

**IN THE SUPREME COURT OF PENNSYLVANIA  
EASTERN DISTRICT**

JEAN FITCHETT,	:	No. 350 EAL 2013
	:	
Petitioner	:	
	:	
v.	:	Petition for Allowance of Appeal from the
	:	<b>Published Opinion and Order</b> of the
	:	Commonwealth Court at No. 1713 CD
	:	2011, at 67 A.3d 80 (Pa. Cmwlth. 2013),
	:	filed April 8, 2013, <b>affirming in part and</b>
WORKERS' COMPENSATION APPEAL	:	<b>reversing in part</b> the Order of the
BOARD (SCHOOL DISTRICT OF	:	Workers' Compensation Appeal Board
PHILADELPHIA),	:	at No. A09-1034 filed August 11, 2011
	:	
Respondent	:	

**ORDER**

**PER CURIAM**

**AND NOW**, this 4th day of December, 2013, the Petition for Allowance of Appeal is hereby **GRANTED, LIMITED TO** petitioner's first issue concerning the appropriate evidentiary standard to apply to her receipt of retirement benefits in determining voluntary retirement from the workforce. The order of the Commonwealth Court is **VACATED** as to this issue, and the case is **REMANDED** to the Commonwealth Court for reconsideration in light of our decision in City of Pittsburgh v. WCAB (Robinson), 67 A.3d 1194, 1209 (Pa. 2013) ("There is no presumption of retirement arising from the fact that a claimant seeks or accepts a pension ...; rather, the worker's acceptance of a pension entitles the employer only to a permissive inference that the claimant has retired."). Allocatur is denied as to all other issues.

Jurisdiction relinquished.