

**[J-228-1997]**  
**IN THE SUPREME COURT OF PENNSYLVANIA**  
**MIDDLE DISTRICT**

CITY OF PHILADELPHIA,	:	No. 50M.D. Appeal Docket 1997.
	:	
	:	Appeal from the Commonwealth Court
v.	:	Order dated September 12, 1996 at No.
	:	233 C.D. 1996, reversing the Order of the
	:	Workers' Compensation Appeal Board
WORKERS' COMPENSATION APPEAL	:	dated December 28, 1995 at No. A94-
BOARD (BRASTEN),	:	3035.
	:	
APPEAL OF: ANTHONY BRASTEN	:	682 A.2d 875 (Pa. Cmwlth. 1996)
	:	
	:	ARGUED: December 10, 1997
	:	
	:	
	:	

**ORDER**

**PER CURIAM**

**DECIDED: MAY 3, 1999**

The Court being evenly divided, the order of the Commonwealth Court is hereby affirmed.

Mr. Justice Zappala files an Opinion in Support of Affirmance in which Mr. Chief Justice Flaherty and Mr. Justice Cappy join.

Mr. Justice Nigro files an Opinion in Support of Reversal in which Mr. Justice Castille and Madame Justice Newman join.