

The Supreme Court of the State of Louisiana

VIRGINIA LEBLEU

No. 2022-CC-00376

VS.

BROOKSHIRE BROTHERS HOLDING,
INC., ET AL.

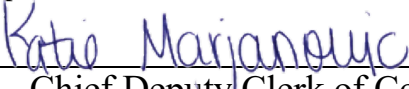
IN RE: Brookshire Brothers Holding, Inc. - Applicant Defendant; Liberty Mutual Insurance Company - Applicant Defendant; Applying For Supervisory Writ, Parish of Calcasieu, Office of Workers' Compensation, District 3, Number(s) 21-03213, Court of Appeal, Third Circuit, Number(s) WCW 21-00588;

April 26, 2022

Writ application granted. See per curiam.

JDH
JLW
SJC
JTG
WJC
JBM
PDG

Supreme Court of Louisiana
April 26, 2022



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

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On Supervisory Writ to the Office of Workers' Compensation, District 03

PER CURIAM

Pursuant to La. R.S. 23:1123, an additional medical examination shall be ordered “[i]f any dispute arises as to the condition of the employee, or the employee’s capacity to work. . . .” In this case, claimant’s physician and the employer’s physician have rendered contrary opinions concerning claimant’s diagnosis and her ability to return to full employment.¹ Therefore, an additional medical examination is required.

Accordingly, the writ is granted. The judgment of the Office of Workers’ Compensation denying relators’ motion for additional medical examination is reversed, and the case is remanded to the Office of Workers’ Compensation for further proceedings.

¹ We acknowledge these physicians have different specialties. However, nothing in La. R.S. 23:1123 requires that the dispute must be between physicians in the same specialty. *See Sparnecht v. Amar Oil Co.*, 11-1986 (La. App. 1 Cir. 6/1/12), 93 So.3d 725, 728 (explaining that “even if there were any doubt as to the plain language of the statute, the legislative history of LSA-R.S. 23:1123 does not reveal any intent on behalf of the legislature to require that disputing opinions must originate from doctors of the same specialty.”).