

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

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD,	:	No. 671 MAL 2020
	:	
	:	
Petitioner	:	Petition for Allowance of Appeal
	:	from the Order of the
	:	Commonwealth Court
v.	:	
	:	
	:	
RAYMOND J. WHALEN,	:	
	:	
Respondent	:	

ORDER

PER CURIAM

AND NOW, this 10th day of May, 2021, the Petition for Allowance of Appeal is **GRANTED**. The issues, as stated by petitioner, are:

- (1) Did the Commonwealth Court abuse its discretion and depart from accepted judicial practices in holding that parties to a private settlement agreement may dictate what constitutes “compensation” under the Public School Employees’ Retirement Code (“Retirement Code”), 24 Pa.C.S. § 8101 et seq.?
- (2) Did the Commonwealth Court apply the wrong standard of review to the Public School Employees’ Retirement Board’s adjudication by not affording the appropriate deference to the Board’s interpretation of the elements necessary to establish a settlement payment as “compensation” under the Retirement Code?