

NUMBER 98-C-2209

SUPREME COURT OF LOUISIANA

WEST ASHLEY

VERSUS

STELLY’S CAJUN YAMS, ET AL.

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL
THIRD CIRCUIT, PARISH OF CALCASIEU**

PER CURIAM:*

Writ granted. The hearing officer and Court of Appeal erred as a matter of law in determining an anatomical loss of use not based on the American Medical Association “Guide to the Evaluation of Permanent Impairment” as mandated in La.R.S. 23:1221(4)(q). *Captain v. Sonnier Timber Co.*, 503 So.2d 689, 692 (La. App. 3 Cir. 1987); *Sumrall v. Crown Zellerbach Corp.*, 525 So.2d 272 (La.App. 1 Cir. 1988). Likewise, there is no basis to award penalties and attorney’s fees. Accordingly, the lower courts’ judgments are reversed, vacated and set aside, and judgment is hereby granted in defendants’ favor, dismissing plaintiff’s claim for an additional worker’s compensation award.

*Kimball, J., not on panel. Rule IV, Part 2, Sec. 3