

SUPREME COURT OF LOUISIANA

St. Bernard Parish Police Jury and Travelers Property Casualty Corporation v. Jack Duplessis

831 So. 2d 955 (La. 2002) · No. 2002-C-0632 · Decided December 4, 2002

SUMMARY

The Louisiana Supreme Court held that an injured worker's willful misrepresentation of mileage reimbursement claims required forfeiture of all workers' compensation benefits under La. R.S. 23:1208. The court rejected the lower courts' limitation of forfeiture to mileage benefits and reversed their judgments. A dissent argued that the statute was ambiguous and that forfeiture should be limited to the benefits connected to the misrepresentation.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Johnson
JURISDICTION	Louisiana
DECIDED	December 4, 2002
DOCKET	2002-C-0632
DISPOSITION	reversed
PROCEDURAL POSTURE	The employer and its insurer sought review of an Office of Workers' Compensation ruling that required forfeiture only of mileage reimbursement benefits after finding that Duplessis willfully submitted false mileage reports. The court of appeal affirmed, and the Louisiana Supreme Court granted certiorari.
STANDARD OF REVIEW	The opinion does not expressly identify a standard of review; it reviews the statutory forfeiture issue and the undisputed finding of willful misrepresentation.
PRECEDENTIAL VALUE	Published Louisiana Supreme Court opinion; binding statewide precedent.
PARTIES	St. Bernard Parish Police Jury, Travelers Property Casualty Corporation v. Jack Duplessis

TOPICS

workers compensation

statutory interpretation

remedies

employment law

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether a workers' compensation claimant who willfully makes false mileage representations to obtain mileage reimbursement must forfeit all workers' compensation benefits under LSA-R.S. 23:1208, or only the mileage reimbursement benefits directly related to the misrepresentation.

HOLDINGS

1. Under LSA-R.S. 23:1208, a claimant who willfully makes a false statement or representation for the purpose of obtaining any workers' compensation benefit or payment forfeits any right to compensation benefits under the Workers' Compensation Act. Because Duplessis willfully misrepresented mileage to obtain reimbursement, he forfeited all of his workers' compensation benefits, not merely the mileage reimbursement.

KEY QUOTATIONS

“After reviewing the record, statute, and relevant jurisprudence, we hold that the claimant's willful misrepresentation regarding the mileage reimbursement subjected him to the forfeiture of his workers' compensation benefits, pursuant to LSA-R.S. 23:1208.” (at 955)

“Therefore, once it is determined that a claimant has willfully made a false statement for the purposes of receiving any benefit or payment, the plain language of the statute mandates that the "right to compensation benefits" under the Workers' Compensation Act are forfeited.” (at 960)

FACTUAL BACKGROUND

Jack Duplessis, a former truck driver for the St. Bernard Parish Police Jury, received workers' compensation disability and medical benefits after injuring his knee at work. He submitted mileage reimbursement forms claiming 4,354 miles for travel to medical providers, although the evidence showed that he was entitled to reimbursement for only 1,114.2 miles. The OWC found that he willfully submitted false mileage reports to obtain additional reimbursement, but limited the forfeiture to the mileage benefits rather than all workers' compensation benefits.

PROCEDURAL HISTORY

The Office of Workers' Compensation found that Duplessis willfully submitted false mileage reports but limited the forfeiture to the claimed mileage benefits and referred the matter to the OWC Fraud Section. The court of appeal affirmed, holding that the misrepresentation did not require forfeiture of disability benefits. The Louisiana Supreme Court reversed both judgments.

DISPOSITION

reversed

CASES CITED

- St. Bernard Parish Police Jury v. Duplessis, 809 So. 2d 479 (La. App. 4 Cir. 2002)
- Chenault v. Storehouse Furniture, 706 So. 2d 1060 (La. App. 4 Cir. 1998)
- Ledet v. Burger King/Sydran, 763 So. 2d 27 (La. App. 3 Cir. 2000)
- Johnson v. Basic Industries, Inc., 711 So. 2d 843 (La. App. 3 Cir. 1998)
- Heckel Logging, Inc. v. Pruitt, 759 So. 2d 1044 (La. App. 2 Cir. 2000)
- Resweber v. Haroil Construction Co., 660 So. 2d 7 (La. 1995)
- Guillory v. Interstate Gas Station, 653 So. 2d 1152 (La. 1995)
- Wise v. J.E. Merit Constructors, Inc., 707 So. 2d 1214 (La. 1998)

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