Appeal is GRANTED. The issues, as stated by petitioner are:			
(1) Whether the Commonwealth Court's departure from a half a century of UC jurisprudence and substitution of a new common law test in derogation of statutory law calls for the exercise of the Pennsylvania Supreme Court's supervisory authority.			
(2) Whether the Commonwealth Court's departure from precedent, which creates uncertainty as to eligibility for benefits, raises an issue of such substantial importance as to require prompt and definite resolution by the Pennsylvania Supreme Court.			
December 28, 2018	Commonwealth Court Record Received		Commonwealth Court of Pennsylvania
February 4, 2019	Application for Extension of Time to File Brief - First Request	Appellant	Unemployment Compensation Board of Review



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
February 6, 2019	Order Granting Application for Extension of Time to File Appellant Brief		Person, John W., Jr.
Comments: AND NOW, this 6th day of February, 2019, Application For Extension of Time to File A Brief and to Establish a Responsive Briefing Schedule is GRANTED in part. Appellant's Brief is due on or before March 13, 2019. Appellee's Brief is due within 30 days after service of Appellant's Brief. Intervenor must follow Pa.R.A.P. 2102.			
February 6, 2019	Order Exited		Office of the Prothonotary
March 13, 2019	Appellant's Brief	Appellant	Unemployment Compensation Board of Review
March 13, 2019	Brief of Intervenor Uber Technologies, Inc. in Support of the April 22, 2016 Order of the UCBR	Appellee	Uber Technologies, Inc.
March 13, 2019	Appellant Amicus Curiae Brief	Appellant Amicus Curiae	Pennsylvania Department of Labor and Industry
March 25, 2019	Application for Leave to File Reproduced Record Nunc Pro Tunc	Appellant	Unemployment Compensation Board of Review
April 2, 2019	Application for Extension of Time to File Brief - First Request	Appellee	Lowman, Donald
April 2, 2019	Order Granting Application for Extension of Time to File Appellee Brief		Person, John W., Jr.
Comments: AND NOW, this 2nd day of April, 2019, Application For Extension of Time is GRANTED. Appellee's Brief is due on or before May 13, 2019.			
April 2, 2019	Order Exited		Office of the Prothonotary
April 11, 2019	Order Granting Application for Leave to File the Reproduced Record Nunc Pro Tunc		Person, John W., Jr.
Comments: AND NOW, this 11th day of April, 2019, Application For Leave To File Reproduced Record Nunc Pro Tunc is GRANTED. Appellant must file the Reproduced Record on or before April 19, 2019.			
April 11, 2019	Order Exited		Office of the Prothonotary
April 15, 2019	Appellant's Reproduced Record Filed	Appellant	Unemployment Compensation Board of Review
May 13, 2019	Amicus Curiae Brief	Amicus Curiae	Pennsylvania Association for Justice



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
May 13, 2019	Amicus Curiae Brief	Amicus Curiae	Community Legal Services, Inc.
May 13, 2019	Amicus Curiae Brief	Amicus Curiae	Unemployment Compensation Clinic of the Duquesne University Law School
		Amicus Curiae	Western Pennsylvania Employment Lawyers Association
		Amicus Curiae	National Employment Lawyers Association - Eastern Pennsylvania
May 13, 2019	Appellee's Brief	Appellee	Lowman, Donald
May 13, 2019	Amicus Curiae Brief	Amicus Curiae	Mon Valley Unemployment Committee
May 17, 2019	Praecipe for Appearance Pennsylvania Association for Justice	Amicus Curiae	Chaban, Lawrence R.
May 21, 2019	Application for Extension of Time to File Brief - First Request	Appellee	Uber Technologies, Inc.
May 23, 2019	Order Granting Application for Extension of Time to File Brief		Person, John W., Jr.
Comments: AND NOW, this 23rd day of May, 2019, Application For Extension of Time is GRANTED. Intervenor's Reply Brief is due on or before June 12, 2019.			
May 23, 2019	Order Exited		Office of the Prothonotary
June 12, 2019	Appellee's Reply Brief	Appellee	Uber Technologies, Inc.
July 15, 2019	Acknowledgement of Argument Notice Uber Technologies, Inc.	Appellee	Lantis, Paul Calvin
July 17, 2019	Acknowledgement of Argument Notice Unemployment Compensation Board of Review	Appellant	Tarczy, Janet Marie
July 17, 2019	Acknowledgement of Argument Notice Lowman, Donald	Appellee	Simon-Mishel, Julia Sarah



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
September 11, 2019	Argued Unemployment Compensation Board of Review Uber Technologies, Inc. Lowman, Donald	Appellant Appellee Appellee	Tarczy, Janet Marie Lantis, Paul Calvin Simon-Mishel, Julia Sarah
July 24, 2020	Affirmed/Remanded		Donohue, Christine
Comments: We affirm the decision of the Commonwealth Court finding that Lowman was not self-employed. We remand for the purpose of determining the calculation of Lowman's unemployment benefits. Justices Baer, Todd, Dougherty and Wecht join the opinion. Chief Justice Saylor files a dissenting opinion in which Justice Mundy joins.			
July 24, 2020	Judgment Entered		Office of the Prothonotary
August 7, 2020	Application for Reargument	Appellee	Uber Technologies, Inc.
September 4, 2020	Order Denying Application for Reconsideration/Reargument		Per Curiam
Comments: AND NOW, this 4th day of September, 2020, Uber Technologies, Inc.'s Application for Reargument is hereby DENIED.			
September 4, 2020	Order Exited		Office of the Prothonotary
October 1, 2020	Original Record Remitted to the Commonwealth Court of Pennsylvania		Office of the Prothonotary

CROSS COURT ACTIONS

Docket Number: 102 EAL 2018
Docket Number: 686 CD 2016