

SUPREME COURT OF LOUISIANA

Johnny Cousain v. Smitty’s Supply, Inc. and National Union Fire Insurance Company

No. 2025-C-01318 (La. June 29, 2026) · No. 2025-C-01318 · Decided June 29, 2026

SUMMARY

The Supreme Court of Louisiana held that forfeiture of workers’ compensation benefits under La. R.S. 23:1208 applies prospectively from the date of the employee’s willful misrepresentation, rather than retroactively from the date of the workplace accident. The court affirmed the lower court’s determination that Johnny Cousain willfully made false statements for the purpose of obtaining benefits and forfeited benefits commencing on the date of his deposition.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Weimer, C.J.; Allison H. Penzato, Justice pro tempore/ad hoc
JURISDICTION	Supreme Court of Louisiana
DECIDED	June 29, 2026
DOCKET	2025-C-01318
DISPOSITION	affirmed
PROCEDURAL POSTURE	Employer sought review by writ of certiorari of a Court of Appeal, First Circuit, workers’ compensation judgment affirming a prospective forfeiture of benefits under La. R.S. 23:1208.
STANDARD OF REVIEW	Manifest error review applied to the WCJ’s factual findings, including the finding that Cousain willfully made a false statement for the purpose of obtaining benefits. The statutory interpretation issue was reviewed de novo.
PRECEDENTIAL VALUE	Published, precedential Louisiana Supreme Court opinion; overrules Moran in part.
PARTIES	Smitty’s Supply, Inc., National Union Fire Insurance Company v. Johnny Cousain

TOPICS

- workers compensation
- statutory interpretation
- legislative intent
- remedies
- appellate procedure

PRACTICE AREAS

workers compensation

employment law

statutory interpretation

remedies

appellate procedure

QUESTIONS PRESENTED

1. Whether forfeiture under La. R.S. 23:1208(E) applies prospectively from the date of the employee's willful misrepresentation or retroactively to the date of the workplace accident.
2. Whether the lower courts properly upheld the WCJ's prospective forfeiture while awarding benefits accruing before the misrepresentation.

HOLDINGS

1. An employee who violates La. R.S. 23:1208 forfeits the right to obtain workers' compensation benefits prospectively from the time the willful misrepresentation occurs; the forfeiture does not retroactively eliminate benefits to which the employee was entitled before the misrepresentation.
2. Moran is overruled to the extent it held that La. R.S. 23:1208(E) requires forfeiture of all benefits from the date of the accident.

KEY QUOTATIONS

"Where the employer successfully proves a violation of Section 1208, the WCJ may order restitution for benefits obtained through the fraud under Subsection D and shall order forfeiture of benefits accruing after the fraud under Subsection E." (13-14)

"The forfeiture is prospective from the date of the misrepresentation forward and is not a retroactive loss of benefits to which the employee was entitled before the misrepresentation was made." (17-18)

FACTUAL BACKGROUND

Cousain was injured in a work-related motor vehicle accident on June 30, 2021, but initially reported no injury and received no benefits or authorized medical care from his employer. In a March 3, 2022 deposition, he testified that he had obtained emergency-room treatment shortly after the accident, although medical records showed that treatment did not occur. The WCJ found the statement willful and made to obtain workers' compensation benefits, awarded benefits due before the deposition, and forfeited benefits beginning on the deposition date.

PROCEDURAL HISTORY

Following a work-related accident, the workers' compensation judge found that Cousain willfully made a false statement in a deposition for the purpose of obtaining benefits. The WCJ awarded benefits accruing before the deposition, ordered forfeiture of benefits beginning on the deposition date, and assessed penalties and attorney's fees against the employer. The Court of Appeal, First Circuit, affirmed the prospective forfeiture, vacated or consolidated portions of the attorney-fee award, and denied Cousain's answer to the appeal. The Louisiana Supreme Court granted the employer's writ to resolve whether forfeiture was prospective from the misrepresentation or retroactive to the accident.

DISPOSITION

affirmed

CASES CITED

- Leonard v. James Indus. Constructors, 03-0040 (La. App. 1 Cir. 5/14/04), 879 So. 2d 724
- Moran v. Rouse's Enters., LLC, 19-239 (La. App. 5 Cir. 12/26/19), 286 So. 3d 1245
- Resweber v. Haroil Const. Co., 94-2708, 94-3138 (La. 9/5/95), 660 So. 2d 7
- St. Bernard Parish Police Jury v. Duplessis, 02-0632 (La. 12/4/02), 831 So. 2d 955
- Wise v. J.E. Merit Constructors, Inc., 97-0684 (La. 1/21/98), 707 So. 2d 1214
- Jim Walter Homes, Inc. v. Guilbeau, 05-1473 (La. App. 3 Cir. 6/21/06), 934 So. 2d 239
- Apeck Const., Inc. v. Bowers, 03-486 (La. App. 3 Cir. 12/10/03), 862 So. 2d 1087
- White v. WIS Int'l, 19-747 (La. App. 3 Cir. 5/20/20), 298 So. 3d 237
- Benjamin v. Zeichner, 12-1763 (La. 4/5/13), 113 So. 3d 197
- McGlothlin v. Christus St. Patrick Hosp., 10-2775 (La. 7/1/11), 65 So. 3d 1218
- Luv N' Care, Ltd. v. Jackel Int'l Ltd., 19-0749 (La. 1/29/20), 347 So. 3d 572
- Arrant v. Graphic Packaging Int'l, Inc., 13-2878 (La. 5/5/15), 169 So. 3d 296
- City of Baton Rouge/Par. of E. Baton Rouge v. Myers, 13-2011 (La. 5/7/14), 145 So. 3d 320
- Roger v. Estate of Moulton, 513 So. 2d 1126 (La. 1987) (on reh'g)
- Our Lady of the Lake Reg'l Med. Ctr. v. Helms, 98-1931 (La. App. 1 Cir. 9/24/99), 754 So. 2d 1049
- Austin v. Abney Mills, Inc., 01-1598 (La. 9/4/02), 824 So. 2d 1137
- O'Regan v. Preferred Enters., Inc., 98-1602 (La. 3/17/00), 758 So. 2d 124
- Atchison v. May, 201 La. 1003, 10 So. 2d 785 (1942)
- Williams v. Rush Masonry, Inc., 98-2271 (La. 6/29/99), 737 So. 2d 41

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