

[J-113-2002]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

THE REINFORCED EARTH COMPANY,	:	No. 124 MAP 2000
	:	
	:	Appeal from the Order of the
	:	Commonwealth Court of Pennsylvania
v.	:	dated April 12, 2000 at No. 2796 C.D.
	:	1999 affirming the Order of the Workers'
	:	Compensation Appeal Board affirming the
WORKERS' COMPENSATION APPEAL	:	order of the Workers' Compensation
BOARD (ASTUDILLO),	:	Judge
	:	
APPEAL OF: THE REINFORCED	:	749 A.2d 1036 (Pa. Commw. 2000)
EARTH COMPANY AND STATE	:	
WORKERS' INSURANCE FUND	:	Resubmitted: June 3, 2002

CONCURRING OPINION

MR. JUSTICE NIGRO

Decided: November 6, 2002

I agree with the majority that Claimant may receive benefits as an illegal alien, that Reinforced Earth does not need to establish that it referred available jobs to Claimant in order for Claimant's benefits to be suspended, and that this case should be remanded to the WCJ for a determination as to whether Claimant's benefits should be suspended. Unlike the majority, however, I believe that the Commonwealth Court properly addressed and considered Reinforced Earth's argument that the court should create a rule barring illegal aliens from receiving benefits based on a public policy against illegal immigration.

Mr. Justice Saylor joins in the concurring opinion.