

BERNARD BUTLER

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NO. 2003-CA-2180

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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ARMSTRONG, C. J. CONCURS IN THE RESULT.

I respectfully concur in the result. The controlling principle in this case was expressed by this Court in *Smith v. New Orleans Police Dept.*, 00-1486, p. 13 (La.App. 4 Cir. 4/11/01), 784 So.2d 806, 812, wherein we held that where there was “ample evidence to show that the [appointing authority] acted reasonably and with sufficient legal cause,” but the Civil Service Commission nonetheless overrules or modifies the action of the appointing authority, then the action of the Civil Service Commission must be characterized as “arbitrary” and reversed.