

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

ESTATE OF THOMAS R. TRATTHEN AND	:	No. 119 MAL 2026
LISA TRATTHEN,	:	
	:	
Petitioners	:	Petition for Allowance of Appeal
	:	from the Order of the
	:	Commonwealth Court
v.	:	
	:	
	:	
DEPARTMENT OF GENERAL SERVICES,	:	
	:	
Respondent	:	

ORDER

PER CURIAM

AND NOW, this 12th day of August, 2026, the Petition for Allowance of Appeal is

GRANTED. The issues, as stated by petitioners, are:

- (1) Whether imposing a “but for” or sole-cause standard for an occupational disease under [the Emergency and Law Enforcement Personnel Death Benefits Act (Act 101), Act of June 24, 1976, P.L. 424, No. 101, *as amended*, 53 P.S. §§ 891-892.1,] is consistent with the plain language of the statute’s text, remedial purpose, and legislative intent regarding coverage for firefighter cancers/occupational diseases?
- (2) Whether the statutory language of Act 101, which requires establishing that a public safety officer’s death occurred “as a result of the performance of his duties” is satisfied by a medical opinion that a firefighter’s fire service was a “substantial contributing factor” in the firefighter’s death?
- (3) Whether the Commonwealth Court’s interpretation of Act 101’s causation standard is consistent with this Court’s decision in *Crouse v. Dep’t of Gen. Serv[s]*, 601 A.2d 789 (Pa. 1992), which construed Act 101 broadly and recognized coverage for “stress, strain, and disease” developed through duty performance?

- (4) Whether the Commonwealth Court's decision to affirm the decision of the Department of General Services that expert medical testimony, concluding to a reasonable degree of medical certainty, that firefighting exposures were "substantial contributing factors" in a decedent's cancer and death is not sufficient to establish an entitlement to Act 101 line of duty death benefits effectively increased the burden of proof beyond what was intended by the Legislature?