

[J-90-2005]
IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

TOWN OF MCCANDLESS,	:	No. 14 WAP 2005
	:	
Appellant	:	Appeal from the Order of the
	:	Commonwealth Court entered May 26,
	:	2004, at No. 2623 CD 2003, affirming the
v.	:	Order of the Court of Common Pleas of
	:	Allegheny County, entered October 31,
	:	2003, GD 03-8284.
MCCANDLESS POLICE OFFICERS	:	
ASSOCIATION,	:	
	:	
Appellee	:	ARGUED: September 12, 2005

CONCURRING OPINION

MR. JUSTICE EAKIN

DECIDED: JULY 18, 2006

I join the majority's decision that, in light of our narrow certiorari scope of review, the arbitrator's decision on mootness is not subject to judicial review. Appellee filed a grievance concerning the town council's October 9, 2002 decision based upon the September 19, 2002 incident; thus, the arbitrator only had jurisdiction over that grievance. Council's October 28, 2002 decision based upon the October 8, 2002 incident was not grieved and hence became final; the arbitrator's jurisdiction is not implicated here. The arbitrator's decision involved the question of mootness relating to the only grievance before him--a matter not within our narrow certiorari scope of review.