

SUPREME COURT OF LOUISIANA

No. 97-C-1225

OLIDA CHAISSON

VERSUS

CAJUN BAG & SUPPLY CO., ET AL

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL  
THIRD CIRCUIT

JOHNSON, J. Concurring

La. R.S. 23:1317 mandates that the hearing officers in worker's compensation cases shall not be bound by technical rules of evidence or procedure, but all findings of fact must be based on competent evidence.

This relaxed standard for the admissibility of evidence would allow the hearing officer to consider as evidence items such as employment records, tax records, or medical records which would ordinarily be excluded as hearsay, and correctly so, since these records could easily be authenticated.

In my view, this relaxed standard would never allow hearing officers to rely upon hearsay statements (in this case double hearsay) and use such statements as the basis for a judgment.

I concur in the result reached by the majority, since plaintiff failed to meet her burden of proof.