

[J-129-00]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

CITY OF PHILADELPHIA,	:	55 EAP 1999
	:	
Appellant	:	Appeal from the Order of the
	:	Commonwealth Court entered on May 22,
	:	1998 at No. 2930 C.D. 1997, affirming the
	:	Order entered on October 7, 1997 in the
v.	:	Court of Common Pleas, Philadelphia
	:	County, Civil Division at No. 9705-1128
	:	
CIVIL SERVICE COMMISSION OF THE	:	712 A.2d 350 (Pa. Commw. 1998)
CITY OF PHILADELPHIA AND HOWARD	:	
RYDER,	:	
	:	
Appellees	:	ARGUED: October 16, 2000
	:	

CONCURRING OPINION

MR. JUSTICE NIGRO

DECIDED: May 21, 2001

I agree with the majority that the Commonwealth Court's order granting Harold Ryder civil service disability benefits should be reversed because the standoff experienced by Ryder was a normal part of his duties as a police officer, as this Court determined in City of Philadelphia v. WCAB (Brasten), 728 A.2d 938, 556 Pa. 400 (1999). Furthermore, I concur with the majority that if a claimant asserts that his psychic injury was caused by an extraordinary event, the claimant must also prove that the extraordinary event was an abnormal working condition. I write separately, however, to reassert my position in Brasten, on which the majority relies in denying benefits here, that the claimant should have been entitled to recover benefits because the claimant proved that the indictment, prosecution, and publicity that he experienced as a direct derivation of his performance of his job were extraordinary events as well as abnormal working conditions.