

09/24/04 "See News Release 073 for any concurrences and/or dissents."

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.