

**SUPREME COURT OF LOUISIANA**

**NO. 03-C-2876**

**TRAVELERS INSURANCE COMPANY**

**VERSUS**

**RELIABLE HOME HEALTH CARE, INC.**

**ON APPLICATION FOR RECONSIDERATION TO THE COURT OF  
APPEAL, FOURTH CIRCUIT, OFFICE OF WORKERS’  
COMPENSATION, DISTRICT 8**

JOHNSON, J would grant reconsideration of the writ for the following reasons:

The issue of subject matter jurisdiction may be raised at any stage in the proceedings, including by the Court on its own motion. See *Boudreaux v. State, Dept. of Transp. and Dev.*, 01-1329 (La. 2/26/02) 815 So.2d 7, 12-13. Hearing officers have been granted original exclusive jurisdiction over claims for compensation or benefits pursuant to LSA-R.S. 23:1310.3. See *Sampson v. Wendy’s Management, Inc.*, 593 So.2d 336, 339 (La. 1992). The Workers’ Compensation Act provides for the determination of benefits and penalties directly associated with the employee’s work-related injury and his receipt of workers’ compensation benefits. *Sampson*, 593 So.2d at 339. The OWC hearing officer is not vested with jurisdiction over controversies which do not constitute a “workers’ compensation matter,” which include a claim for indemnification that has no bearing on and is not directly associated with the employee’s work related injury or his receipt of benefits. *Id.*; see also *Ortego v. CXY Energy*, (La. App. 3 Cir. 1/10/96), 670 So.2d 217; *Pierce v. Louisiana Maintenance Service, Inc.*, (La. App. 5 Cir. 1/30/96), 668 So.2d 1232.

In this instance, the hearing officer has signed a judgment in favor of Travelers, and it is clear in my mind that the hearing officer has no authority to render a money judgment pursuant to this contractual dispute.