

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

| | | |
|--------------------------------|---|--|
| LANCE W. MITCHELL, | : | No. 477 WAL 2009 |
| | : | |
| Petitioner | : | Petition for Allowance of Appeal from the |
| | : | Order of the Commonwealth Court |
| | : | entered September 8, 2009 at No. 1425 |
| v. | : | CD 2009, dismissing as untimely the |
| | : | appeal from the order of the Civil Service |
| | : | Commission entered June 16, 2009 at No. |
| STATE CIVIL SERVICE COMMISSION | : | 22899. |
| (CORRECTIONAL INSTITUTION AT | : | |
| WAYNESBURG, DEPARTMENT OF | : | |
| CORRECTIONS), | : | |
| | : | |
| | : | |
| Respondents | : | |

ORDER

PER CURIAM

AND NOW, this 29th day of December, 2009, the Petition for Allowance of Appeal is **GRANTED**, the order of the Commonwealth Court is **VACATED**, and the case is **REMANDED** to the Commonwealth Court in light of this Court's decision in Miller v. Unemployment Comp. Bd. of Review., 476 A.2d 364 (Pa. 1984). See also Smith v. Bd. of Prob. & Parole, 683 A.2d 278, 282 (Pa. 1996). The Commonwealth Court is directed to treat the petition for review as timely filed.