

**SHAHED MUHAMMAD**

\*

**NO. 2000-CA-1034**

**VERSUS**

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**COURT OF APPEAL**

**NEW ORLEANS POLICE  
DEPARTMENT**

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**FOURTH CIRCUIT**

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**STATE OF LOUISIANA**

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***TOBIAS, J., CONCURS***

I respectfully concur in order to assign additional reasons to uphold the decision of the Civil Service Commission.

Officer Muhammad's health conditions required the appointing authority to take action to have his position declared vacant so that a functional officer could be hired as a replacement. Officer Muhammad had no other course of action than to retire. Although he wanted to be retained in order to complete the full three year maximum under the Deferred Retirement Option Program, such would have required the appointing authority to carry the officer on either annual leave or sick leave for approximately one year. Under the facts of this case and the record before this court, such action would have been unwarranted and inappropriate – possibly even illegal.