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Loscombe v. City of Scranton

United States Court of Appeals, Third Circuit - January 28, 2015 - Fed.Appx. - 2015 WL 348055

Fire Captain for the City of Scranton was forced to retire due to injuries he sustained in a work-related accident. For his service, he received a disability retirement pension from the City's Fire Department. Following his retirement from the Fire Department, Captain accepted an offer to serve as a member of the Scranton City Council. Because Captain was serving as a City Council member, the City directed the Pension Board to suspend his pension, in accordance with municipal ordinance requiring that any pensioned firefighter who becomes employed by the City shall have his pension suspended during the term of that employment.

Captain raised a series of constitutional claims challenging the Ordinance and the suspension of his pension benefits. The District Court ruled in favor of the City and Pension Board, finding no constitutional violations. Captain appealed and the Court of Appeals affirmed.